

# SENATE BILL No. 977

February 23, 2012, Introduced by Senators JONES, KAHN, MARLEAU and PAPPAGEORGE and referred to the Committee on Judiciary.

A bill to amend 2008 IL 1, entitled "Michigan medical marihuana act," by amending sections 3 and 5 (MCL 333.26423 and 333.26425).

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

1 3. Definitions.

2 Sec. 3. (1) As used in this act:

3 (a) **EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (2),**

4 ~~"Debilitating"~~ **"DEBILITATING** medical condition" means 1 or more of  
5 the following:

6 (i) ~~(1)~~ Cancer, glaucoma, positive status for human  
7 immunodeficiency virus, acquired immune deficiency syndrome,  
8 hepatitis C, amyotrophic lateral sclerosis, Crohn's disease,  
9 agitation of Alzheimer's disease, nail patella, or the treatment of  
10 these conditions.

11 (ii) ~~(2)~~ A chronic or debilitating disease or medical condition

1 or its treatment that produces 1 or more of the following: cachexia  
2 or wasting syndrome; severe and chronic pain; severe nausea;  
3 seizures, including but not limited to those characteristic of  
4 epilepsy; or severe and persistent muscle spasms, including but not  
5 limited to those characteristic of multiple sclerosis.

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

8 (b) "Department" means the state department of community  
9 health.

10 (c) "Enclosed, locked facility" means a closet, room, or other  
11 enclosed area equipped with locks or other security devices that  
12 permit access only by a registered primary caregiver or registered  
13 qualifying patient.

14 (d) "Marihuana" means that term as defined in section 7106 of  
15 the public health code, 1978 PA 368, MCL 333.7106.

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

22 (f) "Physician" means an individual licensed as a physician  
23 under Part 170 of the public health code, 1978 PA 368, MCL  
24 333.17001 to 333.17084, or an osteopathic physician under Part 175  
25 of the public health code, 1978 PA 368, MCL 333.17501 to 333.17556.

26 (g) "Primary caregiver" means a person who is at least 21  
27 years old and who has agreed to assist with a patient's medical use

1 of marihuana and who has never been convicted of a felony involving  
2 illegal drugs.

3 (h) "Qualifying patient" means a person who has been diagnosed  
4 by a physician as having a debilitating medical condition.

5 (i) "Registry identification card" means a document issued by  
6 the department that identifies a person as a registered qualifying  
7 patient or registered primary caregiver.

8 (j) "Usable marihuana" means the dried leaves and flowers of  
9 the marihuana plant, and any mixture or preparation thereof, but  
10 does not include the seeds, stalks, and roots of the plant.

11 (k) "Visiting qualifying patient" means a patient who is not a  
12 resident of this state or who has been a resident of this state for  
13 less than 30 days.

14 (l) "Written certification" means a document signed by a  
15 physician, stating the patient's debilitating medical condition and  
16 stating that, in the physician's professional opinion, the patient  
17 is likely to receive therapeutic or palliative benefit from the  
18 medical use of marihuana to treat or alleviate the patient's  
19 debilitating medical condition or symptoms associated with the  
20 debilitating medical condition.

21 **(2) FOR PURPOSES OF THIS ACT, ON AND AFTER THE EFFECTIVE DATE**  
22 **OF THE AMENDATORY ACT THAT ADDED THIS SUBSECTION, GLAUCOMA OR ITS**  
23 **TREATMENT IS NOT A DEBILITATING MEDICAL CONDITION.**

24 5. Department to Promulgate Rules.

25 Sec. 5. (a) ~~Not later than 120 days after the effective date~~  
26 ~~of this act, the~~ **THE** department shall promulgate rules pursuant to  
27 the administrative procedures act of 1969, 1969 PA 306, MCL 24.201

1 to 24.328, that govern the manner in which the department shall  
2 consider the addition of medical conditions or treatments to the  
3 list of debilitating medical conditions set forth in section ~~3(a)~~  
4 ~~of this act.~~ **3(1)(A)**. In promulgating rules, the department shall  
5 allow for petition by the public to include additional medical  
6 conditions and treatments. In considering such petitions, the  
7 department shall include public notice of, and an opportunity to  
8 comment in a public hearing upon, such petitions. The department  
9 shall, after hearing, approve or deny such petitions within 180  
10 days of the submission of the petition. The approval or denial of  
11 such a petition shall be considered a final department action,  
12 subject to judicial review pursuant to the administrative  
13 procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

14 Jurisdiction and venue for judicial review are vested in the  
15 circuit court for the county of Ingham. **THE DEPARTMENT SHALL NOT**  
16 **INCLUDE GLAUCOMA OR ITS TREATMENT IN THE LIST OF DEBILITATING**  
17 **MEDICAL CONDITIONS UNDER THIS ACT.**

18 (b) ~~Not later than 120 days after the effective date of this~~  
19 ~~act, the~~ **THE** department shall promulgate rules pursuant to the  
20 administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to  
21 24.328, that govern the manner in which it shall consider  
22 applications for and renewals of registry identification cards for  
23 qualifying patients and primary caregivers. The department's rules  
24 shall establish application and renewal fees that generate revenues  
25 sufficient to offset all expenses of implementing and administering  
26 this act. The department may establish a sliding scale of  
27 application and renewal fees based upon a qualifying patient's

1 family income. The department may accept gifts, grants, and other  
2 donations from private sources in order to reduce the application  
3 and renewal fees.