

SUBSTITUTE FOR  
HOUSE BILL NO. 4210

(As amended September 8, 2016)

A bill to amend 2008 IL 1, entitled  
"Michigan medical marihuana act,"  
by amending sections 3, 4, 6, and 7 (MCL 333.26423, 333.26424,  
333.26426, and 333.26427), sections 3 and 4 as amended by 2012 PA  
512 and section 6 as amended by 2012 PA 514, and by adding sections  
4a and 4b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

<<TITLE

an initiation of legislation to allow under state law the medical use  
of marihuana; to provide protections for the medical use of marihuana; to  
provide for a system of registry identification cards for qualifying  
patients and primary caregivers; to impose a fee for registry application  
and renewal; **to make an appropriation**; to provide for the promulgation of  
rules; to provide for the administration of this act; to provide for  
enforcement of this act; to provide for affirmative defenses; and to provide  
for penalties for violations of this act.>>

1 3. Definitions.

2 Sec. 3. As used in this act:

3 (a) "Bona fide physician-patient relationship" means a  
4 treatment or counseling relationship between a physician and  
5 patient in which all of the following are present:

6 (1) The physician has reviewed the patient's relevant medical

1 records and completed a full assessment of the patient's medical  
2 history and current medical condition, including a relevant, in-  
3 person, medical evaluation of the patient.

4 (2) The physician has created and maintained records of the  
5 patient's condition in accord with medically accepted standards.

6 (3) The physician has a reasonable expectation that he or she  
7 will provide follow-up care to the patient to monitor the efficacy  
8 of the use of medical marihuana as a treatment of the patient's  
9 debilitating medical condition.

10 (4) If the patient has given permission, the physician has  
11 notified the patient's primary care physician of the patient's  
12 debilitating medical condition and certification for the **MEDICAL**  
13 use of ~~medical~~-marihuana to treat that condition.

14 (b) "Debilitating medical condition" means 1 or more of the  
15 following:

16 (1) Cancer, glaucoma, positive status for human  
17 immunodeficiency virus, acquired immune deficiency syndrome,  
18 hepatitis C, amyotrophic lateral sclerosis, Crohn's disease,  
19 agitation of Alzheimer's disease, nail patella, or the treatment of  
20 these conditions.

21 (2) A chronic or debilitating disease or medical condition or  
22 its treatment that produces 1 or more of the following: cachexia or  
23 wasting syndrome; severe and chronic pain; severe nausea; seizures,  
24 including but not limited to those characteristic of epilepsy; or  
25 severe and persistent muscle spasms, including but not limited to  
26 those characteristic of multiple sclerosis.

27 (3) Any other medical condition or its treatment approved by

1 the department, as provided for in section 6(k).

2 (c) "Department" means the department of licensing and  
3 regulatory affairs.

4 (d) "Enclosed, locked facility" means a closet, room, or other  
5 comparable, stationary, and fully enclosed area equipped with  
6 secured locks or other functioning security devices that permit  
7 access only by a registered primary caregiver or registered  
8 qualifying patient. Marihuana plants grown outdoors are considered  
9 to be in an enclosed, locked facility if they are not visible to  
10 the unaided eye from an adjacent property when viewed by an  
11 individual at ground level or from a permanent structure and are  
12 grown within a stationary structure that is enclosed on all sides,  
13 except for the base, by chain-link fencing, wooden slats, or a  
14 similar material that prevents access by the general public and  
15 that is anchored, attached, or affixed to the ground; located on  
16 land that is owned, leased, or rented by either the registered  
17 qualifying patient or a person designated through the departmental  
18 registration process as the primary caregiver for the registered  
19 qualifying patient or patients for whom the marihuana plants are  
20 grown; and equipped with functioning locks or other security  
21 devices that restrict access to only the registered qualifying  
22 patient or the registered primary caregiver who owns, leases, or  
23 rents the property on which the structure is located. Enclosed,  
24 locked facility includes a motor vehicle if both of the following  
25 conditions are met:

26 (1) The vehicle is being used temporarily to transport living  
27 marihuana plants from 1 location to another with the intent to

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1 permanently retain those plants at the second location.

2 (2) An individual is not inside the vehicle unless he or she  
3 is either the registered qualifying patient to whom the living  
4 marihuana plants belong or the individual designated through the  
5 departmental registration process as the primary caregiver for the  
6 registered qualifying patient.

7 (e) "Marihuana" means that term as defined in section 7106 of  
8 the public health code, 1978 PA 368, MCL 333.7106.

9 (F) "MARIHUANA-INFUSED PRODUCT" MEANS A TOPICAL FORMULATION,  
10 TINCTURE, BEVERAGE, EDIBLE SUBSTANCE, OR SIMILAR PRODUCT CONTAINING  
11 ANY USABLE MARIHUANA THAT IS INTENDED FOR HUMAN CONSUMPTION IN A  
12 MANNER OTHER THAN SMOKE INHALATION. MARIHUANA-INFUSED PRODUCT SHALL  
13 NOT BE CONSIDERED A FOOD FOR PURPOSES OF THE FOOD LAW, 2000 PA 92,  
14 MCL 289.1101 TO 289.8111.

<<(G) "MARIHUANA PLANT" MEANS ANY PLANT OF THE SPECIES CANNABIS  
SATIVA L.

15 (H)>> ~~(f)~~—"Medical use OF MARIHUANA" means the acquisition,  
16 possession, cultivation, manufacture, **EXTRACTION**, use, internal  
17 possession, delivery, transfer, or transportation of marihuana,  
18 **MARIHUANA-INFUSED PRODUCTS**, or paraphernalia relating to the  
19 administration of marihuana to treat or alleviate a registered  
20 qualifying patient's debilitating medical condition or symptoms  
21 associated with the debilitating medical condition.

22 <<(I)>> ~~(g)~~—"Physician" means an individual licensed as a  
23 physician under ~~Part~~**PART** 170 of the public health code, 1978 PA  
24 368, MCL 333.17001 to 333.17084, or an osteopathic physician under  
25 ~~Part~~**PART** 175 of the public health code, 1978 PA 368, MCL 333.17501  
26 to 333.17556.

<<(J)"PLANT" MEANS ANY LIVING ORGANISM THAT PRODUCES ITS OWN FOOD  
THROUGH PHOTOSYNTHESIS AND HAS OBSERVABLE ROOT FORMATION OR IS IN GROWTH  
MATERIAL.

27 <<(K)>> ~~(h)~~—"Primary caregiver" or "caregiver" means a person who

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1 is at least 21 years old and who has agreed to assist with a  
 2 patient's medical use of marihuana and who has not been convicted  
 3 of any felony within the past 10 years and has never been convicted  
 4 of a felony involving illegal drugs or a felony that is an  
 5 assaultive crime as defined in section 9a of chapter X of the code  
 6 of criminal procedure, 1927 PA 175, MCL 770.9a.

7       <<(L)>> ~~(i)~~—"Qualifying patient" or "patient" means a person who  
 8 has been diagnosed by a physician as having a debilitating medical  
 9 condition.

10       <<(M)>> ~~(j)~~—"Registry identification card" means a document issued  
 11 by the department that identifies a person as a registered  
 12 qualifying patient or registered primary caregiver.

13       <<(N)>> ~~(k)~~—"Usable marihuana" means the dried leaves, ~~and~~  
 14 flowers, **PLANT RESIN, OR EXTRACT** of the marihuana plant, ~~and any~~  
 15 ~~mixture or preparation thereof,~~ but does not include the seeds,  
 stalks, and roots of the plant.

16       <<(O)>> **"USABLE MARIHUANA EQUIVALENT" MEANS THE AMOUNT OF USABLE**  
 17 **MARIHUANA IN A MARIHUANA-INFUSED PRODUCT THAT IS CALCULATED AS**  
 18 **PROVIDED IN SECTION 4(C) .**

19       <<(P)>> ~~(l)~~—"Visiting qualifying patient" means a patient who is  
 20 not a resident of this state or who has been a resident of this  
 21 state for less than 30 days.

22       <<(Q)>> ~~(m)~~—"Written certification" means a document signed by a  
 23 physician, stating all of the following:

- 24       (1) The patient's debilitating medical condition.  
 25       (2) The physician has completed a full assessment of the  
 26 patient's medical history and current medical condition, including

1 a relevant, in-person, medical evaluation.

2 (3) In the physician's professional opinion, the patient is  
3 likely to receive therapeutic or palliative benefit from the  
4 medical use of marihuana to treat or alleviate the patient's  
5 debilitating medical condition or symptoms associated with the  
6 debilitating medical condition.

7 4. Protections for the Medical Use of Marihuana.

8 Sec. 4. (a) A qualifying patient who has been issued and  
9 possesses a registry identification card ~~shall~~**IS** not ~~be~~ subject to  
10 arrest, prosecution, or penalty in any manner, or denied any right  
11 or privilege, including but not limited to civil penalty or  
12 disciplinary action by a business or occupational or professional  
13 licensing board or bureau, for the medical use of marihuana in  
14 accordance with this act, provided that the qualifying patient  
15 possesses an amount of marihuana that does not exceed **A COMBINED**  
16 **TOTAL OF 2.5 ounces of usable marihuana AND USABLE MARIHUANA**  
17 **EQUIVALENTS**, and, if the qualifying patient has not specified that  
18 a primary caregiver will be allowed under state law to cultivate  
19 marihuana for the qualifying patient, 12 marihuana plants kept in  
20 an enclosed, locked facility. Any incidental amount of seeds,  
21 stalks, and unusable roots shall also be allowed under state law  
22 and shall not be included in this amount. The privilege from arrest  
23 under this subsection applies only if the qualifying patient  
24 presents both his or her registry identification card and a valid  
25 driver license or government-issued identification card that bears  
26 a photographic image of the qualifying patient.

27 (b) A primary caregiver who has been issued and possesses a

1 registry identification card ~~shall~~ **IS** not be subject to arrest,  
2 prosecution, or penalty in any manner, or denied any right or  
3 privilege, including but not limited to civil penalty or  
4 disciplinary action by a business or occupational or professional  
5 licensing board or bureau, for assisting a qualifying patient to  
6 whom he or she is connected through the department's registration  
7 process with the medical use of marihuana in accordance with this  
8 act. The privilege from arrest under this subsection applies only  
9 if the primary caregiver presents both his or her registry  
10 identification card and a valid driver license or government-issued  
11 identification card that bears a photographic image of the primary  
12 caregiver. This subsection applies only if the primary caregiver  
13 possesses ~~an amount of marihuana~~ **IN FORMS AND AMOUNTS** that ~~does~~ **DO**  
14 not exceed **ANY OF THE FOLLOWING:**

15 (1) ~~2.5 ounces of usable marihuana for~~ **FOR** each qualifying  
16 patient to whom he or she is connected through the department's  
17 registration process, ~~and~~ **A COMBINED TOTAL OF 2.5 OUNCES OF**  
18 **USABLE MARIHUANA AND USABLE MARIHUANA EQUIVALENTS.**

19 (2) ~~for~~ **FOR** each registered qualifying patient who has  
20 specified that the primary caregiver will be allowed under state  
21 law to cultivate marihuana for the qualifying patient, 12 marihuana  
22 plants kept in an enclosed, locked facility. ~~and~~

23 (3) ~~any~~ **ANY** incidental amount of seeds, stalks, and unusable  
24 roots.

25 (C) **FOR PURPOSES OF DETERMINING USABLE MARIHUANA EQUIVALENCY,**  
26 **THE FOLLOWING SHALL BE CONSIDERED EQUIVALENT TO 1 OUNCE OF USABLE**  
27 **MARIHUANA:**

(1) 16 OUNCES OF MARIHUANA-INFUSED PRODUCT IF IN A SOLID FORM.

(2) 7 GRAMS OF MARIHUANA-INFUSED PRODUCT IF IN A GASEOUS FORM.

(3) 36 FLUID OUNCES OF MARIHUANA-INFUSED PRODUCT IF IN A  
LIQUID FORM.

(D) ~~(e)~~—A person shall not be denied custody or visitation of a minor for acting in accordance with this act, unless the person's behavior is such that it creates an unreasonable danger to the minor that can be clearly articulated and substantiated.

(E) ~~(d)~~—There ~~shall be~~ **IS** a presumption that a qualifying patient or primary caregiver is engaged in the medical use of marihuana in accordance with this act if the qualifying patient or primary caregiver **COMPLIES WITH BOTH OF THE FOLLOWING:**

(1) ~~is~~ **IS** in possession of a registry identification card. ~~+~~  
~~and~~

(2) ~~is~~ **IS** in possession of an amount of marihuana that does not exceed the amount allowed under this act. The presumption may be rebutted by evidence that conduct related to marihuana was not for the purpose of alleviating the qualifying patient's debilitating medical condition or symptoms associated with the debilitating medical condition, in accordance with this act.

(F) ~~(e)~~—A registered primary caregiver may receive compensation for costs associated with assisting a registered qualifying patient in the medical use of marihuana. Any such compensation ~~shall~~ **DOES** not constitute the sale of controlled substances.

(G) ~~(f)~~—A physician shall not be subject to arrest, prosecution, or penalty in any manner, or denied any right or

1 privilege, including but not limited to civil penalty or  
2 disciplinary action by the Michigan board of medicine, the Michigan  
3 board of osteopathic medicine and surgery, or any other business or  
4 occupational or professional licensing board or bureau, solely for  
5 providing written certifications, in the course of a bona fide  
6 physician-patient relationship and after the physician has  
7 completed a full assessment of the qualifying patient's medical  
8 history, or for otherwise stating that, in the physician's  
9 professional opinion, a patient is likely to receive therapeutic or  
10 palliative benefit from the medical use of marihuana to treat or  
11 alleviate the patient's serious or debilitating medical condition  
12 or symptoms associated with the serious or debilitating medical  
13 condition, provided that nothing shall prevent a professional  
14 licensing board from sanctioning a physician for failing to  
15 properly evaluate a patient's medical condition or otherwise  
16 violating the standard of care for evaluating medical conditions.

17       (H) ~~(g)~~—A person shall not be subject to arrest, prosecution,  
18 or penalty in any manner, or denied any right or privilege,  
19 including but not limited to civil penalty or disciplinary action  
20 by a business or occupational or professional licensing board or  
21 bureau, for providing a registered qualifying patient or a  
22 registered primary caregiver with marihuana paraphernalia for  
23 purposes of a qualifying patient's medical use of marihuana.

24       (I) ~~(h)~~—Any marihuana, marihuana paraphernalia, or licit  
25 property that is possessed, owned, or used in connection with the  
26 medical use of marihuana, as allowed under this act, or acts  
27 incidental to such use, shall not be seized or forfeited.

1       (J) ~~(i)~~—A person shall not be subject to arrest, prosecution,  
2 or penalty in any manner, or denied any right or privilege,  
3 including but not limited to civil penalty or disciplinary action  
4 by a business or occupational or professional licensing board or  
5 bureau, solely for being in the presence or vicinity of the medical  
6 use of marihuana in accordance with this act, or for assisting a  
7 registered qualifying patient with using or administering  
8 marihuana.

9       (K) ~~(j)~~—A registry identification card, or its equivalent,  
10 that is issued under the laws of another state, district,  
11 territory, commonwealth, or insular possession of the United States  
12 that allows the medical use of marihuana by a visiting qualifying  
13 patient, or to allow a person to assist with a visiting qualifying  
14 patient's medical use of marihuana, shall have the same force and  
15 effect as a registry identification card issued by the department.

16       (L) ~~(k)~~—Any registered qualifying patient or registered  
17 primary caregiver who sells marihuana to someone who is not allowed  
18 ~~to use marihuana for medical purposes~~ **THE MEDICAL USE OF MARIHUANA**  
19 under this act shall have his or her registry identification card  
20 revoked and is guilty of a felony punishable by imprisonment for  
21 not more than 2 years or a fine of not more than \$2,000.00, or  
22 both, in addition to any other penalties for the distribution of  
23 marihuana.

24       (M) **A PERSON SHALL NOT BE SUBJECT TO ARREST, PROSECUTION, OR**  
25 **PENALTY IN ANY MANNER OR DENIED ANY RIGHT OR PRIVILEGE, INCLUDING,**  
26 **BUT NOT LIMITED TO, CIVIL PENALTY OR DISCIPLINARY ACTION BY A**  
27 **BUSINESS OR OCCUPATIONAL OR PROFESSIONAL LICENSING BOARD OR BUREAU,**

1 FOR MANUFACTURING A MARIHUANA-INFUSED PRODUCT IF THE PERSON IS ANY  
2 OF THE FOLLOWING:

3 (1) A REGISTERED QUALIFYING PATIENT, MANUFACTURING FOR HIS OR  
4 HER OWN PERSONAL USE.

5 (2) A REGISTERED PRIMARY CAREGIVER, MANUFACTURING FOR THE USE  
6 OF A PATIENT TO WHOM HE OR SHE IS CONNECTED THROUGH THE  
7 DEPARTMENT'S REGISTRATION PROCESS.

8 (N) A QUALIFYING PATIENT SHALL NOT TRANSFER A MARIHUANA-  
9 INFUSED PRODUCT OR MARIHUANA TO ANY INDIVIDUAL.

10 (O) A PRIMARY CAREGIVER SHALL NOT TRANSFER A MARIHUANA-INFUSED  
11 PRODUCT TO ANY INDIVIDUAL WHO IS NOT A QUALIFYING PATIENT TO WHOM  
12 HE OR SHE IS CONNECTED THROUGH THE DEPARTMENT'S REGISTRATION  
13 PROCESS.

14 SEC. 4A. (1) THIS SECTION DOES NOT APPLY UNLESS THE MEDICAL  
15 MARIHUANA FACILITIES LICENSING ACT IS ENACTED.

16 (2) A REGISTERED QUALIFYING PATIENT OR REGISTERED PRIMARY  
17 CAREGIVER SHALL NOT BE SUBJECT TO ARREST, PROSECUTION, OR PENALTY  
18 IN ANY MANNER, OR DENIED ANY RIGHT OR PRIVILEGE, INCLUDING, BUT NOT  
19 LIMITED TO, CIVIL PENALTY OR DISCIPLINARY ACTION BY A BUSINESS OR  
20 OCCUPATIONAL OR PROFESSIONAL LICENSING BOARD OR BUREAU, FOR ANY OF  
21 THE FOLLOWING:

22 (A) TRANSFERRING OR PURCHASING MARIHUANA IN AN AMOUNT  
23 AUTHORIZED BY THIS ACT FROM A PROVISIONING CENTER LICENSED UNDER  
24 THE MEDICAL MARIHUANA FACILITIES LICENSING ACT.

25 (B) TRANSFERRING OR SELLING MARIHUANA SEEDS OR SEEDLINGS TO A  
26 GROWER LICENSED UNDER THE MEDICAL MARIHUANA FACILITIES LICENSING  
27 ACT.

1 (C) TRANSFERRING MARIHUANA FOR TESTING TO AND FROM A SAFETY  
2 COMPLIANCE FACILITY LICENSED UNDER THE MEDICAL MARIHUANA FACILITIES  
3 LICENSING ACT.

4 SEC. 4B. (1) EXCEPT AS PROVIDED IN SUBSECTIONS (2) TO (4), A  
5 QUALIFYING PATIENT OR PRIMARY CAREGIVER SHALL NOT TRANSPORT OR  
6 POSSESS A MARIHUANA-INFUSED PRODUCT IN OR UPON A MOTOR VEHICLE.

7 (2) THIS SECTION DOES NOT PROHIBIT A QUALIFYING PATIENT FROM  
8 TRANSPORTING OR POSSESSING A MARIHUANA-INFUSED PRODUCT IN OR UPON A  
9 MOTOR VEHICLE IF THE MARIHUANA-INFUSED PRODUCT IS IN A SEALED AND  
10 LABELED PACKAGE THAT IS CARRIED IN THE TRUNK OF THE VEHICLE OR, IF  
11 THE VEHICLE DOES NOT HAVE A TRUNK, IS CARRIED SO AS NOT TO BE  
12 READILY ACCESSIBLE FROM THE INTERIOR OF THE VEHICLE. THE LABEL MUST  
13 STATE THE WEIGHT OF THE MARIHUANA-INFUSED PRODUCT IN OUNCES, NAME  
14 OF THE MANUFACTURER, DATE OF MANUFACTURE, NAME OF THE PERSON FROM  
15 WHOM THE MARIHUANA-INFUSED PRODUCT WAS RECEIVED, AND DATE OF  
16 RECEIPT.

17 (3) THIS SECTION DOES NOT PROHIBIT A PRIMARY CAREGIVER FROM  
18 TRANSPORTING OR POSSESSING A MARIHUANA-INFUSED PRODUCT IN OR UPON A  
19 MOTOR VEHICLE IF THE MARIHUANA-INFUSED PRODUCT IS ACCOMPANIED BY AN  
20 ACCURATE MARIHUANA TRANSPORTATION MANIFEST AND ENCLOSED IN A CASE  
21 CARRIED IN THE TRUNK OF THE VEHICLE OR, IF THE VEHICLE DOES NOT  
22 HAVE A TRUNK, IS ENCLOSED IN A CASE AND CARRIED SO AS NOT TO BE  
23 READILY ACCESSIBLE FROM THE INTERIOR OF THE VEHICLE. THE MANIFEST  
24 FORM MUST STATE THE WEIGHT OF EACH MARIHUANA-INFUSED PRODUCT IN  
25 OUNCES, NAME AND ADDRESS OF THE MANUFACTURER, DATE OF MANUFACTURE,  
26 DESTINATION NAME AND ADDRESS, DATE AND TIME OF DEPARTURE, ESTIMATED  
27 DATE AND TIME OF ARRIVAL, AND, IF APPLICABLE, NAME AND ADDRESS OF

1 THE PERSON FROM WHOM THE PRODUCT WAS RECEIVED AND DATE OF RECEIPT.

2 (4) THIS SECTION DOES NOT PROHIBIT A PRIMARY CAREGIVER FROM  
3 TRANSPORTING OR POSSESSING A MARIHUANA-INFUSED PRODUCT IN OR UPON A  
4 MOTOR VEHICLE FOR THE USE OF HIS OR HER CHILD, SPOUSE, OR PARENT  
5 WHO IS A QUALIFYING PATIENT IF THE MARIHUANA-INFUSED PRODUCT IS IN  
6 A SEALED AND LABELED PACKAGE THAT IS CARRIED IN THE TRUNK OF THE  
7 VEHICLE OR, IF THE VEHICLE DOES NOT HAVE A TRUNK, IS CARRIED SO AS  
8 NOT TO BE READILY ACCESSIBLE FROM THE INTERIOR OF THE VEHICLE. THE  
9 LABEL MUST STATE THE WEIGHT OF THE MARIHUANA-INFUSED PRODUCT IN  
10 OUNCES, NAME OF THE MANUFACTURER, DATE OF MANUFACTURE, NAME OF THE  
11 QUALIFYING PATIENT, AND, IF APPLICABLE, NAME OF THE PERSON FROM  
12 WHOM THE MARIHUANA-INFUSED PRODUCT WAS RECEIVED AND DATE OF  
13 RECEIPT.

14 (5) FOR PURPOSES OF DETERMINING COMPLIANCE WITH QUANTITY  
15 LIMITATIONS UNDER SECTION 4, THERE IS A REBUTTABLE PRESUMPTION THAT  
16 THE WEIGHT OF A MARIHUANA-INFUSED PRODUCT LISTED ON ITS PACKAGE  
17 LABEL OR ON A MARIHUANA TRANSPORTATION MANIFEST IS ACCURATE.

18 (6) A QUALIFYING PATIENT OR PRIMARY CAREGIVER WHO VIOLATES  
19 THIS SECTION IS RESPONSIBLE FOR A CIVIL FINE OF NOT MORE THAN  
20 \$250.00.

21 6. Administering the Department's Rules.

22 Sec. 6. (a) The department shall issue registry identification  
23 cards to qualifying patients who submit the following, in  
24 accordance with the department's rules:

25 (1) A written certification;

26 (2) Application or renewal fee;

27 (3) Name, address, and date of birth of the qualifying

1 patient, except that if the applicant is homeless, no address is  
2 required;

3 (4) Name, address, and telephone number of the qualifying  
4 patient's physician;

5 (5) Name, address, and date of birth of the qualifying  
6 patient's primary caregiver, if any;

7 (6) Proof of Michigan residency. For the purposes of this  
8 subdivision, a person shall be considered to have proved legal  
9 residency in this state if any of the following apply:

10 (i) The person provides a copy of a valid, lawfully obtained  
11 Michigan driver license issued under the Michigan vehicle code,  
12 1949 PA 300, MCL 257.1 to 257.923, or an official state personal  
13 identification card issued under 1972 PA 222, MCL 28.291 to 28.300.

14 (ii) The person provides a copy of a valid Michigan voter  
15 registration.

16 (7) If the qualifying patient designates a primary caregiver,  
17 a designation as to whether the qualifying patient or primary  
18 caregiver will be allowed under state law to possess marihuana  
19 plants for the qualifying patient's medical use.

20 (b) The department shall not issue a registry identification  
21 card to a qualifying patient who is under the age of 18 unless:

22 (1) The qualifying patient's physician has explained the  
23 potential risks and benefits of the medical use of marihuana to the  
24 qualifying patient and to his or her parent or legal guardian;

25 (2) The qualifying patient's parent or legal guardian submits  
26 a written certification from 2 physicians; and

27 (3) The qualifying patient's parent or legal guardian consents

1 in writing to:

2 (A) Allow the qualifying patient's medical use of marihuana;

3 (B) Serve as the qualifying patient's primary caregiver; and

4 (C) Control the acquisition of the marihuana, the dosage, and  
5 the frequency of the medical use of marihuana by the qualifying  
6 patient.

7 (c) The department shall verify the information contained in  
8 an application or renewal submitted pursuant to this section, and  
9 shall approve or deny an application or renewal within 15 business  
10 days of receiving it. The department may deny an application or  
11 renewal only if the applicant did not provide the information  
12 required pursuant to this section, or if the department determines  
13 that the information provided was falsified. Rejection of an  
14 application or renewal is considered a final department action,  
15 subject to judicial review. Jurisdiction and venue for judicial  
16 review are vested in the circuit court for the county of Ingham.

17 (d) The department shall issue a registry identification card  
18 to the primary caregiver, if any, who is named in a qualifying  
19 patient's approved application; provided that each qualifying  
20 patient can have no more than 1 primary caregiver, and a primary  
21 caregiver may assist no more than 5 qualifying patients with their  
22 medical use of marihuana.

23 (e) The department shall issue registry identification cards  
24 within 5 business days of approving an application or renewal,  
25 which shall expire 2 years after the date of issuance. Registry  
26 identification cards shall contain all of the following:

27 (1) Name, address, and date of birth of the qualifying

1 patient.

2 (2) Name, address, and date of birth of the primary caregiver,  
3 if any, of the qualifying patient.

4 (3) The date of issuance and expiration date of the registry  
5 identification card.

6 (4) A random identification number.

7 (5) A photograph, if the department requires one by rule.

8 (6) A clear designation showing whether the primary caregiver  
9 or the qualifying patient will be allowed under state law to  
10 possess the marihuana plants for the qualifying patient's medical  
11 use, which shall be determined based solely on the qualifying  
12 patient's preference.

13 (f) If a registered qualifying patient's certifying physician  
14 notifies the department in writing that the patient has ceased to  
15 suffer from a debilitating medical condition, the card shall become  
16 null and void upon notification by the department to the patient.

17 (g) Possession of, or application for, a registry  
18 identification card shall not constitute probable cause or  
19 reasonable suspicion, nor shall it be used to support the search of  
20 the person or property of the person possessing or applying for the  
21 registry identification card, or otherwise subject the person or  
22 property of the person to inspection by any local, county or state  
23 governmental agency.

24 (h) The following confidentiality rules shall apply:

25 (1) Subject to subdivisions (3) and (4), applications and  
26 supporting information submitted by qualifying patients, including  
27 information regarding their primary caregivers and physicians, are

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1 confidential.

2 (2) The department shall maintain a confidential list of the  
3 persons to whom the department has issued registry identification  
4 cards. Except as provided in subdivisions (3) and (4), individual  
5 names and other identifying information on the list are  
6 confidential and are exempt from disclosure under the freedom of  
7 information act, 1976 PA 442, MCL 15.231 to 15.246.

8 (3) The department shall verify to law enforcement personnel <<AND  
9 TO THE NECESSARY DATABASE CREATED IN THE MARIHUANA TRACKING ACT AS  
10 ESTABLISHED BY THE MEDICAL MARIHUANA FACILITIES LICENSING ACT>>

11 whether a registry identification card is valid, without disclosing  
12 more information than is reasonably necessary to verify the  
13 authenticity of the registry identification card.

14 (4) A person, including an employee, contractor, or official  
15 of the department or another state agency or local unit of  
16 government, who discloses confidential information in violation of  
17 this act is guilty of a misdemeanor, punishable by imprisonment for  
18 not more than 6 months, or a fine of not more than \$1,000.00, or  
19 both. Notwithstanding this provision, department employees may  
20 notify law enforcement about falsified or fraudulent information  
21 submitted to the department.

22 (i) The department shall submit to the legislature an annual  
23 report that does not disclose any identifying information about  
24 qualifying patients, primary caregivers, or physicians, but does  
25 contain, at a minimum, all of the following information:

26 (1) The number of applications filed for registry  
27 identification cards.

(2) The number of qualifying patients and primary caregivers  
approved in each county.

1           (3) The nature of the debilitating medical conditions of the  
2 qualifying patients.

3           (4) The number of registry identification cards revoked.

4           (5) The number of physicians providing written certifications  
5 for qualifying patients.

6           (j) The department may enter into a contract with a private  
7 contractor to assist the department in performing its duties under  
8 this section. The contract may provide for assistance in processing  
9 and issuing registry identification cards, but the department shall  
10 retain the authority to make the final determination as to issuing  
11 the registry identification card. Any contract shall include a  
12 provision requiring the contractor to preserve the confidentiality  
13 of information in conformity with subsection (h).

14           (k) Not later than 6 months after the effective date of the  
15 amendatory act that added this subsection, the department shall  
16 appoint a panel to review petitions to approve medical conditions  
17 or treatments for addition to the list of debilitating medical  
18 conditions under the administrative rules. The panel shall meet at  
19 least twice each year and shall review and make a recommendation to  
20 the department concerning any petitions that have been submitted  
21 that are completed and include any documentation required by  
22 administrative rule.

23           (1) A majority of the panel members shall be licensed  
24 physicians, and the panel shall provide recommendations to the  
25 department regarding whether the petitions should be approved or  
26 denied.

27           (2) All meetings of the panel are subject to the open meetings

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act, 1976 PA 267, MCL 15.261 to 15.275.

(l) The ~~Michigan medical marihuana~~ **REGISTRY** fund is created within the state treasury. All fees collected under this act shall be deposited into the fund. The state treasurer may receive money or other assets from any source for deposit into the fund. The state treasurer shall direct the investment of the fund. The state treasurer shall credit to the fund interest and earnings from fund investments. Money in the fund at the close of the fiscal year shall remain in the fund and shall not lapse to the general fund. The department of licensing and regulatory affairs shall be the administrator of the fund for auditing purposes. The department ~~of licensing and regulatory affairs~~ shall expend money from the fund, upon appropriation, for the operation and oversight of the Michigan medical marihuana program. <<FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2016, \$8,500,000.00 IS APPROPRIATED FROM THE MARIHUANA REGISTRY FUND TO THE DEPARTMENT FOR ITS INITIAL COSTS OF IMPLEMENTING THE MEDICAL MARIHUANA FACILITIES LICENSING ACT AND THE MARIHUANA TRACKING ACT.>>

7. Scope of Act.

Sec. 7. (a) The medical use of marihuana is allowed under state law to the extent that it is carried out in accordance with the provisions of this act.

(b) This act ~~shall~~ **DOES** not permit any person to do any of the following:

(1) Undertake any task under the influence of marihuana, when doing so would constitute negligence or professional malpractice.

(2) Possess marihuana, or otherwise engage in the medical use of marihuana **AT ANY OF THE FOLLOWING LOCATIONS:**

(A) ~~in~~ **IN** a school bus. +

(B) ~~on~~ **ON** the grounds of any preschool or primary or secondary school. +~~or~~

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1 (C) ~~in~~**IN** any correctional facility.

2 (3) Smoke marihuana **AT ANY OF THE FOLLOWING LOCATIONS:**

3 (A) ~~on~~**ON** any form of public transportation. ~~or~~

4 (B) ~~in~~**IN** any public place.

5 (4) Operate, navigate, or be in actual physical control of any  
6 motor vehicle, aircraft, **SNOWMOBILE, OFF-ROAD RECREATIONAL VEHICLE,**  
7 or motorboat while under the influence of marihuana.

8 (5) Use marihuana if that person does not have a serious or  
9 debilitating medical condition.

10 (6) **SEPARATE PLANT RESIN FROM A MARIHUANA PLANT BY BUTANE**  
11 **EXTRACTION <IN ANY PUBLIC PLACE OR MOTOR VEHICLE, OR INSIDE OR WITHIN**  
**THE CURTILAGE OF ANY RESIDENTIAL STRUCTURE.**

(7) **SEPARATE PLANT RESIN FROM A MARIHUANA PLANT BY BUTANE**  
**EXTRACTION IN A MANNER THAT DEMONSTRATES A FAILURE TO EXERCISE**  
**REASONABLE**  
**CARE OR RECKLESS DISREGARD FOR THE SAFETY OF OTHERS.>>**

12 (c) Nothing in this act shall be construed to require **ANY OF**  
13 **THE FOLLOWING:**

14 (1) A government medical assistance program or commercial or  
15 non-profit health insurer to reimburse a person for costs  
16 associated with the medical use of marihuana.

17 (2) An employer to accommodate the ingestion of marihuana in  
18 any workplace or any employee working while under the influence of  
19 marihuana.

20 (d) Fraudulent representation to a law enforcement official of  
21 any fact or circumstance relating to the medical use of marihuana  
22 to avoid arrest or prosecution ~~shall be~~**IS** punishable by a fine of  
23 \$500.00, which ~~shall be~~**IS** in addition to any other penalties that  
24 may apply for making a false statement or for the use of marihuana  
25 other than use undertaken pursuant to this act.

26 (e) All other acts and parts of acts inconsistent with this  
27 act do not apply to the medical use of marihuana as provided for by

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1 this act.

2 Enacting section 1. This amendatory act takes effect 90 days  
3 after the date it is enacted into law.

4 Enacting section 2. This amendatory act clarifies ambiguities  
5 in the law in accordance with the original intent of the people, as  
6 expressed in section 2(b) of the Michigan medical marihuana act,  
7 2008 IL 1, MCL 333.26422:

8 "(b) Data from the Federal Bureau of Investigation Uniform  
9 Crime Reports and the Compendium of Federal Justice Statistics show  
10 that approximately 99 out of every 100 marihuana arrests in the  
11 United States are made under state law, rather than under federal  
12 law. *Consequently, changing state law will have the practical*  
13 *effect of protecting from arrest the vast majority of seriously ill*  
14 *people who have a medical need to use marihuana.*". [Emphasis  
15 added.]

16 This amendatory act is curative and applies retroactively as  
17 to the following: clarifying the quantities and forms of marihuana  
18 for which a person is protected from arrest, precluding an  
19 interpretation of "weight" as aggregate weight, and excluding an  
20 added inactive substrate component of a preparation in determining  
21 the amount of marihuana, medical marihuana, or usable marihuana  
22 that constitutes an offense.<<Retroactive application of this amendatory  
act does not create a cause of action against a law enforcement officer  
or any other state or local governmental officer, employee, department,  
or agency that enforced this act under a good-faith interpretation of its  
provisions at the time of enforcement.>>