

HOUSE BILL No. 5286

January 25, 2012, Introduced by Reps. Byrum, Haveman, Heise and Huuki 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;

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

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

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

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

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

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

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

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

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

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

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

1 renewal is considered a final department action, subject to
2 judicial review. Jurisdiction and venue for judicial review are
3 vested in the circuit court for the county of Ingham.

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

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

14 (1) Name, address, and date of birth of the qualifying
15 patient.

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

18 (3) The date of issuance and expiration date of the registry
19 identification card.

20 (4) A random identification number.

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

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

27 (f) If a registered qualifying patient's certifying physician

1 notifies the department in writing that the patient has ceased to
2 suffer from a debilitating medical condition, the card shall become
3 null and void upon notification by the department to the patient.

4 (g) Possession of, or application for, a registry
5 identification card shall not constitute probable cause or
6 reasonable suspicion, nor shall it be used to support the search of
7 the person or property of the person possessing or applying for the
8 registry identification card, or otherwise subject the person or
9 property of the person to inspection by any local, county or state
10 governmental agency.

11 (h) The following confidentiality rules shall apply:

12 (1) Applications and supporting information submitted by
13 qualifying patients, including information regarding their primary
14 caregivers and physicians, are confidential.

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

20 (3) The department shall ~~verify~~ **DO ALL OF THE FOLLOWING:**

21 **(A) VERIFY** to law enforcement personnel whether a registry
22 identification card is valid, without disclosing more information
23 than is reasonably necessary to verify the authenticity of the
24 registry identification card.

25 **(B) FOR PURPOSES OF OBTAINING OR EXECUTING A SEARCH WARRANT**
26 **ONLY, 1 OR MORE OF THE FOLLOWING:**

27 **(i) VERIFY TO LAW ENFORCEMENT PERSONNEL WHETHER A NAMED**

1 INDIVIDUAL HAS BEEN ISSUED A REGISTRY IDENTIFICATION CARD.

2 (ii) VERIFY TO LAW ENFORCEMENT PERSONNEL WHETHER AN INDIVIDUAL
3 RESIDING AT A SPECIFIED ADDRESS HAS BEEN ISSUED A REGISTRY
4 IDENTIFICATION CARD.

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

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

17 (1) The number of applications filed for registry
18 identification cards.

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

21 (3) The nature of the debilitating medical conditions of the
22 qualifying patients.

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

24 (5) The number of physicians providing written certifications
25 for qualifying patients.