

**SUBSTITUTE FOR
HOUSE BILL NO. 4322**

A bill to amend 2018 IL 1, entitled
"Michigan Regulation and Taxation of Marihuana Act,"
by amending the title and sections 3, 4, 5, 8, 10, and 11 (MCL
333.27953, 333.27954, 333.27955, 333.27958, 333.27960, and
333.27961), sections 3 and 8 as amended by 2021 PA 56.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 TITLE
2 An initiation of legislation to allow under state law the
3 personal possession and use of marihuana by persons 21 years of age
4 or older; to provide for the lawful cultivation and sale of
5 marihuana and industrial hemp by **certain** persons; ~~21 years of age~~
6 ~~or older;~~ to permit the taxation of revenue derived from commercial
7 marihuana facilities; to permit the promulgation of administrative



1 rules; and to prescribe certain penalties for violations of this
 2 act. ~~If not enacted by the Michigan State Legislature in accordance~~
 3 ~~with the Michigan Constitution of 1963, the proposed legislation is~~
 4 ~~to be voted on at the General Election, November 6, 2018.~~

5 Sec. 3. As used in this act:

6 (a) **"Cannabis regulatory agency" means the marijuana**
 7 **regulatory agency created under Executive Reorganization Order No.**
 8 **2019-2, MCL 333.27001, renamed the cannabis regulatory agency under**
 9 **Executive Reorganization Order No. 2022-1, MCL 333.27002.**

10 (b) ~~(a)~~ "Cultivate" means to propagate, breed, grow, harvest,
 11 dry, cure, or separate parts of a marihuana plant by manual or
 12 mechanical means.

13 (c) ~~(b)~~ "Department" means the ~~department of licensing and~~
 14 ~~regulatory affairs.~~ **cannabis regulatory agency.**

15 (d) ~~(e)~~ "Industrial hemp" means any of the following:

16 (i) A plant of the genus *Cannabis*, whether growing or not, with
 17 a THC concentration of 0.3% or less on a dry-weight basis.

18 (ii) A part of a plant of the genus *Cannabis*, whether growing
 19 or not, with a THC concentration of 0.3% or less on a dry-weight
 20 basis.

21 (iii) The seeds of a plant of the genus *Cannabis* with a THC
 22 concentration of 0.3% or less on a dry-weight basis.

23 (iv) If it has a THC concentration of 0.3% or less on a dry-
 24 weight basis, a compound, manufacture, derivative, mixture,
 25 preparation, extract, cannabinoid, acid, salt, isomer, or salt of
 26 an isomer of any of the following:

27 (A) A plant of the genus *Cannabis*.

28 (B) A part of a plant of the genus *Cannabis*.

29 (v) A product to which 1 of the following applies:



1 (A) If the product is intended for human or animal
 2 consumption, the product, in the form in which it is intended for
 3 sale to a consumer, meets both of the following requirements:

4 (I) Has a THC concentration of 0.3% or less on a dry-weight or
 5 per volume basis.

6 (II) Contains a total amount of THC that is less than or equal
 7 to the limit established by the ~~marijuana~~**cannabis** regulatory
 8 agency under section 8(1)(n).

9 (B) If the product is not intended for human or animal
 10 consumption, the product meets both of the following requirements:

11 (I) Contains a substance listed in subparagraph (i), (ii), (iii),
 12 or (iv).

13 (II) Has a THC concentration of 0.3% or less on a dry-weight
 14 basis.

15 (e) ~~(d)~~—"Licensee" means a person holding a state license.

16 (f) ~~(e)~~—"Marihuana" means any of the following:

17 (i) A plant of the genus *Cannabis*, whether growing or not.

18 (ii) A part of a plant of the genus *Cannabis*, whether growing
 19 or not.

20 (iii) The seeds of a plant of the genus *Cannabis*.

21 (iv) Marihuana concentrate.

22 (v) A compound, manufacture, salt, derivative, mixture,
 23 extract, acid, isomer, salt of an isomer, or preparation of any of
 24 the following:

25 (A) A plant of the genus *Cannabis*.

26 (B) A part of a plant of the genus *Cannabis*.

27 (C) The seeds of a plant of the genus *Cannabis*.

28 (D) Marihuana concentrate.

29 (vi) A marihuana-infused product.



1 (vii) A product with a THC concentration of more than 0.3% on a
2 dry-weight or per volume basis in the form in which it is intended
3 for sale to a consumer.

4 (viii) A product that is intended for human or animal
5 consumption and that contains, in the form in which it is intended
6 for sale to a consumer, a total amount of THC that is greater than
7 the limit established by the ~~marijuana~~ **cannabis** regulatory agency
8 under section 8(1)(n).

9 (g) ~~(f)~~ Except for marihuana concentrate extracted from any of
10 the following, "marihuana" does not include any of the following:

11 (i) The mature stalks of a plant of the genus *Cannabis*.

12 (ii) Fiber produced from the mature stalks of a plant of the
13 genus *Cannabis*.

14 (iii) Oil or cake made from the seeds of a plant of the genus
15 *Cannabis*.

16 (iv) A compound, manufacture, salt, derivative, mixture, or
17 preparation of the mature stalks of a plant of the genus *Cannabis*.

18 (v) Industrial hemp.

19 (vi) An ingredient combined with marihuana to prepare topical
20 or oral administrations, food, drink, or other products.

21 (vii) A drug for which an application filed in accordance with
22 21 USC 355 is approved by the Food and Drug Administration.

23 (h) ~~(g)~~ "Marihuana accessories" means any equipment, product,
24 material, or combination of equipment, products, or materials, that
25 is specifically designed for use in planting, propagating,
26 cultivating, growing, harvesting, manufacturing, compounding,
27 converting, producing, processing, preparing, testing, analyzing,
28 packaging, repackaging, storing, containing, ingesting, inhaling,
29 or otherwise introducing marihuana into the human body.



1 **(i)** ~~(h)~~—"Marihuana concentrate" means the resin extracted from
2 any part of a plant of the genus *Cannabis*.

3 **(j)** ~~(i)~~—"Marihuana establishment" means a marihuana grower,
4 marihuana safety compliance facility, marihuana processor,
5 marihuana microbusiness, marihuana retailer, marihuana secure
6 transporter, or any other type of marihuana-related business
7 licensed by the ~~marijuana~~**cannabis** regulatory agency.

8 **(k)** ~~(j)~~—"Marihuana grower" means a person licensed to
9 cultivate marihuana and sell or otherwise transfer marihuana to
10 marihuana establishments.

11 **(l)** ~~(k)~~—"Marihuana-infused product" means a topical
12 formulation, tincture, beverage, edible substance, or similar
13 product containing marihuana and other ingredients and that is
14 intended for human consumption.

15 **(m)** ~~(l)~~—"Marihuana microbusiness" means a person licensed to
16 cultivate not more than 150 marihuana plants; process and package
17 marihuana; and sell or otherwise transfer marihuana to individuals
18 who are 21 years of age or older or to a marihuana safety
19 compliance facility, but not to other marihuana establishments.

20 **(n)** ~~(m)~~—"Marihuana processor" means a person licensed to
21 obtain marihuana from marihuana establishments; process and package
22 marihuana; and sell or otherwise transfer marihuana to marihuana
23 establishments.

24 **(o)** ~~(n)~~—"Marihuana retailer" means a person licensed to obtain
25 marihuana from marihuana establishments and to sell or otherwise
26 transfer marihuana to marihuana establishments and to individuals
27 who are 21 years of age or older.

28 **(p)** ~~(o)~~—"Marihuana secure transporter" means a person licensed
29 to obtain marihuana from marihuana establishments in order to



1 transport marihuana to marihuana establishments.

2 (q) ~~(p)~~—"Marihuana safety compliance facility" means a person
3 licensed to test marihuana, including certification for potency and
4 the presence of contaminants.

5 (r) ~~(q)~~—"Marijuana regulatory agency" means the marijuana
6 regulatory agency created under Executive Reorganization Order No.
7 2019-2, MCL 333.27001.

8 (s) ~~(r)~~—"Municipal license" means a license issued by a
9 municipality pursuant to section 16 that allows a person to operate
10 a marihuana establishment in that municipality.

11 (t) ~~(s)~~—"Municipality" means a city, village, or township.

12 (u) ~~(t)~~—"Person" means an individual, corporation, limited
13 liability company, partnership of any type, trust, or other legal
14 entity.

15 (v) ~~(u)~~—"Process" or "processing" means to separate or
16 otherwise prepare parts of a marihuana plant and to compound,
17 blend, extract, infuse, or otherwise make or prepare marihuana
18 concentrate or marihuana-infused products.

19 (w) ~~(v)~~—"State license" means a license issued by the
20 ~~marijuana-cannabis~~ regulatory agency that allows a person to
21 operate a marihuana establishment.

22 (x) ~~(w)~~—"THC" means any of the following:

23 (i) Tetrahydrocannabinolic acid.

24 (ii) Unless excluded by the ~~marijuana-cannabis~~ regulatory
25 agency under section 8(2)(c), a tetrahydrocannabinol, regardless of
26 whether it is artificially or naturally derived.

27 (iii) A tetrahydrocannabinol that is a structural, optical, or
28 geometric isomer of a tetrahydrocannabinol described in
29 subparagraph (ii).



1 (y) ~~(x)~~—"Unreasonably impracticable" means that the measures
 2 necessary to comply with the rules or ordinances adopted pursuant
 3 to this act subject licensees to unreasonable risk or require such
 4 a high investment of money, time, or any other resource or asset
 5 that a reasonably prudent businessperson would not operate the
 6 marihuana establishment.

7 Sec. 4. (1) ~~1.~~—This act does not authorize **any of the**
 8 **following:**

9 (a) ~~operating,~~ **Operating**, navigating, or being in physical
 10 control of any motor vehicle, aircraft, snowmobile, off-road
 11 recreational vehicle, or motorboat while under the influence of
 12 marihuana. †

13 (b) ~~transfer of~~ **Except as otherwise allowed under section 10,**
 14 **transferring** marihuana or marihuana accessories to a person ~~under~~
 15 ~~the age of who is younger than 21 years of age.~~ †

16 (c) ~~any~~ **Except as otherwise allowed under section 10, a person**
 17 ~~under the age of who is younger than 21 years of age~~ to possess,
 18 consume, purchase or otherwise obtain, cultivate, process,
 19 transport, or sell marihuana. †

20 (d) ~~separation of~~ **Separating** plant resin by butane extraction
 21 or another method that utilizes a substance with a flashpoint below
 22 100 degrees Fahrenheit in any public place, motor vehicle, or
 23 within the curtilage of any residential structure. †

24 (e) ~~consuming~~ **Consuming** marihuana in a public place or smoking
 25 marihuana where prohibited by the person who owns, occupies, or
 26 manages the property, except for purposes of this subdivision a
 27 public place does not include an area designated for consumption
 28 within a municipality that has authorized consumption in designated
 29 areas that are not accessible to persons ~~under who are younger than~~



1 21 years of age. †

2 (f) ~~cultivating~~**Cultivating** marihuana plants if the plants are
3 visible from a public place without the use of binoculars,
4 aircraft, or other optical aids or outside of an enclosed area
5 equipped with locks or other functioning security devices that
6 restrict access to the area. †

7 (g) ~~consuming~~**Consuming** marihuana while operating, navigating,
8 or being in physical control of any motor vehicle, aircraft,
9 snowmobile, off-road recreational vehicle, or motorboat, or smoking
10 marihuana within the passenger area of a vehicle upon a public way.
11 †

12 (h) ~~possessing~~**Possessing** marihuana accessories or possessing
13 or consuming marihuana on the grounds of a public or private school
14 where children attend classes in preschool programs, kindergarten
15 programs, or grades 1 through 12, in a school bus, or on the
16 grounds of any correctional facility. †~~or~~

17 (i) Possessing more than 2.5 ounces of marihuana within a
18 person's place of residence unless the excess marihuana is stored
19 in a container or area equipped with locks or other functioning
20 security devices that restrict access to the contents of the
21 container or area.

22 (2) ~~2.~~This act does not limit any privileges, rights,
23 immunities, or defenses of a person as provided in the Michigan
24 ~~medical marihuana act,~~**Medical Marihuana Act**, 2008 IL 1, MCL
25 333.26421 to 333.26430, the medical marihuana facilities licensing
26 act, 2016 PA 281, MCL 333.27101 to 333.27801, or any other law of
27 this state allowing for or regulating marihuana for medical use.

28 (3) ~~3.~~This act does not require an employer to permit or
29 accommodate conduct otherwise allowed by this act in any workplace



1 or on the employer's property. This act does not prohibit an
 2 employer from disciplining an employee for violation of a workplace
 3 drug policy or for working while under the influence of marihuana.
 4 This act does not prevent an employer from refusing to hire,
 5 discharging, disciplining, or otherwise taking an adverse
 6 employment action against a person with respect to hire, tenure,
 7 terms, conditions, or privileges of employment because of that
 8 person's violation of a workplace drug policy or because that
 9 person was working while under the influence of marihuana.

10 (4) ~~4.~~—This act allows a person to prohibit or otherwise
 11 regulate the consumption, cultivation, distribution, processing,
 12 sale, or display of marihuana and marihuana accessories on property
 13 the person owns, occupies, or manages, except that a lease
 14 agreement may not prohibit a tenant from lawfully possessing and
 15 consuming marihuana by means other than smoking.

16 (5) ~~5.~~—All other laws inconsistent with this act do not apply
 17 to conduct that is permitted by this act.

18 Sec. 5. (1) ~~1.~~—Notwithstanding any other law or provision of
 19 this act, and except as otherwise provided in section 4, ~~of this~~
 20 ~~act,~~ the following acts by a person **who is** 21 years of age or older
 21 are not unlawful, are not an offense, are not grounds for seizing
 22 or forfeiting property, are not grounds for arrest, prosecution, or
 23 penalty in any manner, are not grounds for search or inspection,
 24 and are not grounds to deny any other right or privilege:

25 (a) ~~except~~ **Except** as permitted by subdivision (b), possessing,
 26 using or consuming, internally possessing, purchasing,
 27 transporting, or processing 2.5 ounces or less of marihuana, except
 28 that not more than 15 grams of marihuana may be in the form of
 29 marihuana concentrate. †



1 (b) ~~within~~**Within** the person's residence, possessing, storing,
2 and processing not more than 10 ounces of marihuana and any
3 marihuana produced by marihuana plants cultivated on the premises
4 and cultivating not more than 12 marihuana plants for personal use,
5 provided that no more than 12 marihuana plants are possessed,
6 cultivated, or processed on the premises at once. ~~+~~

7 (c) ~~assisting~~**Assisting** another person who is 21 years of age
8 or older in any of the acts described in this section. ~~+~~**and**

9 (d) ~~giving~~**Giving** away or otherwise transferring without
10 remuneration up to 2.5 ounces of marihuana, except that not more
11 than 15 grams of marihuana may be in the form of marihuana
12 concentrate, to a person **who is** 21 years of age or older, as long
13 as the transfer is not advertised or promoted to the public.

14 (2) ~~2.~~Notwithstanding any other law or provision of this act,
15 except as otherwise provided in section 4 **and subsection (4)**, ~~of~~
16 ~~this act,~~the use, manufacture, possession, and purchase of
17 marihuana accessories by a person **who is** 21 years of age or older,
18 **or 19 years of age or older as allowed under section 10**, and the
19 distribution or sale of marihuana accessories to a person **who is** 21
20 years of age or older is authorized, is not unlawful, is not an
21 offense, is not grounds for seizing or forfeiting property, is not
22 grounds for arrest, prosecution, or penalty in any manner, and is
23 not grounds to deny any other right or privilege.

24 (3) ~~3.~~A person shall not be denied custody of or visitation
25 with a minor for conduct that is permitted by this act, unless the
26 person's behavior is such that it creates an unreasonable danger to
27 the minor that can be clearly articulated and substantiated.

28 (4) **A person who is 19 years of age or older may manufacture,**
29 **purchase, distribute, and sell marihuana accessories if the person**



1 **is acting in accordance with section 10.**

2 Sec. 8. (1) The ~~marijuana~~**cannabis** regulatory agency shall
3 promulgate rules to implement and administer this act that include
4 all of the following:

5 (a) Procedures for issuing a state license pursuant to section
6 9 and for renewing, suspending, and revoking a state license.

7 (b) A schedule of fees in amounts not more than necessary to
8 pay for implementation, administration, and enforcement costs of
9 this act and that relate to the size of each licensee or the volume
10 of business conducted by the licensee.

11 (c) Qualifications for licensure that are directly and
12 demonstrably related to the operation of a marihuana establishment.
13 However, a prior conviction solely for a marihuana-related offense
14 must not disqualify an individual or otherwise affect eligibility
15 for licensure, unless the offense involved distribution of a
16 controlled substance to a minor.

17 (d) Requirements and standards for safe cultivation,
18 processing, and distribution of marihuana by marihuana
19 establishments, including health standards to ensure the safe
20 preparation of marihuana-infused products and prohibitions on
21 pesticides that are not safe for use on marihuana.

22 (e) Testing, packaging, and labeling standards, procedures,
23 and requirements for marihuana, including, but not limited to, all
24 of the following:

25 (i) A maximum THC level for marihuana-infused products.

26 (ii) A requirement that a representative sample of marihuana be
27 tested by a marihuana safety compliance facility.

28 (iii) A requirement that the amount of marihuana or marihuana
29 concentrate contained within a marihuana-infused product be



1 specified on the product label.

2 (iv) A requirement that all marihuana sold through marihuana
3 retailers and marihuana microbusinesses include on the exterior of
4 the marihuana packaging the following warning printed in clearly
5 legible type and surrounded by a continuous heavy line:

6 WARNING: USE BY PREGNANT OR BREASTFEEDING WOMEN, OR BY
7 WOMEN PLANNING TO BECOME PREGNANT, MAY RESULT IN FETAL
8 INJURY, PRETERM BIRTH, LOW BIRTH WEIGHT, OR DEVELOPMENTAL
9 PROBLEMS FOR THE CHILD.

10 (f) Security requirements, including lighting, physical
11 security, and alarm requirements, and requirements for securely
12 transporting marihuana between marihuana establishments. The
13 requirements described in this subdivision must not prohibit
14 cultivation of marihuana outdoors or in greenhouses.

15 (g) Record keeping requirements for marihuana establishments
16 and monitoring requirements to track the transfer of marihuana by
17 licensees.

18 (h) Requirements for the operation of marihuana secure
19 transporters to ensure that all marihuana establishments are
20 properly serviced.

21 (i) Reasonable restrictions on advertising, marketing, and
22 display of marihuana and marihuana establishments.

23 (j) A plan to promote and encourage participation in the
24 marihuana industry by people from communities that have been
25 disproportionately impacted by marihuana prohibition and
26 enforcement and to positively impact those communities.

27 (k) Penalties for failure to comply with a rule promulgated
28 pursuant to this section or for a violation of this act by a
29 licensee, including civil fines and suspension, revocation, or



1 restriction of a state license.

2 (l) Informational pamphlet standards for marihuana retailers
3 and marihuana microbusinesses, including, but not limited to, a
4 requirement to make available to every customer at the time of sale
5 a pamphlet measuring 3.5 inches by 5 inches that includes safety
6 information related to marihuana use by minors and the poison
7 control hotline number.

8 (m) Procedures and standards for approving an appointee to
9 operate a marihuana establishment under section 9a.

10 (n) A limit on the total amount of THC that a product
11 described in section ~~3(e)(v)(A)~~ **3(d)(v)(a)** may contain.

12 (2) The ~~marijuana~~ **cannabis** regulatory agency may promulgate
13 rules to do any of the following:

14 (a) Provide for the issuance of additional types or classes of
15 state licenses to operate marihuana-related businesses, including
16 licenses that authorize any of the following:

17 (i) Limited cultivation, processing, transportation, delivery,
18 storage, sale, or purchase of marihuana.

19 (ii) Consumption of marihuana within designated areas.

20 (iii) Consumption of marihuana at special events in limited
21 areas and for a limited time.

22 (iv) Cultivation for purposes of propagation.

23 (v) Facilitation of scientific research or education.

24 (b) Regulate the cultivation, processing, distribution, and
25 sale of industrial hemp.

26 (c) Exclude from the definition of THC in section 3 a
27 tetrahydrocannabinol if, after the ~~marijuana~~ **cannabis** regulatory
28 agency makes findings with respect to each of the following
29 factors, the ~~marijuana~~ **cannabis** regulatory agency determines that



1 the tetrahydrocannabinol does not have a potential for abuse:

2 (i) The actual or relative potential for abuse of the
3 tetrahydrocannabinol.

4 (ii) The scientific evidence of the tetrahydrocannabinol's
5 pharmacological effect, if known.

6 (iii) The state of current scientific knowledge regarding the
7 tetrahydrocannabinol.

8 (iv) The history and current pattern of abuse of the
9 tetrahydrocannabinol.

10 (v) The scope, duration, and significance of abuse of the
11 tetrahydrocannabinol.

12 (vi) The tetrahydrocannabinol's risk to the public health.

13 (vii) The potential of the tetrahydrocannabinol to produce
14 psychic or physiological dependence liability.

15 (3) The ~~marijuana~~**cannabis** regulatory agency shall not
16 promulgate a rule that **is unreasonably impracticable or** does any of
17 the following:

18 (a) Establishes a limit on the number of any type of state
19 license that may be granted.

20 (b) Requires a customer to provide a marihuana retailer with
21 identifying information other than identification to determine the
22 customer's age or requires the marihuana retailer to acquire or
23 record personal information about customers other than information
24 typically required in a retail transaction.

25 (c) Prohibits a marihuana establishment from operating at a
26 shared location of a marihuana facility operating pursuant to the
27 medical marihuana facilities licensing act, 2016 PA 281, MCL
28 333.27101 to 333.27801, or prohibits a marihuana grower, marihuana
29 processor, or marihuana retailer from operating within a single



1 facility.

2 ~~(d) Is unreasonably impracticable.~~

3 (4) A rule promulgated under this act must be promulgated
4 pursuant to the administrative procedures act of 1969, 1969 PA 306,
5 MCL 24.201 to 24.328.

6 Sec. 10. **(1)** ~~1.~~ Notwithstanding any other law or provision of
7 this act, and except as otherwise provided in section 4 ~~of this act~~
8 or **11(5) or in** the rules promulgated ~~thereunder,~~ **under this act,**
9 the following acts are not unlawful, are not an offense, are not
10 grounds for seizing or forfeiting property, are not grounds for
11 arrest, prosecution, or penalty in any manner, are not grounds for
12 search or inspection except as authorized by this act, and are not
13 grounds to deny any other right or privilege:

14 (a) **For** a marihuana grower or an agent acting on behalf of a
15 marihuana grower who is ~~21~~**19** years of age or older, cultivating
16 not more than the number of marihuana plants authorized by the
17 state license class; possessing, packaging, storing, or testing
18 marihuana; acquiring marihuana seeds or seedlings from a person who
19 is 21 years of age or older; selling or otherwise transferring,
20 purchasing or otherwise obtaining, or transporting marihuana to or
21 from a marihuana establishment; or receiving compensation for goods
22 or services. †

23 (b) **For** a marihuana processor or agent acting on behalf of a
24 marihuana processor who is ~~21~~**19** years of age or older, possessing,
25 processing, packaging, storing, or testing marihuana; selling or
26 otherwise transferring, purchasing or otherwise obtaining, or
27 transporting marihuana to or from a marihuana establishment; or
28 receiving compensation for goods or services. †

29 (c) **For** a marihuana secure transporter or an agent acting on



1 behalf of a marihuana secure transporter who is ~~21~~**19** years of age
 2 or older, possessing or storing marihuana; transporting marihuana
 3 to or from a marihuana establishment; or receiving compensation for
 4 services. †

5 (d) **For** a marihuana safety compliance facility or an agent
 6 acting on behalf of a marihuana safety compliance facility who is
 7 ~~21~~**19** years of age or older, testing, possessing, repackaging, or
 8 storing marihuana; transferring, obtaining, or transporting
 9 marihuana to or from a marihuana establishment; or receiving
 10 compensation for services. †

11 (e) **For** a marihuana retailer or an agent acting on behalf of a
 12 marihuana retailer who is ~~21~~**19** years of age or older, possessing,
 13 storing, or testing marihuana; selling or otherwise transferring,
 14 purchasing or otherwise obtaining, or transporting marihuana to or
 15 from a marihuana establishment; selling or otherwise transferring
 16 marihuana to a person **who is** 21 years of age or older; or receiving
 17 compensation for goods or services. †~~or~~

18 (f) **For** a marihuana microbusiness or an agent acting on behalf
 19 of a marihuana microbusiness who is ~~21~~**19** years of age or older,
 20 cultivating not more than 150 marihuana plants; possessing,
 21 processing, packaging, storing, or testing marihuana from marihuana
 22 plants cultivated on the premises; selling or otherwise
 23 transferring marihuana cultivated or processed on the premises to a
 24 person **who is** 21 years of age or older; or receiving compensation
 25 for goods or services.

26 (g) ~~leasing~~**Leasing** or otherwise allowing the use of property
 27 owned, occupied, or managed for activities allowed under this act.
 28 †

29 (h) ~~enrolling~~**Enrolling** or employing a person who engages in



1 marihuana-related activities allowed under this act. †

2 (i) ~~possessing~~, **Possessing**, cultivating, processing,
3 obtaining, transferring, or transporting industrial hemp. †~~or~~

4 (j) ~~providing~~ **Providing** professional services to prospective
5 or licensed marihuana establishments related to activity under this
6 act.

7 (2) ~~2.~~—A person acting as an agent of a marihuana retailer who
8 sells or otherwise transfers marihuana or marihuana accessories to
9 a person ~~under~~ **who is younger than** 21 years of age is not subject
10 to arrest, prosecution, forfeiture of property, disciplinary action
11 by a professional licensing board, denial of any right or
12 privilege, or penalty in any manner, if the person reasonably
13 verified that the recipient appeared to be 21 years of age or older
14 by means of government-issued photographic identification
15 containing a date of birth, and the person complied with any rules
16 promulgated pursuant to this act.

17 (3) ~~3.~~—It is the public policy of this state that contracts
18 related to the operation of marihuana establishments be
19 enforceable.

20 Sec. 11. (1) ~~(a)~~—A marihuana establishment ~~may~~ **shall** not allow
21 cultivation, processing, sale, or display of marihuana or marihuana
22 accessories to be visible from a public place outside of the
23 marihuana establishment without the use of binoculars, aircraft, or
24 other optical aids.

25 (2) ~~(b)~~—A marihuana establishment ~~may~~ **shall** not cultivate,
26 process, test, or store marihuana at any location other than a
27 physical address approved by the ~~department~~ **cannabis regulatory**
28 **agency** and within an enclosed area that is secured in a manner that
29 prevents access by persons not permitted by the marihuana



1 establishment to access the area.

2 (3) ~~(e)~~ A marihuana establishment shall secure every entrance
3 to the establishment so that access to areas containing marihuana
4 is restricted to employees and other persons permitted by the
5 marihuana establishment to access the area and to agents of the
6 ~~department~~ **cannabis regulatory agency** or state and local law
7 enforcement officers and emergency personnel and shall secure its
8 inventory and equipment during and after operating hours to deter
9 and prevent theft of marihuana and marihuana accessories.

10 (4) ~~(d)~~ ~~No~~ A marihuana establishment ~~may~~ **shall not** refuse
11 representatives of the ~~department~~ **cannabis regulatory agency** the
12 right during the **marihuana establishment's** hours of operation to
13 inspect the licensed premises or to audit the books and records of
14 the marihuana establishment.

15 (5) ~~(e)~~ ~~No~~ A marihuana establishment ~~may~~ **shall not** allow a
16 person ~~under 21~~ **who is younger than 19** years of age to volunteer or
17 work for the marihuana establishment. **A marihuana establishment**
18 **shall not allow a person who is 19 years of age or older but**
19 **younger than 21 years of age to volunteer or work for the marihuana**
20 **establishment unless both of the following conditions are met:**

21 (a) An agent of the marihuana establishment who is 21 years of
22 age or older is present at the marihuana establishment while the
23 person is volunteering or working.

24 (b) An agent of the marihuana establishment who is 21 years of
25 age or older directly supervises the person while the person is
26 volunteering or working.

27 (6) ~~(f)~~ ~~No~~ A marihuana establishment ~~may~~ **shall not** sell or
28 otherwise transfer marihuana that was not produced, distributed,
29 and taxed in compliance with this act.



1 (7) ~~(g)~~ A marihuana grower, marihuana retailer, marihuana
 2 processor, marihuana microbusiness, or marihuana testing facility,
 3 or ~~agents~~ **an agent** acting on ~~their~~ **its** behalf, may not transport
 4 more than 15 ounces of marihuana or more than 60 grams of marihuana
 5 concentrate at ~~one~~ **1** time.

6 (8) ~~(h)~~ A marihuana secure transporter may not hold title to
 7 marihuana.

8 (9) ~~(i)~~ ~~No~~ **A** marihuana processor ~~may~~ **shall not** process and ~~no~~
 9 **a** marihuana retailer ~~may~~ **shall not** sell edible marihuana-infused
 10 candy in shapes or packages that are attractive to children or that
 11 are easily confused with commercially sold candy that does not
 12 contain marihuana.

13 (10) ~~(j)~~ ~~No~~ **A** marihuana retailer ~~may~~ **shall not** sell or
 14 otherwise transfer marihuana ~~that~~ **unless the marihuana is not**
 15 contained in an opaque, resealable, child-resistant package
 16 designed to be significantly difficult for ~~children under~~ **a child**
 17 **younger than** 5 years of age to open and not difficult for **a** normal
 18 ~~adults~~ **adult** to use properly as ~~defined by 16 C.F.R. 1700.20~~
 19 ~~(1995), unless the~~ **provided for under 16 CFR 1700.20. This**
 20 **subsection does not apply to** marihuana **that** is transferred for
 21 consumption on the premises where **it is** sold.

22 (11) ~~(k)~~ ~~No~~ **A** marihuana establishment ~~may~~ **shall not** sell or
 23 otherwise transfer tobacco.

