

SENATE BILL No. 504

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 4 (MCL 333.26424).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

4. Protections for the Medical Use of Marihuana.

Sec. 4. (a) A qualifying patient who has been issued and possesses a registry identification card shall not be subject to arrest, prosecution, or penalty in any manner, or denied any right or privilege, including but not limited to civil penalty or disciplinary action by a business or occupational or professional licensing board or bureau, for the medical use of marihuana in accordance with this act, provided that the qualifying patient possesses an amount of marihuana that does not exceed 2.5 ounces of usable marihuana, and, if the qualifying patient has not specified that a primary caregiver will be allowed under state law to

1 cultivate marihuana for the qualifying patient, 12 marihuana plants
2 kept in an enclosed, locked facility. Any incidental amount of
3 seeds, stalks, and unusable roots shall also be allowed under state
4 law and shall not be included in this amount.

5 (b) A primary caregiver who has been issued and possesses a
6 registry identification card shall not be subject to arrest,
7 prosecution, or penalty in any manner, or denied any right or
8 privilege, including but not limited to civil penalty or
9 disciplinary action by a business or occupational or professional
10 licensing board or bureau, for assisting a qualifying patient to
11 whom he or she is connected through the department's registration
12 process with the medical use of marihuana in accordance with this
13 act, provided that the primary caregiver possesses an amount of
14 marihuana that does not exceed:

15 (1) 2.5 ounces of usable marihuana for each qualifying patient
16 to whom he or she is connected through the department's
17 registration process; and

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

22 (3) any incidental amount of seeds, stalks, and unusable
23 roots.

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

1 (d) There shall be a presumption that a qualifying patient or
2 primary caregiver is engaged in the medical use of marihuana in
3 accordance with this act if the qualifying patient or primary
4 caregiver:

5 (1) is in possession of a registry identification card; and

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

12 (e) A registered primary caregiver may receive compensation
13 for costs associated with assisting a registered qualifying patient
14 in the medical use of marihuana. Any such compensation shall not
15 constitute the sale of controlled substances.

16 (f) A physician shall not be subject to arrest, prosecution,
17 or penalty in any manner, or denied any right or privilege,
18 including but not limited to civil penalty or disciplinary action
19 by the Michigan board of medicine, the Michigan board of
20 osteopathic medicine and surgery, or any other business or
21 occupational or professional licensing board or bureau, solely for
22 providing written certifications, in the course of a bona fide
23 physician-patient relationship and after the physician has
24 completed a full assessment of the qualifying patient's medical
25 history, or for otherwise stating that, in the physician's
26 professional opinion, a patient is likely to receive therapeutic or
27 palliative benefit from the medical use of marihuana to treat or

1 alleviate the patient's serious or debilitating medical condition
2 or symptoms associated with the serious or debilitating medical
3 condition, provided that nothing shall prevent a professional
4 licensing board from sanctioning a physician for failing to
5 properly evaluate a patient's medical condition or otherwise
6 violating the standard of care for evaluating medical conditions.

7 (g) A person shall not be subject to arrest, prosecution, or
8 penalty in any manner, or denied any right or privilege, including
9 but not limited to civil penalty or disciplinary action by a
10 business or occupational or professional licensing board or bureau,
11 for providing a registered qualifying patient or a registered
12 primary caregiver with marihuana paraphernalia for purposes of a
13 qualifying patient's medical use of marihuana.

14 (h) Any marihuana, marihuana paraphernalia, or licit property
15 that is possessed, owned, or used in connection with the medical
16 use of marihuana, as allowed under this act, or acts incidental to
17 such use, shall not be seized or forfeited.

18 (i) A person shall not be subject to arrest, prosecution, or
19 penalty in any manner, or denied any right or privilege, including
20 but not limited to civil penalty or disciplinary action by a
21 business or occupational or professional licensing board or bureau,
22 solely for being in the presence or vicinity of the medical use of
23 marihuana in accordance with this act, or for assisting a
24 registered qualifying patient with using or administering
25 marihuana.

26 (j) A registry identification card, or its equivalent, that is
27 issued under the laws of another state, district, territory,

1 commonwealth, or insular possession of the United States that
2 allows the medical use of marihuana by a visiting qualifying
3 patient, or to allow a person to assist with a visiting qualifying
4 patient's medical use of marihuana, shall have the same force and
5 effect as a registry identification card issued by the department.

6 (k) Any registered qualifying patient or registered primary
7 caregiver who sells marihuana to someone who is not allowed to use
8 marihuana for medical purposes under this act shall have his or her
9 registry identification card revoked and is guilty of a felony
10 punishable by imprisonment for not more than 2 years or a fine of
11 not more than \$2,000.00, or both, in addition to any other
12 penalties for the distribution of marihuana.

13 (l) THIS SECTION DOES NOT EXEMPT FROM PROSECUTION A TRANSFER OF
14 MARIHUANA THAT OCCURS LESS THAN 1,000 FEET FROM A CLEARLY
15 IDENTIFIED CHURCH OR OTHER HOUSE OF WORSHIP, OR A SCHOOL, OTHER
16 THAN A HOME SCHOOL, UNLESS THE TRANSFER OCCURS INSIDE THE RESIDENCE
17 OF A QUALIFYING PATIENT WHO HAS BEEN ISSUED AND POSSESSES A
18 REGISTRY IDENTIFICATION CARD.