

HOUSE BILL No. 4397

March 8, 2011, Introduced by Rep. Callton and referred to the Committee on Judiciary.

A bill to amend 1978 PA 368, entitled
"Public health code,"
(MCL 333.1101 to 333.25211) by adding section 7421.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 **SEC. 7421. (1) A PERSON SHALL NOT ORGANIZE OR OPERATE A**
2 **MARIHUANA CLUB.**

3 **(2) A PERSON SHALL NOT OPERATE A MARIHUANA BAR OR KNOWINGLY**
4 **ALLOW LAND OR A STRUCTURE ON LAND OWNED BY OR IN THE POSSESSION OF**
5 **THE PERSON TO BE USED AS A MARIHUANA BAR.**

6 **(3) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A**
7 **MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 90 DAYS OR**
8 **A FINE OF NOT MORE THAN \$500.00, OR BOTH.**

9 **(4) AS USED IN THIS SECTION:**

1 (A) "MARIHUANA BAR" MEANS, SUBJECT TO SUBDIVISION (C),
2 PROPERTY WHERE AN INDIVIDUAL IS ALLOWED TO USE MARIHUANA UNDER THE
3 MICHIGAN MEDICAL MARIHUANA ACT, 2008 IL 1, MCL 333.26421 TO
4 333.26430, IF THE USE OF MARIHUANA ON THE PROPERTY IS CONDITIONED
5 ON THE PAYMENT OF A FEE.

6 (B) "MARIHUANA CLUB" MEANS, SUBJECT TO SUBDIVISION (C), AN
7 ASSOCIATION OF INDIVIDUALS WITH MEMBERSHIP RESTRICTED TO THOSE WHO
8 PAY MONEY OR ANY OTHER THING OF VALUE TO BECOME MEMBERS, THE
9 PURPOSE OF WHICH IS TO ALLOW MORE THAN 1 INDIVIDUAL TO USE
10 MARIHUANA UNDER THE MICHIGAN MEDICAL MARIHUANA ACT, 2008 IL 1, MCL
11 333.26421 TO 333.26430, AT THE SAME TIME IN THE SAME PRIVATE PLACE.

12 (C) "MARIHUANA BAR" AND "MARIHUANA CLUB" DO NOT INCLUDE ANY OF
13 THE FOLLOWING:

14 (i) PROPERTY USED AS A HOSPICE LICENSED UNDER PART 214.

15 (ii) PROPERTY USED AS A NURSING HOME OR SKILLED NURSING
16 FACILITY LICENSED UNDER PART 217.

17 (iii) PROPERTY WHERE MARIHUANA IS LEGALLY DISPENSED UNDER THE
18 MICHIGAN MEDICAL MARIHUANA ACT, 2008 IL 1, MCL 333.26421 TO
19 333.26430.

20 (D) "PAYMENT OF A FEE" MEANS THE PAYMENT OF MONEY OR ANY OTHER
21 THING OF VALUE. PAYMENT OF A FEE INCLUDES THE PURCHASE OF GOODS OR
22 SERVICES, INCLUDING GOODS OR SERVICES THAT ARE NOT INCIDENTAL TO
23 THE USE OF MARIHUANA, AND THE PAYMENT OF MONEY OR ANY OTHER THING
24 OF VALUE TO BELONG TO AN ASSOCIATION OF INDIVIDUALS.