

SENATE BILL No. 505

June 21, 2011, Introduced by Senators JONES, GREEN, NOFS, PROOS, ROCCA, SCHUITMAKER, PAPPAGEORGE, MARLEAU, BOOHER, MEEKHOF and JANSEN 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 **ALL OF** 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 **ALL**
11 **OF THE FOLLOWING CONDITIONS ARE MET:**

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

15 (2) The qualifying patient's parent or legal guardian submits
16 a written certification from 2 physicians. ~~+and~~

17 (3) The qualifying patient's parent or legal guardian consents
18 in writing to **DO ALL OF THE FOLLOWING:**

19 (A) Allow the qualifying patient's medical use of marihuana. +

20 (B) Serve as the qualifying patient's primary caregiver. ~~+and~~

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

24 (c) The department shall verify the information contained in
25 an application or renewal submitted pursuant to this section, and
26 shall approve or deny an application or renewal within 15 days of
27 receiving it. The department may deny an application or renewal

1 only if the applicant did not provide the information required
2 pursuant to this section, or if the department determines that the
3 information provided was falsified. Rejection of an application or
4 renewal is considered a final department action, subject to
5 judicial review. Jurisdiction and venue for judicial review are
6 vested in the circuit court for the county of Ingham.

7 (d) The department shall issue a registry identification card
8 to the primary caregiver, if any, who is named in a qualifying
9 patient's approved application; provided that each qualifying
10 patient can have no more than 1 primary caregiver, and a primary
11 caregiver may assist no more than 5 qualifying patients with their
12 medical use of marihuana. **HOWEVER, THE DEPARTMENT SHALL NOT ISSUE A**
13 **REGISTRY IDENTIFICATION CARD TO AN INDIVIDUAL DESIGNATED AS A**
14 **PRIMARY CAREGIVER IF THE INDIVIDUAL HAS BEEN CONVICTED OF A FELONY.**

15 (e) The department shall issue registry identification cards
16 within 5 days of approving an application or renewal, which shall
17 expire 1 year after the date of issuance. Registry identification
18 cards shall contain all of the following:

19 (1) Name, address, and date of birth of the qualifying
20 patient.

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

23 (3) The date of issuance and expiration date of the registry
24 identification card.

25 (4) A random identification number.

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

27 (6) A clear designation showing whether the primary caregiver

1 or the qualifying patient will be allowed under state law to
2 possess the marihuana plants for the qualifying patient's medical
3 use, which shall be determined based solely on the qualifying
4 patient's preference.

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

9 (g) Possession of, or application for, a registry
10 identification card ~~shall~~**DOES** not constitute probable cause or
11 reasonable suspicion, nor shall it be used to support the search of
12 the person or property of the person possessing or applying for the
13 registry identification card, or otherwise subject the person or
14 property of the person to inspection by any local, county, or state
15 governmental agency.

16 (h) The following confidentiality rules ~~shall~~ apply:

17 (1) Applications and supporting information submitted by
18 qualifying patients, including information regarding their primary
19 caregivers and physicians, are confidential.

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

25 (3) The department shall verify to law enforcement personnel
26 whether a registry identification card is valid, without disclosing
27 more information than is reasonably necessary to verify the

1 authenticity of the registry identification card.

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

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

14 (1) The number of applications filed for registry
15 identification cards.

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

18 (3) The nature of the debilitating medical conditions of the
19 qualifying patients.

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

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