

SENATE SUBSTITUTE FOR
HOUSE BILL NO. 4834

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;

10 (4) Name, address, and telephone number of the qualifying

1 patient's physician;

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

4 (6) PROOF OF MICHIGAN RESIDENCY. FOR THE PURPOSES OF THIS
5 SUBDIVISION, A PERSON SHALL BE CONSIDERED TO HAVE PROVED LEGAL
6 RESIDENCY IN THIS STATE IF ANY OF THE FOLLOWING APPLY:

7 (i) THE PERSON PROVIDES A COPY OF A VALID, LAWFULLY OBTAINED
8 MICHIGAN DRIVER LICENSE ISSUED UNDER THE MICHIGAN VEHICLE CODE,
9 1949 PA 300, MCL 257.1 TO 257.923, OR AN OFFICIAL STATE PERSONAL
10 IDENTIFICATION CARD ISSUED UNDER 1972 PA 222, MCL 28.291 TO 28.300.

11 (ii) THE PERSON PROVIDES A COPY OF A VALID MICHIGAN VOTER
12 REGISTRATION.

13 (7) ~~(6)~~—If the qualifying patient designates a primary
14 caregiver, a designation as to whether the qualifying patient or
15 primary caregiver will be allowed under state law to possess
16 marihuana plants for the qualifying patient's medical use.

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

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

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

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

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

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

1 (C) Control the acquisition of the marihuana, the dosage, and
2 the frequency of the medical use of marihuana by the qualifying
3 patient.

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

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

20 (e) The department shall issue registry identification cards
21 within 5 **BUSINESS** days of approving an application or renewal,
22 which shall expire ~~1 year~~ **2 YEARS** after the date of issuance.
23 Registry 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~~**ONE** 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 (g) Possession of, or application for, a registry
15 identification card shall not constitute probable cause or
16 reasonable suspicion, nor shall it be used to support the search of
17 the person or property of the person possessing or applying for the
18 registry identification card, or otherwise subject the person or
19 property of the person to inspection by any local, county or state
20 governmental agency.

21 (h) The following confidentiality rules shall apply:

22 (1) ~~Applications~~**SUBJECT TO SUBDIVISIONS (3) AND (4),**
23 **APPLICATIONS** and supporting information submitted by qualifying
24 patients, including information regarding their primary caregivers
25 and physicians, are confidential.

26 (2) The department shall maintain a confidential list of the
27 persons to whom the department has issued registry identification

1 cards. ~~Individual~~ **EXCEPT AS PROVIDED IN SUBDIVISIONS (3) AND (4),**
2 **INDIVIDUAL** names and other identifying information on the list ~~is~~
3 **ARE** confidential and ~~is~~ **ARE** exempt from disclosure under the
4 freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

5 (3) The department shall verify to law enforcement personnel
6 whether a registry identification card is valid, without disclosing
7 more information than is reasonably necessary to verify the
8 authenticity of the registry identification card.

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

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

21 (1) The number of applications filed for registry
22 identification cards.

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

25 (3) The nature of the debilitating medical conditions of the
26 qualifying patients.

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

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

3 (J) THE DEPARTMENT MAY ENTER INTO A CONTRACT WITH A PRIVATE
4 CONTRACTOR TO ASSIST THE DEPARTMENT IN PERFORMING ITS DUTIES UNDER
5 THIS SECTION. THE CONTRACT MAY PROVIDE FOR ASSISTANCE IN PROCESSING
6 AND ISSUING REGISTRY IDENTIFICATION CARDS, BUT THE DEPARTMENT SHALL
7 RETAIN THE AUTHORITY TO MAKE THE FINAL DETERMINATION AS TO ISSUING
8 THE REGISTRY IDENTIFICATION CARD. ANY CONTRACT SHALL INCLUDE A
9 PROVISION REQUIRING THE CONTRACTOR TO PRESERVE THE CONFIDENTIALITY
10 OF INFORMATION IN CONFORMITY WITH SUBSECTION (H) .

11 (K) NOT LATER THAN 6 MONTHS AFTER THE EFFECTIVE DATE OF THE
12 AMENDATORY ACT THAT ADDED THIS SUBSECTION, THE DEPARTMENT SHALL
13 APPOINT A PANEL TO REVIEW PETITIONS TO APPROVE MEDICAL CONDITIONS
14 OR TREATMENTS FOR ADDITION TO THE LIST OF DEBILITATING MEDICAL
15 CONDITIONS UNDER THE ADMINISTRATIVE RULES. THE PANEL SHALL MEET AT
16 LEAST TWICE EACH YEAR AND SHALL REVIEW AND MAKE A RECOMMENDATION TO
17 THE DEPARTMENT CONCERNING ANY PETITIONS THAT HAVE BEEN SUBMITTED
18 THAT ARE COMPLETED AND INCLUDE ANY DOCUMENTATION REQUIRED BY
19 ADMINISTRATIVE RULE.

20 (1) A MAJORITY OF THE PANEL MEMBERS SHALL BE LICENSED
21 PHYSICIANS, AND THE PANEL SHALL PROVIDE RECOMMENDATIONS TO THE
22 DEPARTMENT REGARDING WHETHER THE PETITIONS SHOULD BE APPROVED OR
23 DENIED.

24 (2) ALL MEETINGS OF THE PANEL ARE SUBJECT TO THE OPEN MEETINGS
25 ACT, 1976 PA 267, MCL 15.261 TO 15.275.

26 (I) THE MICHIGAN MEDICAL MARIHUANA FUND IS CREATED WITHIN THE
27 STATE TREASURY. ALL FEES COLLECTED UNDER THIS ACT SHALL BE

House Bill No. 4834 as amended December 5, 2012

1 DEPOSITED INTO THE FUND. THE STATE TREASURER MAY RECEIVE MONEY OR
2 OTHER ASSETS FROM ANY SOURCE FOR DEPOSIT INTO THE FUND. THE STATE
3 TREASURER SHALL DIRECT THE INVESTMENT OF THE FUND. THE STATE
4 TREASURER SHALL CREDIT TO THE FUND INTEREST AND EARNINGS FROM FUND
5 INVESTMENTS. MONEY IN THE FUND AT THE CLOSE OF THE FISCAL YEAR
6 SHALL REMAIN IN THE FUND AND SHALL NOT LAPSE TO THE GENERAL FUND.
7 THE DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS SHALL BE THE
8 ADMINISTRATOR OF THE FUND FOR AUDITING PURPOSES. THE DEPARTMENT OF
9 LICENSING AND REGULATORY AFFAIRS SHALL EXPEND MONEY FROM THE FUND,
10 UPON APPROPRIATION, FOR THE OPERATION AND OVERSIGHT OF THE MICHIGAN
11 MEDICAL MARIHUANA PROGRAM.

<<Enacting section 1. This amendatory act takes effect
April 1, 2013.>>