

# HOUSE BILL No. 4851

June 30, 2011, Introduced by Reps. Cavanagh, Constan, Walsh, Hobbs, Liss, Durhal, Horn, Smiley, Rendon, Hovey-Wright, Haveman, Glardon, Lipton, Bauer, Bledsoe, Outman, Goike, Cotter, Heise, Price, Callton, Agema, Tyler, Knollenberg, Daley, Lyons, Meadows, Kurtz and Jacobsen and referred to the Committee on Judiciary.

A bill to amend 2008 IL 1, entitled  
"Michigan medical marihuana act,"  
by amending section 3 (MCL 333.26423).

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           3. Definitions.

2           Sec. 3. As used in this act:

3           (A) "BONA FIDE PHYSICIAN-PATIENT RELATIONSHIP" MEANS AN  
4 ESTABLISHED TREATMENT OR COUNSELING RELATIONSHIP IN WHICH ALL OF  
5 THE FOLLOWING ARE PRESENT:

6           (1) THE PHYSICIAN HAS COMPLETED A FULL ASSESSMENT OF THE  
7 PATIENT'S MEDICAL HISTORY AND CURRENT MEDICAL AND PSYCHOLOGICAL  
8 CONDITION, INCLUDING AN APPROPRIATE, IN PERSON, PHYSICAL

1 EXAMINATION OF THE PATIENT.

2 (2) THE PHYSICIAN HAS TREATED OR CONSULTED WITH THE PATIENT  
3 WITH RESPECT TO THE PATIENT'S DEBILITATING MEDICAL CONDITION FOR A  
4 REASON OTHER THAN THE PATIENT'S APPLICATION OR INTENDED APPLICATION  
5 FOR A REGISTRY IDENTIFICATION CARD AND HAS MAINTAINED RECORDS OF  
6 THE PATIENT'S CONDITION IN ACCORD WITH MEDICALLY ACCEPTED  
7 STANDARDS.

8 (3) THE PHYSICIAN HAS A REASONABLE EXPECTATION THAT HE OR SHE  
9 WILL PROVIDE FOLLOW-UP CARE, EXAMINATION, AND TREATMENT TO THE  
10 PATIENT TO MONITOR THE EFFICACY OF THE USE OF MEDICAL MARIHUANA AS  
11 A TREATMENT OF THE PATIENT'S DEBILITATING MEDICAL CONDITION.

12 (4) IF APPROPRIATE, THE PHYSICIAN HAS NOTIFIED THE PATIENT'S  
13 PRIMARY CARE PHYSICIAN OF THE PATIENT'S DEBILITATING MEDICAL  
14 CONDITION AND CERTIFICATION FOR THE USE OF MEDICAL MARIHUANA TO  
15 TREAT THAT CONDITION.

16 (B) ~~(a)~~—"Debilitating medical condition" means 1 or more of  
17 the following:

18 (1) Cancer, glaucoma, positive status for human  
19 immunodeficiency virus, acquired immune deficiency syndrome,  
20 hepatitis C, amyotrophic lateral sclerosis, Crohn's disease,  
21 agitation of Alzheimer's disease, nail patella, or the treatment of  
22 these conditions.

23 (2) A chronic or debilitating disease or medical condition or  
24 its treatment that produces 1 or more of the following: cachexia or  
25 wasting syndrome; severe and chronic pain; severe nausea; seizures,  
26 including but not limited to those characteristic of epilepsy; or  
27 severe and persistent muscle spasms, including but not limited to

1 those characteristic of multiple sclerosis.

2 (3) Any other medical condition or its treatment approved by  
3 the department, as provided for in section 5(a).

4 (C) ~~(b)~~—"Department" means the state department of community  
5 health.

6 (D) ~~(e)~~—"Enclosed, locked facility" means a closet, room, or  
7 other **COMPARABLE, COMPLETELY** enclosed area equipped with **SECURED**  
8 locks or other **FUNCTIONING** security devices that permit access only  
9 by a ~~registered primary caregiver or registered qualifying patient.~~

10 **1 OF THE FOLLOWING:**

11 (1) **IF A REGISTERED QUALIFYING PATIENT WHO HAS NOT DESIGNATED**  
12 **A PRIMARY CAREGIVER MAINTAINS THE FACILITY, BY THAT REGISTERED**  
13 **QUALIFYING PATIENT.**

14 (2) **IF A PRIMARY CAREGIVER MAINTAINS THE FACILITY, BY THAT**  
15 **PRIMARY CAREGIVER.**

16 (E) ~~(d)~~—"Marihuana" means that term as defined in section 7106  
17 of the public health code, 1978 PA 368, MCL 333.7106.

18 (F) ~~(e)~~—"Medical use" means the acquisition, possession,  
19 cultivation, manufacture, use, internal possession, delivery,  
20 transfer, or transportation of marihuana or paraphernalia relating  
21 to the administration of marihuana to treat or alleviate a  
22 registered qualifying patient's debilitating medical condition or  
23 symptoms associated with the debilitating medical condition.

24 (G) ~~(f)~~—"Physician" means an individual licensed as a  
25 physician under Part 170 of the public health code, 1978 PA 368,  
26 MCL 333.17001 to 333.17084, or an osteopathic physician under Part  
27 175 of the public health code, 1978 PA 368, MCL 333.17501 to

1 333.17556.

2 (H) ~~(g)~~—"Primary caregiver" OR "**CAREGIVER**" means a person who  
3 is at least 21 years old and who has agreed to assist with a  
4 patient's medical use of marihuana and who has never been convicted  
5 of a felony involving illegal drugs.

6 (I) ~~(h)~~—"Qualifying patient" OR "**PATIENT**" means a person who  
7 has been diagnosed by a physician as having a debilitating medical  
8 condition.

9 (J) ~~(i)~~—"Registry identification card" means a document issued  
10 by the department that identifies a person as a registered  
11 qualifying patient or registered primary caregiver.

12 (K) ~~(j)~~—"Usable marihuana" means the dried leaves and flowers  
13 of the marihuana plant, and any mixture or preparation thereof, but  
14 does not include the seeds, stalks, and roots of the plant.

15 (L) ~~(k)~~—"Visiting qualifying patient" means a patient who is  
16 not a resident of this state or who has been a resident of this  
17 state for less than 30 days.

18 (M) ~~(l)~~—"Written certification" means a document signed by a  
19 physician, stating ~~the~~ **ALL OF THE FOLLOWING:**

20 (1) **THE** patient's debilitating medical condition. ~~and stating~~  
21 ~~that, in~~

22 (2) **THE PHYSICIAN HAS COMPLETED A FULL ASSESSMENT OF THE**  
23 **PATIENT'S MEDICAL AND PSYCHOLOGICAL HISTORY AND CURRENT MEDICAL AND**  
24 **PSYCHOLOGICAL CONDITION, INCLUDING AN APPROPRIATE, IN PERSON,**  
25 **PHYSICAL EXAMINATION.**

26 (3) **IN** the physician's professional opinion, the patient is  
27 likely to receive therapeutic or palliative benefit from the

- 1 medical use of marihuana to treat or alleviate the patient's
- 2 debilitating medical condition or symptoms associated with the
- 3 debilitating medical condition.