

## Medical Marijuana Laws and Regulations: A State By State Comparison – Michigan

This chart is intended for educational purposes only; you should not act or rely upon the information contained herein without first seeking the advice of an attorney licensed in your jurisdiction.

The categories listed on this chart are limited so as to provide a comparative perspective of regional legislation. Please note that the listed provisions may have features that are not summarized in this chart. Pending bills may also seek to amend, repeal, or supersede these provisions – such information is not included in this comparison.

This information is current as of January 22, 2010.

	<b>Michigan</b> MI ST §§ 333.26421, 333.7335 MI ADC 333.101 to .133
<b>State Registration</b>	
Identification Cards Issued to Registered Users and Caregivers	X
Registry of Authorized Users, Physicians, and Primary Caregivers Maintained by the State	X
Requires Development of 24 Hour Verification System for Law Enforcement	
<b>Individuals Allowed Access to Registry</b>	
Authorized Employees of Administrative Department to Perform Official Duties	X <sup>1</sup>
Authorized Employees of State or Local Law Enforcement to Verify that a Person is Lawfully in Possession of ID Card	Department must disclose whether ID card is valid
<b>Application Information Required From Patient, Caregiver, or Physician Before Placement in Registry</b>	
Written Certification From a Physician Stating That The Patient Has Been Diagnosed With A Debilitating Condition or That The Patient May Benefit From The Medical Use of Marijuana	X
Name	Patient, Physician, Caregiver
Address	Patient, Physician, Caregiver
Date of Birth	Patient, Caregiver
Driver's License or ID Card Number	Photo ID of Patient, Caregiver
Telephone Number	Physician
Proof of Residence	
Patient Signature	
Social Security Number/Patient ID #	
Duties of Primary Caregiver	
Medical License # of Physician	
A Statement From The Caregiver That The Caregiver Agrees to Serve as The Caregiver	X
Consent of Caregiver to A Criminal Background Check	
Length of Time the Patient Has Been Under the Care of the Practitioner	
Designation As To Whether The Qualifying Patient or The Caregiver Will Be Allowed To Possess Marijuana Plants	X
Written Statement Signed By Physician Verifying That The Physician Was Presented With Photo ID of Patient and Caregiver	
A Complete Set of Fingerprints of Patient and Caregiver	
A Notarized Program Waiver and Acknowledgment Form	
Signature of Physician and Date of Application	
Signature of Patient and Date of Application	

	<b>Michigan</b>
<b>Additional Steps/Information That Must Be Submitted Before Use Can Be Approved for Minors</b>	
Two Physicians Must Diagnose the Minor With A Debilitating Condition and Submit Written Certification	X
A Statement That The Minor's Physician Has Explained the Potential Risks and Benefits to the Patient and Parent/Guardian	Statement must be from two physicians
<b>Parent/Guardian Must Consent in Writing to:</b> Allow the Medical Use of Marijuana	X
Agree to Serve As the Minor's Caregiver	X
Agree to Control the Acquisition of Marijuana, The Dosage, and Frequency of Use	X
<b>Information on ID Cards</b>	
Name	X
Address	X
Date of Birth	X
Social Security Number	
Photo of ID Cardholder	X
Driver's License or ID Card	
Unique User ID or Serial Number	X
A Statement That The Person Is Registered With The State	
A Statement That The Person Has Been Diagnosed With A Debilitating Medical Condition	
Date of Issuance/Expiration Date	X
Primary Caregiver Information Included on Patient's Card	X
Patient's Information Included on Primary Caregiver's Card	X
Phone Number of Administrative Agency	
Requirement to Return ID Card if Patient No Longer Has A Debilitating Medical Condition	
Designation As To Whether The Qualifying Patient or The Caregiver Will Be Allowed To Possess Marijuana Plants	X
Phone Number of Real Time Verification System	
Other Information As Determined By the State	
<b>Period of Time an ID Card is Valid</b>	<b>One Year</b>
<b>Application is Considered To Be Approved If State Does Not Approve Or Deny Application Within A Specified Period of Time</b>	<b>20 Days</b>
Requirement to Notify State of Change in Name, Address, Physician, or Primary Caregiver	X (Must also notify if there is change of legal guardian for a minor)
Cardholder Must Return Card If They No Longer Have A Debilitating Condition	X <sup>2</sup>

	<b>Michigan</b>
<b>Primary Caregiver Conditions and Requirements</b>	
Minimum Age	21
Must Sign Statement Agreeing to Provide Marijuana Only to the Patient Who Named The Caregiver	For felony drug conviction
Disqualification For A Felony Conviction/ Probation or Parole	Five
Maximum Number of Patients a Primary Caregiver May Assist	Reimbursement for costs
Caregiver is Allowed to Receive Compensation	One
Number of Designated Caregivers a Qualified User Is Allowed	
<b>Qualifying Diseases and Debilitating Conditions</b>	
Cancer	X
Glaucoma	X
HIV/AIDS	X
Hepatitis C	X
Alzheimer's Disease	X
Nail Patella	X
Amyotrophic Lateral Sclerosis	X
Cachexia/Wasting Syndrome	X
Severe/Chronic Pain	X
Severe Nausea	X
Seizures	X
Intractable Skeletal Muscular Spasticity	
Anorexia	
Severe and Persistent Muscle Spasms MS/Crohns's	X
Damage to the Nervous Tissue of The Spinal Cord, With Neurological Indication of Intractable Spasticity	
Appetite Loss	
Cramping	
Arthritis	
Migraine	
Admission to Hospice Care/Terminal Illness	
Any Other Chronic or Persistent Medical Condition	
Other Medical Conditions Approved by the State	X (pursuant to a petition)
<b>Reasons an Application May Be Denied</b>	
Information Provided is False	X
Information Cannot Be Verified	X
Not All Required Information Was Submitted	X
Failure to Establish Chronic or Debilitating Medical Condition	
Failure to Document a Consultation With an Attending Physician	
The Attending Physician Was Not Licensed in the State	
Primary Caregiver Denied If Caregiver Is Already Listed As Caregiver for Maximum Number of Patients	
Patient or Primary Caregiver Has Been Convicted of Selling A Controlled Substance	
Patient Has Been Prohibited By A Court	
An Applicant Previously Had an ID Card Revoked, or Knowingly Violated A Provision Related to The Medical Use of Marijuana	
An Applicant Does Not Meet Established Criteria	

	<b>Michigan</b>
<b>Places Where/Occasions When Use Is Prohibited</b>	
Any Place Where Smoking Is Prohibited By Law	
Any Public Place	X
Any Way That Endangers The Health or Well Being of Any Person	
Grounds of a School, Recreation Center, or Youth Center	Any school grounds
On a School Bus	X
Public Transportation	X
Public Park or Beach	
In the Workplace	
In a Correctional Facility	X
In A Medical Facility	
Any Licensed Drug Treatment Facility	
Undertaking Tasks Under The Influence of Marijuana That Would Constitute Negligence or Professional Malpractice	X
Operating Motor Vehicle While Under the Influence	X
Operating a Boat While Under the Influence	X
Operating an Aircraft While Under the Influence	X
While Operating Vehicle Propelled or Drawn By Power	
Stationary Heavy Equipment	
While Possessing A Firearm	
Transporting Medical Marijuana Outside The State	
Provides That An Employer Will Not Be Required To Accommodate Use In The Workplace	X
<b>Statutory Protections for Patients and Caregivers for Medical Use of Marijuana as Defined By The State</b>	
Protection from Arrest, Prosecution or Penalty	X
Civil Penalty	X
Discipline from a Professional Licensing Board	X
Prohibits A School, Employer, or Landlord From Refusing to Enroll, Employ, or Lease or Penalize an Individual Solely Upon The Individuals Status As A Qualifying Patient or Registered Caregiver	
Property Used in Connection With Medical Marijuana Is Not Subject to Forfeiture	X
Allows A Registered Qualifying Patient or Caregiver to Give Marijuana to Another Registered Qualifying Patient or Caregiver To Whom They Are Not Connected By The Registration Process Provided That Payment is Not Received	
Provides That Application For, or Possession of an ID Card Does Not Alone Constitute Probable Cause or Reasonable Suspicion for Search, Seizure, or Inspection	X
Provides Affirmative Defense to Prosecution Involving Marijuana	X
Provides That Custody or Visitation of a Minor Will Not Be Denied Unless The Person's Behavior Creates Unreasonable Danger to the Minor	X
Prohibits Arrest or Prosecution of An Individual for Being In the Presence or Vicinity of Medical Use of Marijuana	X
Provides That Individuals Who Provide A Qualified Patient or Caregiver With Paraphernalia Are Not Subject to Arrest, Prosecution or Penalty	X
Provides That Parents/Guardians Who Have Legal Custody of a Qualifying Patient Are Not Subject to Arrest or Prosecution	
<b>Statutory Protections for Physicians When Acting In Compliance With State Medical Marijuana Statutes</b>	
Protection from Arrest or Prosecution	X
Civil Penalty	X
Discipline from a Professional Licensing Board	X

	<b>Michigan</b>
<b>Reasons a Card May Be Revoked</b>	
It is Discovered Information on Application Was False	X
If a Cardholder Sells Marijuana to a Person Who Is Not Authorized to Use Marijuana	X
Conviction of A Marijuana Relate Offense	
If A Person Violates A Section of the Act or Another Controlled Substances Law	X
Pursuant to A Court Order	
The Discovery of Repeated Violations of Statute	
Failure To Provide Access To The State To Material and Information Necessary For Determining Compliance With Regulations	
<b>Possession Limitations for Patients and Primary Caregivers</b>	Total does not include incidental seeds, stalks, and unusable roots
Ounce Limit	2.5 ounces
Plant Limit	12 plants kept in an enclosed, locked facility
Exemptions	
<b>Offenses Created</b>	
Fraudulent Representation of a Medical Condition to Obtain an ID Card	
Fraudulent Representation of ID Card to Law Enforcement	X
Fraudulent Misrepresentation to Law Enforcement of Treatment Center Permit	
Fraudulent Use or Theft of an ID Card	
Counterfeit Production of ID Card	
Sale or Transfer of ID Card	
Disclosing Confidential Information Maintained By The Registry	X
Failure of Cardholder to Notify State of Change in Name, Address, Caregiver, or Physician	
Failure of Cardholder to Notify State That The Cardholder No Longer Has A Debilitating Condition	
<b>Department/Agency in Charge/Contact</b>	
Agency In Charge	Bureau of Health Professions, Department of Community Health
Division In Charge	Michigan Medical Marihuana Program
Contact	(517) 373-0395
Creates Research Program	X
State Uses Program to Monitor Dispensation of Marijuana	
Clarifies that Insurance Will Not Be Required to Provide Coverage	X
Clarifies That An Employer Will Not Be Required To Provide Reimbursement For The Purposes of Workers' Compensation	
Provides That A Penal Institution is Not Required to Accommodate Use	
State Honors Identification Card Issued By Another State	X (Applies to visitors to the state)
ID Cards Issued By Another State Do Not Qualify An Individual For Medical Use	
Creates Severability	X

<sup>1</sup>Information may be released to other individuals if all individuals with legal authority to waive confidentiality sign a properly executed release of information. The release of information must specify the information that is authorized to be released and to whom it may be released.

<sup>2</sup>An ID card is immediately null and void if a qualifying patient's physician notifies the department that the patient has ceased to suffer from a debilitating medical condition. Patient's are required to be notified within 14 days.