



# MICHIGAN REGULATION & TAXATION OF MARIHUANA ACT (MRTMA)

## Penalty Chart - MCL 333.27965

Updated: 4/08/19

### MCL 333.27965.1

#### A Person Who is 21 Years of Age or Older:

- Possesses
- Cultivates
- Delivers w/o receiving any remuneration to 21 or older
- Possesses with intent to deliver

NOT MORE THAN 2.5 OUNCES OR 12 PLANTS

### CIVIL INFRACTION

\$100 FINE AND FORFEITURE OF MARIHUANA; INCLUDING THE FOLLOWING CIVIL INFRACTIONS:

**(4)(I)(e):** Consuming marihuana in a public place or smoking where prohibited by the person who owns, occupies, or manages the property

**(4)(I)(f):** Cultivating marihuana plants if the plants are visible from a public place with the naked eye outside of a locked enclosed area or other security devices that restrict access to the area in question

**(4)(I)(i):** Possessing more than 2.5 ounces of marihuana within the person's place of residence unless excess marihuana is stored

UNLESS A VIOLATION OF THE FOLLOWING SECTIONS UNDER MCL 333.21954:

**(4)(I)(a):** Under the influence of marihuana  
[MCL 257.625 -misdemeanor, 93 days]

**(4)(I)(b):** Transfer of marihuana to a person under 21 yoa  
[MCL 333.7401(2)(d) - felony, 4 years]

**(4)(I)(c):** Any person under 21 yoa to consume, purchase, obtain, cultivate, process, transport, or sell marihuana

[MCL 333.7404(2)(d) - misdemeanor, 90 Days; or MCL 333.7401(2)(d) - felony, 4 years]

**(4)(I)(d):** Separation of plant resin by butane extraction in any public place, motor vehicle, within the curtilage of any residential structure  
[MCL 333.7401(2)(d)(iii) - felony, 4 years]

**(4)(I)(g):** Consuming marihuana while operating any vehicle on land, air or water or smoking within the passenger area of any vehicle upon or in public ways  
[MCC 333.7404(2)(d) - misdemeanor, 90 days]

**(4)(I)(h):** Possessing or Consuming marihuana on public or private school property [MCL 333.7403(2)(d) - high court misdemeanor, 2 years; or on any correctional facility grounds [MCL 800.281(3) - felony, 5 years]

### MCL 333.27965.3

#### A Person Who is Under 18 or 21 Years of Age:

- Possesses not more than 2.5 ounces or
- Cultivates not more than 12 plants

### CIVIL INFRACTION

For the following offenses under MCL 333.27954, Civil Infractions:

➤ (I)(b)   ➤ (I)(c)   ➤ (I)(e)   ➤ (I)(f)   ➤ (I)(h)   ➤ (I)(i)

FIRST VIOLATION: Civil Infraction; fine or community service; and forfeiture of marihuana

SECOND VIOLATION: Civil Infraction; fine or community service; and forfeiture of marihuana

UNLESS A VIOLATION OF THE FOLLOWING SECTIONS UNDER MCL 333.27954:

**(4)(I)(a):** Under the influence of marihuana  
[MCL 257.625 - misdemeanor, 93 days]

**(4)(I)(d):** Separation of plant resin by butane extraction in any public place, motor vehicle, within the curtilage of any residential structure  
[MCL 333.7401(2)(d)(iii) - felony, 4 years]

**(4)(I)(g):** Consuming marihuana while operating any vehicle on land, air or water or smoking within the passenger area of any vehicle upon or in public ways  
[MCC 333.7404(2)(d) - misdemeanor, 90 days]

### MCL 333.27965.2

#### A Person:

- Possesses
- Cultivates
- Delivers w/o receiving any remuneration to 21 or older
- Possesses with intent to deliver > 2.5 ounces but < 5 ounces

NOT MORE THAN 2.5 OUNCES OR 12 PLANTS BUT LESS THAN 5 OUNCES OR 24 PLANTS

### CIVIL INFRACTION / MISDEMEANOR

FIRST VIOLATION: Civil Infraction; fine of not more than \$500; and forfeiture of marihuana

SECOND VIOLATION: Civil Infraction; fine of not more than \$1000; and forfeiture of marihuana

THIRD OR SUBSEQUENT VIOLATION: Misdemeanor; fine of not more than \$2000; and forfeiture of marihuana

UNLESS A VIOLATION OF ANY OF THE FOLLOWING SECTIONS UNDER MCL 333.27954:

**(4)(I)(a):** Under the influence of marihuana  
[MCL 257.625 - misdemeanor, 93 days]

**(4)(I)(b):** Transfer of marihuana to a person under 21 yoa  
[MCL 333.7401(2)(d) - felony, 4 years]

**(4)(I)(c):** Any person under 21 yoa to possess, consume, purchase, obtain, cultivate, process, transport, or sell marihuana  
[MCL 333.7403(2)(d) - misdemeanor, 1 year; or MCL 333.7404(2)(d) - misdemeanor, 90 Days; or MCL 333.7401(2)(d) - felony, 4 years]

**(4)(I)(d):** Separation of plant resin by butane extraction in any public place, motor vehicle, within the curtilage of any residential structure  
[MCL 333.7401(2)(d)(iii) - felony, 4 years]

**(4)(I)(e):** Consuming or smoking marihuana in a public place where prohibited by the owner, occupier, or manager of the property  
[MCL 333.7404(2)(d) - misdemeanor, 90 days]

**(4)(I)(f):** Cultivating marihuana plants if the plants are visible from a public place with the naked eye outside of a locked enclosed area or other security devices that restrict access to the area in question  
(MCL 333.7401 - felony, 4, 7, 15 years depending on the number of plants)

**(4)(I)(g):** Consuming marihuana while operating any vehicle on land, air or water or smoking within the passenger area of any vehicle upon or in public ways  
(MCL 333.7404(2)(d) - misdemeanor, 90 days)

**(4)(I)(h):** Possessing or Consuming marihuana on public or private school property [MCL 333.7403(2)(d) - high court misdemeanor, 2 years; or on any correctional facility grounds [MCL 800.281(3) - felony, 5 years]

**(4)(I)(i):** Possessing more than 2.5 ounces of marihuana within the person's place of residence unless the excess marihuana is stored (MCL 333.7403(2)(d)) 1 year misdemeanor

### MCL 333.27965.4

#### A Person:

- Possesses
- Cultivates
- Delivers w/o receiving any remuneration to 21 or older

MORE THAN 5 OUNCES OR 24 PLANTS

### MISDEMEANOR

Misdemeanor (90 Days); not subject to imprisonment unless violation was habitual, willful, for a commercial purpose or the violation involved violence

UNLESS A VIOLATION OF ANY OF THE SECTIONS UNDER MCL 333.27954  
(see above)