

Legislative Analysis



MARIJUANA POSSESSION AND CULTIVATION AMOUNTS

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<http://www.house.mi.gov/hfa>

House Bill 5107 as introduced
Sponsor: Rep. Mike Hoadley
Committee: Regulatory Reform
Complete to 10-22-25

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

House Bill 5107 would amend the Michigan Regulation and Taxation of Marihuana Act, which regulates adult-use marijuana, to change the amount of marijuana a person who is 21 or older is allowed by law to possess or cultivate, as applicable.¹

Generally, under current law and the bill, a person 21 or older may possess, use or consume, internally possess, purchase, transport, or process up to 2.5 ounces of marijuana, except that not more than 15 grams of marijuana may be in the form of marijuana concentrate (resin).² A person 21 or over also can give those amounts for free to another person 21 or older.

The bill would change amounts allowed *within a person's residence*, notably by adding limits to the amount that can be in the form of marijuana concentrate, as shown in the table below.

Current law (<i>A person 21 or older may...</i>)	HB 5107 (<i>A person 21 or older may...</i>)
Possess, store, and process up to 10 ounces of marijuana	Possess, store, and process up to 10 ounces of marijuana, <i>except that not more than 200 grams of the marijuana may be in the form of marijuana concentrate</i>
Possess, store, and process any marijuana produced by marijuana plants cultivated on the premises, as long as no more than 12 marijuana plants are possessed, cultivated, or processed on the premises at the same time	Possess, store, and process <i>up to 2.5 kilograms</i> of marijuana produced by marijuana plants cultivated on the premises, <i>except that not more than 200 grams of the marijuana may be in the form of marijuana concentrate</i>
Cultivate up to 12 marijuana plants for personal use, as long as no more than 12 marijuana plants are possessed, cultivated, or processed on the premises at the same time	Cultivate up to 12 marijuana plants for personal use, as long as no more than 12 marijuana plants are possessed, cultivated, or processed on the premises at the same time [same as current law]

¹ As a point of reference, amounts specified in the bill convert as follows: 2.5 ounces is about 70.9 grams, 10 ounces is about 283.5 grams, 15 grams is about half (0.53) of an ounce, 200 grams is about 7.1 ounces, 1 kilogram is about 2.2 pounds (35.3 ounces), 2.5 kilograms is about 5.5 pounds (88.2 ounces), and 10 kilograms is about 22 pounds.

² "Marijuana concentrates are simply the concentrated resins from the marijuana plant. Marijuana oils, concentrates, and extracts are all umbrella terms under which there are a host of different product types. Concentrates may be smoked, vaporized, or ingested. The most common types of marijuana concentrates are tinctures, capsules, vaporizer cartridges, hash, shatters, and waxes, though there are many additional names and specifications." Quoted from p. 2: <https://www.michigan.gov/-/media/Project/Websites/cra/consumer-connection/2021-lara-child-marijuana-brochure-APPROVED.pdf>

In addition, the act now provides that a person who does any of the following is responsible for a misdemeanor (but is not subject to imprisonment unless the violation involved violence or was habitual, willful, and for a commercial purpose):

- Possesses more than twice the amount of marijuana allowed as described above.
- Cultivates more than twice the amount of marijuana allowed as described above.
- Gives away more than twice the amount of marijuana allowed as described above.

Under the bill, a person who does any of the following would be responsible for a misdemeanor (but would not be subject to imprisonment unless the violation involved violence or was habitual, willful, and for a commercial purpose):

- Possesses more than twice the amount of marijuana allowed as described above, but less than 10 kilograms of marijuana or less than one kilogram of marijuana concentrate.
- Cultivates more than twice the amount of marijuana allowed as described above, but fewer than 50 marijuana plants.
- Gives away more than twice the amount of marijuana allowed as described above.

Under both current law and the bill, the above provisions do not apply to a person who engaged in any of the following:

- Transferring marijuana or marijuana accessories to a person under the age of 21.
- If under the age of 21, possessing, consuming, purchasing or otherwise obtaining, cultivating, processing, transporting, or selling marijuana.
- Consuming or being under the influence of marijuana while operating, navigating, or being in physical control of any motor vehicle, aircraft, snowmobile, off-road recreational vehicle, or motorboat.
- Smoking marijuana in the passenger area of a vehicle on a public way.
- Consuming marijuana in a public place or smoking marijuana where prohibited by the person who owns, occupies, or manages the property. (However, an area designated for consumption in a municipality that has authorized consumption in designated areas not accessible to a person under the age of 21 does not count as a public place.)
- Possessing marijuana accessories or possessing or consuming marijuana in the following places:
 - On the grounds of a school where children attend classes in preschool programs, kindergarten programs, or grades 1 through 12, or in a school bus.
 - On the grounds of a correctional facility.
- Possessing more than 2.5 ounces of marijuana within a person's place of residence, unless the excess marijuana is stored in a container or area equipped with locks or other functioning security devices that restrict access to the contents of the container or area.
- Cultivating marijuana plants that are visible from a public place without the use of binoculars, aircraft, or other optical aids or outside of an enclosed area equipped with locks or other functioning security devices that restrict access to the area.
- Separating plant resin by butane extraction or another method that uses a substance with a flashpoint below 100 degrees Fahrenheit in a public place, a motor vehicle, or within the curtilage of a residential structure.

MCL 333.27955 and 333.27965

The bill cannot take effect unless HB 5105 is also enacted. That bill would amend the Public Health Code to change penalties for marijuana manufacture, delivery, or possession with intent.

FISCAL IMPACT:

House Bill 5107 could have an indeterminate fiscal impact on the state and on local units of government. Under the bill, a person who possesses more than two times the amount of marijuana allowed but less than 10 kilograms or less than one kilogram of marijuana concentrate, or who cultivates more the two times the amount of marijuana allowed but fewer than 50 plants, would be responsible for a misdemeanor but would not be subject to imprisonment unless the violation was habitual, willful, and for a commercial purpose or the violation involved violence. Misdemeanor convictions resulting in a jail sentence would increase costs related to county jails and/or local misdemeanor probation supervision. Costs of local incarceration in county jails and local misdemeanor probation supervision, and how those costs are financed, vary by jurisdiction.

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations and does not constitute an official statement of legislative intent.