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Senate Bill 977 (as introduced 2-23-12)
Sponsor: Senator Rick Jones
Committee: Judiciary

Date Completed: 3-19-12

CONTENT

The bill would amend the Michigan Medical Marihuana Act to do the following:

- Remove glaucoma from the Act's list of debilitating medical conditions.**
- Delete requirements that rules be promulgated within 120 days after the Act's effective date.**

Debilitating Medical Conditions

The Act requires the Department of Licensing and Regulatory Affairs (LARA) to issue registry identification cards to qualifying patients and primary caregivers who submit certain information in accordance with the Department's rules. (Originally, the initiated law required the Department of Community Health to administer the medical marihuana program, but Executive Order 2011-4 transferred that function to LARA.) A qualifying patient or primary caregiver who has been issued and possesses a registry identification card is not subject to arrest, prosecution, or penalty for the medical use of marihuana if the amount does not exceed quantities specified in the Act and the possession and use of marihuana meet specified standards.

A "qualifying patient" is a person who has been diagnosed by a physician as having a debilitating medical condition. "Debilitating medical condition" means one or more of the following:

- Cancer, glaucoma, positive status for HIV, 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 MS.
- Any other medical condition or its treatment approved by LARA, as provided under the Act.

The bill would delete glaucoma from the list of debilitating medical conditions. The bill specifies that, on and after its effective date, glaucoma or its treatment would not be a debilitating medical condition. The bill also would prohibit LARA from including glaucoma or its treatment in the list of debilitating medical conditions under the Act.

Rule Promulgation

The Act requires the promulgation of rules, not later than 120 days after the Act's effective date, governing the manner in which the Department will consider the addition of medical conditions or treatments to the list of debilitating medical conditions. Also, the Act requires the promulgation of rules, within that period, governing the manner in which the Department will consider applications for and renewals of registry identification cards for qualifying patients and primary caregivers.

The bill would retain the rules' promulgation requirements but delete the 120-day time frame.

MCL 333.26423 & 333.26425

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would have an indeterminate effect on the State's finances. Under the bill, individuals suffering from glaucoma would no longer be able to apply for and receive a medical marijuana card. The Department of Licensing and Regulatory Affairs would lose the \$100 (\$25 if the patient is on Medicaid, or receiving SSI or SSD) application and renewal fees from those who would no longer qualify for the program. Department staff also would no longer have to do the work that is associated with processing these applications, so some savings would result. It is not clear whether the amount of revenue lost would exceed the savings, so the fiscal impact of the bill is indeterminate.

Fiscal Analyst: Josh Sefton

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