



Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536



Telephone: (517) 373-5383
Fax: (517) 373-1986

House Bill 5104 (Substitute S-1 as reported)
Sponsor: Representative Eileen Kowall
House Committee: Judiciary
Senate Committee: Government Operations

CONTENT

The bill would amend the Michigan Medical Marihuana Act to do the following:

- Prevent a person from being penalized for manufacturing a marihuana-infused product if the person were a registered patient, a primary caregiver, or a medical marihuana provisioning center.
- Establish a felony penalty of up to two years' imprisonment and/or a maximum fine of \$2,000 for the transfer of a marihuana-infused product by a patient to another individual, by a caregiver to someone other than a qualifying patient of the caregiver, or by a provisioning center to someone other than a qualifying patient or registered caregiver.
- Specify packaging and labeling requirements for marihuana-infused products.
- Refer to usable marihuana and usable marihuana equivalents in various provisions of the Act.

Specifically, a person would not be subject to arrest, prosecution, or penalty in any manner, and could not be denied any right or privilege, for manufacturing marihuana-infused product if the person were one of the following: a registered patient manufacturing for his or her own use; a primary caregiver manufacturing for the use of a patient to whom is he or she was connected through the registration process under the Act; or a medical marihuana provisioning center.

In addition, a person could not be prosecuted for a transfer or use of marihuana or usable marihuana equivalents in an amount authorized by law and in conformity with the Act or the Medical Marihuana Provisioning Center Regulation Act (proposed by House Bill 4271), if that Act were enacted.

The bill would define "marihuana-infused product" as a topical formulation, tincture, beverage, edible substance, or similar product containing any usable marihuana that is intended for human consumption in a manner other than smoke inhalation. A medical-marihuana product could not be considered a food for purposes of the Food Law.

"Usable marihuana equivalent" would mean the amount of usable marihuana in a marihuana-infused product calculated as follows: one ounce of usable marihuana would be considered equivalent to 16 ounces of marihuana-infused product if in a solid form, seven grams of marihuana-infused product if in a gaseous form, or 72 fluid ounces of marihuana-infused produce if in a liquid form.

The bill would take effect on April 1, 2015.

MCL 333.26423 et al.

Legislative Analyst: Suzanne Lowe

FISCAL IMPACT

The bill would expand the allowable defenses to prosecution for consuming usable marijuana types and associated derivative products under the Michigan Medical Marijuana Act. Additionally, the bill would create a new felony penalty for the unauthorized transfer of a marijuana-infused product. At this time, the number of potential offenders is indeterminate. Any person convicted of a felony and placed in prison would cost the State an average of \$35,000 per person per year.

For local government, there could be added administrative costs in interpreting what would become legal consumption of usable marijuana under this bill and what would remain illegal.

Date Completed: 7-30-14

Fiscal Analyst: John Maxwell

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.