



Senate Fiscal Agency  
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BILL ANALYSIS

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House Bill 4517 (Substitute H-4 as passed by the House)  
House Bill 4740 (Substitute H-1 as passed by the House)  
House Bill 4741 (as passed by the House)  
House Bill 4742 (as passed by the House)  
House Bill 4743 (as passed by the House)  
House Bill 4744 (as passed by the House)  
House Bill 4745 (Substitute H-1 as passed by the House)  
House Bill 4746 (as passed by the House)

Sponsor: Representative Yousef Rabhi (H.B. 4517)  
Representative Pat Outman (H.B. 4740)  
Representative TC Clements (H.B. 4741)  
Representative Tenisha Yancey (H.B. 4742)  
Representative Julie Calley (H.B. 4743)  
Representative Richard M. Steenland (H.B. 4744)  
Representative Jim Lilly (H.B. 4745)  
Representative Roger Hauck (H.B. 4746)

House Committee: Regulatory Reform  
Senate Committee: Regulatory Reform

Date Completed: 6-8-21

## **CONTENT**

**House Bill 4517 (H-4) would amend the Michigan Regulation and Taxation of Marihuana Act (MRTMA) to do the following:**

- Define "THC" and modify the definitions of "industrial hemp" and "marihuana".
- Require the Marijuana Regulatory Agency (MRA) to promulgate a limit on the total amount of THC that a product intended for human or animal consumption could contain.
- Allow the MRA to promulgate rules to exclude from the definition of THC a tetrahydrocannabinol if the MRA determined, based on specified factors, that it did not have a potential for abuse.

**House Bill 4740 would amend the Medical Marihuana Facilities Licensing Act to modify the definitions of "industrial hemp", "marihuana", and "marihuana-infused product" as those terms would be defined in the MRTMA (which House Bill 4517 (H-4) would amend).**

**House Bill 4741 would amend the Industrial Hemp Growers Act to modify the definitions of "industrial hemp" and "marihuana", and to define "THC", as those terms would be defined in the MRTMA.**

**House Bill 4742 would amend the Marihuana Tracking Act to modify the definition of "marihuana" as that term would be defined in the MRTMA.**

**House Bill 4743 would amend the Public Health Code to modify the definitions of "marihuana" and "industrial hemp" as those terms would be defined in the MRTMA.**

**House Bill 4744 would amend the Industrial Hemp Research and Development Act to modify the definitions of "industrial hemp" and "THC" as those terms would be defined in the MRTMA.**

**House Bill 4745 (H-1) would amend the Michigan Medical Marihuana Act to modify the definition of "marihuana" as that term would be defined in the MRTMA. The bill also would do the following:**

- Eliminate the word "in-person" in the definitions of "bona fide physician-patient relationship" and "written certification".
- Define "MRA" to mean the Marijuana Regulatory Agency created under Executive Reorganization Order No. 2019-2, and amend several definitions to refer to the MRA instead of the Department of Licensing and Regulatory Affairs.

**House Bill 4746 would amend the Michigan Liquor Control Code to modify the definition of "marihuana" as that term would be defined in the MRTMA.**

House Bill 4517 (H-4) and House Bill (4745 (H-1)) are discussed in greater detail below.

### **House Bill 4517 (H-4)**

#### Definitions

The MRTMA defines "industrial hemp" as a plant of the genus *Cannabis*, and any part of that plant, whether growing or not, with a delta-9-tetrahydrocannabinol concentration of 0.3% or less on a dry-weight basis or per volume or weight of marihuana-infused product, or for which the combined percent of delta-9-tetrahydrocannabinol and tetrahydrocannabinolic acid in any part of the plant, regardless of moisture content, is 0.3% or less.

The bill would amend the definition of "industrial hemp" to mean any of the following:

- A plant of the genus *Cannabis*, whether growing or not, with a THC concentration of 0.3% or less on a dry-weight basis.
- A part of a plant of the genus *Cannabis*, whether growing or not, with a THC concentration of 0.3% or less on a dry-weight basis.
- If it has a THC concentration of 0.3% or less on a dry-weight basis, a compound, manufacture, salt, derivative, mixture, preparation, extract, cannabinoid, acid, salt, isomer, or salt of an isomer of a plant or part of a plant of the genus *Cannabis*.
- A product intended for human or animal consumption that, in the form in which it is intended for sale to a consumer, has a THC concentration of 0.3% or less on a dry-weight or per volume basis and contains a total amount of THC that is less than or equal to the limit that would be established by the MRA.
- A product not intended for human or animal consumption that contains a plant of the genus *Cannabis*, part of a plant of the genus *Cannabis*, seeds of a plant of the genus *Cannabis*, or compound, manufacture, salt, derivative, mixture, preparation, extract, cannabinoid, acid, salt, isomer, or salt of an isomer of a plant or part of a plant of the genus *Cannabis* and has a THC concentration of 0.3% or less on a dry-weight basis.

The MRTMA defines "marihuana" as all parts of the plant of the genus *Cannabis*, growing or not, its seeds, resin extracted from any part of the plant, and every compound, manufacture,

salt, derivative, mixture, or preparation of the plant, seeds, or resin, including marihuana of concentrate and marihuana-infused product.

Under the bill, "marihuana" would mean any of the following:

- A plant of the genus *Cannabis*, whether growing or not.
- A part of a plant of the genus *Cannabis*, whether growing or not.
- The seeds of a plant of the genus *Cannabis*.
- Marihuana concentrate.
- A compound, manufacture, salt, derivative, mixture, extract, acid, isomer, salt of an isomer, or preparation of a plant, a part of a plant, or the seeds of a plant, of the genus *Cannabis*, or marihuana concentrate.
- A marihuana-infused product.
- A product with a THC concentration of more than 0.3% on a dry-weight or per volume basis in the form in which it is intended for sale to a consumer.
- A product that is intended for human or animal consumption and that contains, in the form in which it is intended for sale to a consumer, a total amount of THC that is greater than the limit established by the MRA.

"Marihuana" does not include the mature stalks of the plant, fiber produced from the mature stalks, oil or cake made from the seeds of a plant, or any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, industrial hemp, or any other ingredient combined with marihuana to prepare topical or oral administrations, food, drink or other products from the definition of marihuana. Under the bill, "marihuana" would not include any of the above, except for marihuana concentrate extracted from any of the above materials. Where the MRTMA refers to "plant", the bill instead would refer to a "plant of the genus *Cannabis*". Also, under the bill, "marihuana" would not include a drug for which an application filed in accordance with Federal law was approved.

The bill would define "THC" as any of the following:

- Tetrahydrocannabinolic acid.
- Unless excluded by the MRA as specified below, a tetrahydrocannabinol, regardless of whether it is artificially or naturally derived.
- A tetrahydrocannabinol that is a structural, optical, or geometric isomer of a tetrahydrocannabinol of artificial or natural origin not otherwise excluded by the MRA.

#### Rules Promulgated by the MRA

The MRTMA requires the MRA to promulgate rules to implement the Act, including procedures for the issuance of a State license, a schedule of fees to implement and enforce the Act, and qualifications for licensure, among other things. The bill also would require the MRA to promulgate a limit on the total amount of THC that a product intended for human or animal consumption could contain.

Also, the Act allows the MRA to promulgate rules to provide for additional types or classes of license and to regulate the cultivation, processing, and sale of industrial hemp. The bill also would allow the MRA to promulgate rules to exclude from the definition of THC a tetrahydrocannabinol if the MRA determined, with respect to each of the following factors, that the tetrahydrocannabinol did not have a potential for abuse:

- The actual or relative potential for abuse of the tetrahydrocannabinol.
- The scientific evidence of the tetrahydrocannabinol's pharmacological effect, if known.
- The state of current scientific knowledge regarding the tetrahydrocannabinol.

- The history and current pattern of abuse of the tetrahydrocannabinol.
- The scope, duration, and significance of abuse of the tetrahydrocannabinol.
- The tetrahydrocannabinol's risk to the public health.
- The potential of the tetrahydrocannabinol to produce psychic or physiological dependence liability.

### **House Bill 4745 (H-1)**

The Michigan Medical Marihuana Act defines bona fide physician-patient relationship as a treatment or counseling relationship between a physician and patient in which all of prescribed criteria are present, including that the physician has reviewed the patient's relevant medical records and completed a full assessment of the patient's medical history and current medical condition, including a relevant, in-person, medical evaluation of the patient. Written certification means a document signed by a physician stating, among other things, that the physician has completed a full assessment of the patient's medical history and current medical condition, including a relevant, in-person, medical evaluation. The bill would eliminate the words "in-person" from both definitions.

"Marijuana regulatory agency" would mean the Marijuana Regulatory Agency created under Executive Reorganization Order No. 2019-2. The bill also would replace references to the Department of Licensing and Regulatory Affairs in the terms "debilitating medical condition", "enclosed, locked facility", and "registry identification card" with references to the MRA.

MCL 333.27953 & 333.27958 (H.B. 4517)  
333.27102 (H.B. 4740)  
333.29103 (H.B. 4741)  
333.27902 (H.B. 4742)  
333.7106 (H.B. 4743)  
286.842 (H.B. 4744)  
333.26423 (H.B. 4745)  
436.1914b (H.B. 4746)

Legislative Analyst: Christian Schmidt

### **FISCAL IMPACT**

The bills would have no fiscal impact on State or local government.

Fiscal Analyst: Bruce Baker  
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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.