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BILL ANALYSIS

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Senate Bill 17 (as introduced 1-19-11)
Sponsor: Senator Rick Jones
Committee: Health Policy

Date Completed: 3-3-11

CONTENT

The bill would amend the Public Health Code to prohibit a person from organizing or operating a marihuana club; or operating a marihuana bar or knowingly allowing land or a structure on land he or she owned or possessed to be used as a marihuana bar.

A person who violated the prohibition would be guilty of a misdemeanor punishable by imprisonment for up to 90 days and/or a maximum fine of \$500.

"Marihuana club" would mean an association of individuals with membership restricted to those who pay money or any other thing of value to become members, whose purpose is to allow more than one individual to use marihuana under the Michigan Medical Marihuana Act at the same time in a private place.

"Marihuana bar" would mean property where an individual is allowed to use marihuana under the Michigan Medical Marihuana Act, if the use of marihuana on the property is conditioned on the payment of a fee. "Payment of a fee" would mean the payment of money or any other thing of value. It would include the purchase of goods or services, including those that are not incidental to the use of marihuana, and the payment of money or any other thing of value to belong to an association of individuals.

The terms "marihuana bar" and "marihuana club" would not include any of the following:

- Property used as a licensed hospice.
- Property used as a licensed nursing home or skilled nursing facility.
- Property where marihuana is legally dispensed under the Michigan Medical Marihuana Act.

Proposed MCL 333.7421

BACKGROUND

The Michigan Medical Marihuana Act is an initiated law approved by voters in 2008. Under the Act, a qualifying patient who has been issued and possesses a registry identification card from the Department of Community Health (DCH) is not subject to penalty for the medical use of marihuana if the amount he or she possesses does not exceed 2.5 ounces of usable marihuana (dried leaves and flowers) and 12 marihuana plants kept in an enclosed, locked facility. A primary caregiver who has a registry ID card may not be penalized for

assisting a qualifying patient in the medical use of marihuana, subject to the same maximum quantities per patient. A physician is not subject to penalty solely for providing a written certification for a patient who, in the physician's professional opinion, is likely to receive therapeutic or palliative benefit from the medical use of marihuana to treat or alleviate the patient's serious or debilitating medical condition or symptoms associated with it.

The Act defines "qualifying patient" as a person who has been diagnosed by a physician as having a debilitating medical condition, i.e., one or more of the following:

- Cancer, glaucoma, positive HIV status, AIDS, hepatitis C, ALS, Crohn's disease, agitation of Alzheimer's disease, nail patella, or the treatment of those conditions.
- A chronic or debilitating disease or medical condition or its treatment that produces one or more of the following: cachexia or wasting syndrome; severe and chronic pain; severe nausea; seizures, including those characteristic of epilepsy; or severe and persistent muscle spasms, including those characteristic of multiple sclerosis.
- Any other medical condition or its treatment approved by the DCH.

Legislative Analyst: Julie Cassidy

FISCAL IMPACT

The bill would have an indeterminate fiscal impact on State and local government. There are no data to indicate how many offenders would be convicted of the proposed misdemeanor. Local governments would incur the costs of incarceration in local facilities, which vary by county. Additional penal fine revenue would benefit public libraries.

Fiscal Analyst: Matthew Grabowski

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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.