

# HOUSE BILL No. 4854

June 30, 2011, Introduced by Reps. Haveman, Heise, Liss, Gilbert, MacMaster, MacGregor, Jacobsen, Rendon, Opsommer, Zorn, Moss, Glardon, Haines, Crawford, Huuki, Kowall, Yonker, Hooker, Pscholka, Price, Horn, Tyler, Olson, Outman, Goike, Bledsoe, Callton, Agema, Cavanagh, Knollenberg, Daley, Lyons and Kurtz and referred to the Committee on Judiciary.

A bill to amend 1931 PA 328, entitled  
"The Michigan penal code,"  
(MCL 750.1 to 750.568) by adding section 42.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1        SEC. 42. (1) A PERSON SHALL NOT DIRECTLY OR INDIRECTLY CAUSE  
2 TO BE MADE, PUBLISHED, DISSEMINATED, CIRCULATED, OR PLACED BEFORE  
3 OR COMMUNICATED TO THE PUBLIC, IN A NEWSPAPER OR BY RADIO  
4 BROADCAST, TELEVISION, INTERNET, OR OTHER MODE OF COMMUNICATION OR  
5 PUBLICATION OR IN THE FORM OF A BOOK, NOTICE, HANDBILL, POSTER,  
6 BILL, CIRCULAR, OR PAMPHLET, EITHER OF THE FOLLOWING:

7        (A) AN ADVERTISEMENT FOR SERVICES AS A PRIMARY CAREGIVER UNDER  
8 THE MICHIGAN MEDICAL MARIHUANA ACT, 2008 IL 1, MCL 333.26421 TO  
9 333.26430.

10        (B) AN OFFER TO SELL, TRANSFER, OR MAKE AVAILABLE MARIHUANA.

1 (2) SUBSECTION (1) DOES NOT APPLY TO ANY OF THE FOLLOWING:

2 (A) AN OWNER, PUBLISHER, PRINTER, AGENT, OR EMPLOYEE OF A  
3 NEWSPAPER OR OTHER PUBLICATION, PERIODICAL, OR CIRCULAR, OR OF A  
4 RADIO STATION OR TELEVISION STATION, WHO IN GOOD FAITH AND WITHOUT  
5 KNOWLEDGE OF THE PROHIBITED CONTENT, PUBLISHES, CAUSES TO BE  
6 PUBLISHED, OR TAKES PART IN THE PUBLICATION OF AN ADVERTISEMENT OR  
7 OFFER DESCRIBED IN SUBSECTION (1).

8 (B) A PERSON, FIRM, OR CORPORATION PROVIDING TELEPHONE OR  
9 TELEGRAPH SERVICE TO SUBSCRIBERS AS A PUBLIC UTILITY.

10 (C) AN INTERNET SERVICE PROVIDER, IF THE SERVICE PROVIDER ACTS  
11 IN GOOD FAITH TO PROMPTLY REMOVE THE ADVERTISEMENT OR OFFER UPON  
12 NOTIFICATION OF THE ILLEGAL CONTENT.

13 (3) SUBSECTION (1) DOES NOT PROHIBIT THE STATE DEPARTMENT OR  
14 AGENCY THAT ISSUES REGISTRY IDENTIFICATION CARDS UNDER THE MICHIGAN  
15 MEDICAL MARIHUANA ACT, 2008 IL 1, MCL 333.26421 TO 333.26430, FROM  
16 PROVIDING WRITTEN INFORMATION TO A REGISTRY IDENTIFICATION CARD  
17 HOLDER CONCERNING A PERSON WHO OFFERS SERVICES AS A PRIMARY  
18 CAREGIVER OR AS TO A SOURCE FOR OBTAINING MARIHUANA PLANTS FOR  
19 CULTIVATION.

20 (4) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A  
21 MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 1 YEAR OR  
22 A FINE OF NOT MORE THAN \$1,000.00, OR BOTH.