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Senate Bill 72 (as introduced 2-3-15)
Sponsor: Senator Rick Jones
Committee: Judiciary

Date Completed: 2-9-15

CONTENT

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

- Prohibit smoking medical marihuana on private property in violation of a prohibition established by the property owner, and in any portion of private property that was open to the public.**
- Specify that the Act could not be construed to require a private property owner to lease residential property to a person who smoked or cultivated marihuana on the premises, if a written lease prohibited smoking or cultivating marihuana.**

The Act authorizes the possession and use of limited amounts of marihuana by individuals suffering from certain conditions who have been issued medical marihuana registry identification cards. The Act provides, however, that it does not permit any person to smoke marihuana on any form of public transportation or in any public place. Under the bill, any public place would include any portion of private property that was open to the public. The bill also specifies that the Act would not permit a person to smoke marihuana on private property in violation of a prohibition established by the property owner.

In addition, the bill states that nothing in the Act could be constructed to require a private property owner to lease residential property to a person who smoked or cultivated marihuana on the premises, if that activity were prohibited in the written lease.

(Under the Public Health Code, possession of marihuana is a misdemeanor punishable by up to one year's imprisonment and/or a maximum fine of \$2,000. Use of marihuana is a misdemeanor punishable by up to 90 days' imprisonment and/or a maximum fine of \$100.)

MCL 333.26427

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would have an indeterminate, but likely negligible, fiscal impact on State and local government. The bill would clarify and potentially expand the areas in which medical marihuana use is prohibited under the Michigan Medical Marihuana Act. This could result in a marginal increase in the number of individuals found in violation of the Public Health Code provisions outlawing the possession and/or use of marihuana. There are no data to indicate how many offenders this would affect, but the resulting misdemeanors could lead to a marginal increase in incarceration costs for local units and/or community supervision costs for the State.

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.