

HOUSE BILL NO. 5549

February 25, 2020, Introduced by Reps. Filler, Rabhi, LaGrand, Meerman, Hall, Marino, Crawford, Cambensy, Chirkun, Greig, Hertel and Tate and referred to the Committee on Government Operations.

A bill to amend 2018 IL 1, entitled
"Michigan Regulation and Taxation of Marihuana Act,"
by amending section 15 (MCL 333.27965).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 15. A person who commits any of the following acts, and
2 is not otherwise authorized by this act to ~~conduct such activities,~~
3 **commit the acts**, may be punished only as provided in this section
4 and is not subject to any other form of punishment or
5 disqualification, unless the person consents to another disposition



1 authorized by law:

2 (a) ~~1.~~ Except for a person who engaged in conduct described in
 3 sections ~~section~~ 4(1)(a), 4(1)(b), 4(1)(c), 4(1)(d), 4(1)(g), or
 4 4(1)(h), ~~(b), (c), (d), (g), or (h)~~, a person who possesses not
 5 more than the amount of marihuana allowed ~~by~~ **under** section 5,
 6 cultivates not more than the amount of marihuana allowed ~~by~~ **under**
 7 section 5, delivers without receiving any remuneration to a person
 8 who is ~~at least~~ 21 years of age **or older** not more than the amount
 9 of marihuana allowed ~~by~~ **under** section 5, or possesses with intent
 10 to deliver not more than the amount of marihuana allowed ~~by~~ **under**
 11 section 5, is responsible for a civil infraction and may be
 12 punished by a fine of not more than ~~\$100~~ **\$100.00** and forfeiture of
 13 the marihuana.

14 (b) ~~2.~~ Except for a person who engaged in conduct described in
 15 section 4, a person who possesses not more than twice the amount of
 16 marihuana allowed ~~by~~ **under** section 5, cultivates not more than
 17 twice the amount of marihuana allowed ~~by~~ **under** section 5, delivers
 18 without receiving any remuneration to a person who is ~~at least~~ 21
 19 years of age **or older** not more than twice the amount of marihuana
 20 allowed ~~by~~ **under** section 5, or possesses with intent to deliver not
 21 more than twice the amount of marihuana allowed ~~by~~ **under** section 5,
 22 **may be punished as follows:**

23 (i) ~~(a) for~~ **For** a first violation, **the person** is responsible
 24 for a civil infraction and may be punished by a fine of not more
 25 than ~~\$500~~ **\$500.00** and forfeiture of the marihuana. †

26 (ii) ~~(b) for~~ **For** a second violation, **the person** is responsible
 27 for a civil infraction and may be punished by a fine of not more
 28 than ~~\$1,000~~ **\$1,000.00** and forfeiture of the marihuana. †

29 (iii) ~~(c) for~~ **For** a third ~~or~~ **and any** subsequent violation, **the**



1 **person** is guilty of a misdemeanor and may be punished by a fine of
 2 not more than ~~\$2,000~~ **\$2,000.00** and forfeiture of the marihuana.

3 ~~(c) 3.—~~Except for a person who engaged in conduct described ~~by~~
 4 **in** section 4(1)(a), ~~4(1)(d), or 4(1)(g),~~ **(d), or (g)**, a person
 5 ~~under~~ **younger than** 21 years of age who possesses not more than 2.5
 6 ounces of marihuana or who cultivates not more than 12 marihuana
 7 plants **may be punished as follows:**

8 ~~(i) (a) for~~ **For** a first violation, **the person** is responsible
 9 for a civil infraction and may be punished as follows:

10 ~~(A) (1) if~~ **If** the person is ~~less~~ **younger** than 18 years of age,
 11 by a fine of not more than ~~\$100~~ **\$100.00** or community service,
 12 forfeiture of the marihuana, and completion of 4 hours of drug
 13 education or counseling. ~~;~~ ~~or~~

14 ~~(B) (2) if~~ **If** the person is ~~at least~~ 18 years of age **or older**,
 15 by a fine of not more than ~~\$100~~ **\$100.00** and forfeiture of the
 16 marihuana.

17 ~~(ii) (b) for~~ **For** a second violation, **the person** is responsible
 18 for a civil infraction and may be punished as follows:

19 ~~(A) (1) if~~ **If** the person is ~~less~~ **younger** than 18 years of age,
 20 by a fine of not more than ~~\$500~~ **\$500.00** or community service,
 21 forfeiture of the marihuana, and completion of 8 hours of drug
 22 education or counseling. ~~;~~ ~~or~~

23 ~~(B) (2) if~~ **If** the person is ~~at least~~ 18 years of age **or older**,
 24 by a fine of not more than ~~\$500~~ **\$500.00** and forfeiture of the
 25 marihuana.

26 ~~(d) 4.—~~Except for a person who engaged in conduct described in
 27 section 4, a person who possesses more than twice the amount of
 28 marihuana allowed ~~by~~ **under** section 5, cultivates more than twice
 29 the amount of marihuana allowed ~~by~~ **under** section 5, or delivers



1 without receiving any remuneration to a person who is ~~at least~~ 21
2 years of age **or older** more than twice the amount of marihuana
3 allowed ~~by~~ **under** section 5, ~~shall be~~ **is** responsible for a
4 misdemeanor, but ~~shall~~ **is** not ~~be~~ subject to imprisonment unless the
5 violation was habitual, willful, and for a commercial purpose or
6 the violation involved violence.

7 **(e) A person who, without holding a state license, engages in**
8 **an activity that requires a state license is responsible for a**
9 **civil infraction and shall be punished by a fine of \$10,000.00 for**
10 **each day that the violation continues.**

