

## Article XVII. Controlled Substances and Related Offenses

- 17.01. Limitations of This Section. Nothing in this act shall be construed to authorize:
- a. operating, navigating, or being in physical control of any vehicle whether on or off road while under the influence of marijuana or any marijuana infused product;
  - b. the giving, transferring, or sale of marijuana or a marijuana infused product to any person under the age of twenty-one (21).
  - c. the possession, consumption, purchase, cultivation, processing transportation, or sale of marijuana or any marijuana infused product by any person under the age of twenty-one (21);
  - d. cultivating, processing, or manufacturing marijuana or any marijuana infused product in any tribally owned housing;
  - e. the consumption, of marijuana or any marijuana infused production in any public place. For purposes of this subsection, a public place includes without limitation, any school or park, church, or ceremonial ground;
  - f. possessing more than two and one half (2.5) ounces of marijuana within a person's place of residence

### 17.02. Definitions

- a. *Chemical Agent* means any substance containing a toxic chemical, organic solvent, or both, having the property of releasing toxic vapors. The term includes but is not limited to glue, acetone, toluene, carbon tetrachloride, hydrocarbons and hydrocarbon derivatives.
- b. *Marijuana* shall mean a plant of the genus Cannabis, whether growing or not, and also including: the seeds and any other parts thereof; a concentrate made therefrom.
- c. *Marijuana infused product* a product with a THC concentration of more than three tenths of a percent (0.3%) on a dry-weight or per volume basis in its final form.

### 17.02. Furnishing of Marijuana.

- a. *Offense.* A person commits the offense of furnishing of marijuana: *i.* if he knowingly furnishes, sells, or trades marijuana, or any portion of the plant cannabis sativa L., in an amount greater than two and a half (2.5) ounces; or any topical formulation, tincture, beverage, edible substance, or similar product containing marijuana and other ingredients that is intended for human consumption, and which contains a measurable amount of THC *ii.* if he knowingly furnishes, sells, or trades any measurable quantity of marijuana, or any portion of the plant cannabis sativa L., any topical formulation tincture, beverage, or edible substance containing a measurable amount of THC to a person under the age of twenty-one (21).
- b. *Penalty.* A person convicted of the offense of furnishing marijuana may be sentenced to imprisonment for a period of up to one (1) year in prison, fines up to three thousand dollars (\$3,000.00), or both.

### 17.03. Possession of Marijuana with Intent to Furnish

- a. *Offense.* A person commits the offense of possession of marijuana with intent to furnish if he knowingly possesses, manufactures, transports, or cultivates an amount of marijuana greater than the following: two and a half (2.5) ounces of marijuana; fifteen (15) grams of marijuana infused product which is not contained in a sealed and labelled package with the weight of the marijuana or marijuana infused product clearly listed on the label in ounces, along with the name of the manufacturer, the date of manufacture, and from whom the product was received; ii) manufactures or cultivates an amount of marijuana greater than the following: two and a half (2.5) ounces of marijuana; fifteen (15) grams of marijuana infused product; or more than twelve (12) marijuana plants without a license from the Band which authorizes such activity; iii) possesses an amount of marijuana greater than two and a half (2.5) ounces but less than ten (10) ounces in their home and which is not stored in a secured, locked container; or, iv) possesses an amount of marijuana greater than ten (10) ounces in their home regardless of how it is kept, or cultivates more than twelve (12) plants in their home.
- b. *Penalty.* A person convicted of the offense of possession of marijuana with intent to furnish may be sentenced to imprisonment for a period not to exceed three months, or a fine not to exceed five thousand dollars (\$5,000.00), or both.

**Formatted:** Keep with next, Keep lines together

**Commented [RJF1]:** Include language allowing up to 10 ounces if it is held in a locked container within the home.

#### 17.04. *Possession or furnishing of Controlled Substances.*

- a. *Offense.* A person commits the offense of possession or furnishing of controlled substances, if they (i) being over the age of twenty-one (21) knowingly possesses, manufactures, transports, sells, consumes, uses, cultivates, or trades in any drug or other substances other than marijuana, identified or defined as a “controlled substance” under the provisions of M.C.L. Section 333.7212 and Section 333.7214; or (ii) being under the age of twenty-one (21) knowingly possesses, manufactures, transports, sells, consumes, uses, cultivates, or trades in any drug or other substances identified or defined as a “controlled substance” under the provisions of M.C.L. Section 333.7212 and Section 333.7214, or a measurable quantity of marijuana, or any portion of the plant cannabis sativa L., or any topical formulation, tincture, beverage, edible substance, or similar product containing marijuana and other ingredients that is intended for human consumption, and which contains a measurable amount of THC.
- b. *Penalty.* A person convicted of the offense of possession or furnishing of controlled substances may be sentenced to imprisonment for a period not to exceed one year or a fine not to exceed five thousand dollars (\$5,000.00), or both.

#### 17.05. *Inhaling Chemical Agents.*

- a. *Offense.* A person commits the offense of inhaling a chemical agent, if they, for the purpose of causing a condition of intoxication, euphoria, excitement, stupefaction, or dulling of the senses, intentionally smell or inhale the fumes of any chemical agent. This shall not prohibit the inhalation of any anesthesia for medical or dental purposes,

nor the use of any e-cigarette or similar device intended to be used for the inhalation of tobacco products.

- b. *Penalty.* A person convicted of inhaling a chemical agent may be sentenced to imprisonment for a period not to exceed six (6) months, or a fine not to exceed two thousand dollars (\$2,000.00), or both.