

# SENATE BILL No. 377

May 12, 2011, Introduced by Senators BOOHER, JONES, ANDERSON, NOFS, PAPPAGEORGE, HOPGOOD, HANSEN and PROOS and referred to the Committee on Judiciary.

A bill to amend 2008 IL 1, entitled  
"Michigan medical marihuana act,"  
by amending section 6 (MCL 333.26426).

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           6. Administering the Department's Rules.

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

5               (1) A written certification;

6               (2) Application or renewal fee;

7               (3) Name, address, and date of birth of the qualifying  
8 patient, except that if the applicant is homeless, no address is  
9 required;

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

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

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

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

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

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

16 (3) The qualifying patient's parent or legal guardian consents  
17 in writing to:

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

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

20 (C) Control the acquisition of the marihuana, the dosage, and  
21 the frequency of the medical use of marihuana by the qualifying  
22 patient.

23 (c) The department shall verify the information contained in  
24 an application or renewal submitted pursuant to this section, and  
25 shall approve or deny an application or renewal within 15 days of  
26 receiving it. The department may deny an application or renewal  
27 only if the applicant did not provide the information required

1 pursuant to this section, or if the department determines that the  
2 information provided was falsified. Rejection of an application or  
3 renewal is considered a final department action, subject to  
4 judicial review. Jurisdiction and venue for judicial review are  
5 vested in the circuit court for the county of Ingham.

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

12 (e) The department shall issue registry identification cards  
13 within 5 days of approving an application or renewal, which shall  
14 expire 1 year after the date of issuance. **WITHIN 48 HOURS AFTER**  
15 **ISSUING A REGISTRY IDENTIFICATION CARD, THE DEPARTMENT SHALL**  
16 **FORWARD INFORMATION CONCERNING ISSUANCE OF THE CARD TO THE**  
17 **DEPARTMENT OF STATE POLICE. THE DEPARTMENT OF STATE POLICE SHALL**  
18 **MAKE THE INFORMATION CONCERNING REGISTRY IDENTIFICATION CARDS**  
19 **AVAILABLE TO STATE AND LOCAL POLICE OFFICERS IN A FORM THAT ALLOWS**  
20 **IMMEDIATE ACCESS TO INFORMATION NECESSARY TO DETERMINE WHETHER AN**  
21 **INDIVIDUAL IN CUSTODY FOR POSSESSION OR DISTRIBUTION OF MARIHUANA**  
22 **POSSESSION IS A QUALIFYING PATIENT OR PRIMARY CAREGIVER.** Registry  
23 identification cards shall contain all of the following:

24 (1) Name, address, and date of birth of the qualifying  
25 patient.

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

1           (3) The date of issuance and expiration date of the registry  
2 identification card.

3           (4) A random identification number.

4           (5) A photograph, if the department requires 1 by rule.

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

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

14 **WITHIN 48 HOURS AFTER THE DEPARTMENT'S NOTIFICATION TO THE PATIENT,**  
15 **THE DEPARTMENT SHALL NOTIFY THE DEPARTMENT OF STATE POLICE OF THE**  
16 **VOIDING OF A REGISTRY IDENTIFICATION CARD.**

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) Applications and supporting information submitted by  
26 qualifying patients, including information regarding their primary  
27 caregivers and physicians, are confidential.

1           (2) The department shall maintain a confidential list of the  
2 persons to whom the department has issued registry identification  
3 cards. Individual names and other identifying information on the  
4 list is confidential and is exempt from disclosure under the  
5 freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

6           (3) The department shall verify to law enforcement personnel  
7 whether a registry identification card is valid, ~~without disclosing~~  
8 ~~more information than is reasonably necessary to verify the~~  
9 ~~authenticity of the registry identification card.~~ **AND SHALL DISCLOSE**  
10 **OTHER REGISTRY INFORMATION TO THE DEPARTMENT OF STATE POLICE AS**  
11 **PROVIDED IN SUBSECTION (E).**

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

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

24           (1) The number of applications filed for registry  
25 identification cards.

26           (2) The number of qualifying patients and primary caregivers  
27 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.