

# Legislative Analysis

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## USABLE MARIHUANA: INCLUDE EXTRACTS

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### House Bill 5104

Sponsor: Rep. Eileen Kowall

Committee: Judiciary

Complete to 12-9-13

## A SUMMARY OF HOUSE BILL 5104 AS INTRODUCED 10-29-13

The bill would, among other things, revise the definitions of "medical use" and "usable marihuana" so as to include products using extracts and plant resins. It also would allow a qualifying patient or caregiver to assert a "Section 8" defense against prosecution when using usable marihuana.

House Bill 5104 would amend the Michigan Medical Marihuana Act to do the following:

- Replace the term "use of medical marihuana" with "medical use of marihuana."
- Change the term "medical use" to "medical use of marihuana" and revise the definition to include the extraction of marihuana and usable marihuana.
- Revise the definition of "usable marihuana" to include, in addition to dried leaves and flowers, *the plant resin or extract of the marihuana plant*. Currently, the term does not include the seeds, stalks, or roots of the plant; the bill would also exclude any inactive substance used as a delivery medium for usable marihuana.
- Include "usable marihuana" in provisions prohibiting certain conduct involving marihuana.
- Apply the presumption that a qualifying patient or primary caregiver is in compliance with the act if the amount of marihuana and usable marihuana possessed does not exceed the amount allowed by the act, and allow that presumption to be rebutted by evidence that conduct related to marihuana and usable marihuana was not for the purpose of alleviating the patient's debilitating medical condition.
- Allow a "Section 8" affirmative defense and dismissal to be asserted for using usable marihuana.
- Allow a patient or caregiver registry identification card to be revoked and the person subject to criminal penalties for selling marihuana or medical marihuana to someone not allowed medical marihuana under the act.

MCL 333.26423 et al.

**FISCAL IMPACT:**

House Bill 5104 would not have a significant fiscal impact on the state or local units of government.

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.