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Senate Bill 377 (as introduced 5-12-11)
Sponsor: Senator Darwin L. Booher
Committee: Judiciary

Date Completed: 6-20-11

CONTENT

The bill would amend the Michigan Medical Marihuana Act to require the Department of Licensing and Regulatory Affairs (LARA) to disclose registry information to the Michigan Department of State Police (MSP), and require the MSP to make the information available to State and local police officers.

The Act requires LARA to issue registry identification cards to qualifying patients and primary caregivers who submit certain information in accordance with the Department's rules. (Originally, the initiated law required the Department of Community Health to administer the medical marihuana program, but Executive Order 2011-4 transferred that function to LARA.) A qualifying patient or primary caregiver who has been issued and possesses a registry identification card is not subject to arrest, prosecution, or penalty for the medical use of marihuana if the amount does not exceed quantities specified in the Act and the possession and use of marihuana meet specified standards.

The Act requires LARA to verify to law enforcement personnel whether a registry identification card is valid, without disclosing more information than is reasonably necessary to verify the authenticity of the registry identification card. Under the bill, LARA would have to disclose other registry information to the MSP, as described below. The bill would delete the requirement that LARA not disclose more information than necessary for verification.

The Act requires LARA to issue registry identification cards within five days of approving an application or renewal. Under the bill, within 48 hours after issuing a registry identification card, LARA would have to forward information concerning issuance of the card to the MSP. The MSP would have to make the information available to State and local police officers in a form that allowed immediate access to information necessary to determine whether an individual in custody for possession or distribution of marihuana was a qualifying patient or primary caregiver under the Act.

The Act specifies that, if a registered qualifying patient's certifying physician notifies LARA in writing that the patient has ceased to suffer from a debilitating medical condition, the person's registry identification card becomes null and void when LARA notifies the patient. The bill also would require LARA to notify the MSP of the voiding of a registry identification card within 48 hours after LARA notified the patient.

MCL 333.26426

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would likely have a small to moderate fiscal impact on both LARA and the MSP. The verifications required under current law are done on a case-by-case basis at the request of law enforcement personnel. The bill would require LARA to submit information regarding each registry identification card issued for both patients and caregivers to the MSP within 48 hours of issuance or voiding. This requirement would essentially mean a transfer of data between LARA and the MSP at a minimum of every 48 hours in order to comply with the bill, and would result in some unknown cost to both Departments. The bill also would likely result in some new administrative costs to the MSP by requiring the MSP to make the transferred data immediately available to State and local law enforcement personnel.

Fiscal Analyst: Josh Sefton

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.