

Key Differences between Medical Marihuana and Recreational Marihuana Statutes

	MMFLA	MMMA	MRTMA
Grower Limits			
Class A	500 plant limit	Not addressed	100 plant limit (limited to Michigan residents for first two years)
Class B	1000 plant limit	Not addressed	500 plant limit
Class C	1500 plant limit; stackable	Not addressed	2000 plant limit; not clear if stackable
Microbusiness	Not addressed	Not addressed	150 plant limit (limited to Michigan residents for first two years)
Secure Transporter	Required to move marihuana between licensed facilities; may move money	Not addressed	No specific requirement to use; no authority to transport money
Compliance with Marihuana Tracking Act	Required	Not addressed	No reference or requirement
Plant Resin Separation	Not addressed	Butane extraction prohibited in a public place, motor vehicle, or inside a residence or within curtilage of a residential structure or in a reckless manner	Butane extraction or another method that utilizes a substance with a flashpoint below 100° F prohibited in a public place, motor vehicle, or within curtilage of any residential structure
Possession Limits			
Registered Patient (18 years and older, but can be less than 18)	Not addressed	2.5 oz. useable marihuana and 12 plants*	Not addressed
Registered Caregiver (five patient limit)	Not addressed	2.5 oz. useable marihuana and 12 plants per patient*	Not addressed

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Possession Limits			
Other Persons (21 years and older under MRTMA)	Not addressed	Not permitted	(a) 2.5 oz. of marihuana, of which not more than 15 grams may be concentrate; (b) 10 oz. secured within one's residence; (c) any amount produced by plants cultivated on the premises; and (d) 12 plants
Inconsistent Terms			
Licensed marihuana businesses	marihuana facility	Not addressed	marihuana establishment
Equipment to grow, process or use marihuana	paraphernalia	Not addressed	marihuana accessories
Business that sells marihuana	provisioning center	Not addressed	marihuana retailer
Certain parts of marihuana plant	Usable marihuana and usable marihuana equivalencies		Term not used
Marihuana-infused products	Excludes products consumed by smoking; exempts products from food law		Does not exclude products consumed by smoking or provide food law exemption
Enclosed, locked facility	Not addressed	Specifically defined to address a structure, an outdoor grow area, and motor vehicles	Container or area within a person's residence equipped with locks or other functioning security device that restricts access to the area or container's contents
Limitations on scope of local regulation	Purity, pricing or conflict with MMFLA or LARA rules	Not addressed	"Unreasonably Impracticable" or conflict with MRTMA or LARA rules

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Inconsistent Terms			
Property rights	License is a revocable privilege, not a property right; facilities subject to inspection and examination without a warrant	Not addressed	Not addressed
Zoning	Municipalities specifically authorized to zone, but growers limited to industrial, agricultural or unzoned areas	Municipalities may not limit caregiver operations to residential districts as a “home occupation” <i>Deruiter v Byron Twp.</i> (July 2018) and <i>Ypsilanti Twp. v. Pontius</i> (Oct. 2018)	Municipal regulation limited to: (a) reasonable sign restrictions; (b) time, place and manner of operation of marihuana establishments and the production, manufacture, sale and display of marihuana accessories; and (c) authorizing sale of marihuana for consumption in designated areas or at special events
License eligibility			
Elected officials and governmental employees	Not eligible	Not addressed	Not addressed
Felony or controlled substance felony within past 10 years or misdemeanor conviction for controlled substance violation or dishonesty theft or fraud within past five years	Not eligible	Not addressed	A prior conviction for a marihuana-related offense does not disqualify an individual unless offense involved distribution of a controlled substance to a minor
Taxation	3 percent on gross retail receipts of provisioning centers	Not addressed	10 percent on sales price for marihuana sold or transferred by marihuana retailers and micro businesses

Excerpted from “Recreational Marihuana Proposition,” a white paper by Kalamazoo City Attorney Clyde Robinson. The full paper is available at www.mml.org.