

## **Medical Marijuana Laws and Regulations for Patients, Caregivers and Physicians: Michigan and Washington, DC**



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 legislation from various jurisdictions. 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.

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	<b>Michigan</b> MI ST §§ 333.26421, 333.7335 MI ADC 333.101 to .133	<b>Washington, DC</b> DC ST § 7-1671.01 to 7-1671.13
<b>State Registration</b>		
Identification Cards Issued to Registered Users and Caregivers	X	X
Registry of Authorized Users, Physicians, and Primary Caregivers Maintained by the State	X	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	X <sup>3</sup>
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	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		

	Michigan	Washington, DC
<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	X
<b>Parent/Guardian Must Consent in Writing to:</b> Allow the Medical Use of Marijuana	X	X (May designate another adult as primary caregiver)
Agree to Serve As the Minor's Caregiver	X	X (Parents may designate to an adult caregiver)
Agree to Control the Acquisition of Marijuana, The Dosage, and Frequency of Use	X	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		
Period of Time an ID Card is Valid	One Year	
Application is Considered To Be Approved If State Does Not Approve Or Deny Application Within A Specified Period of Time	20 Days	
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>Washington, DC</b>
<b>Primary Caregiver Conditions and Requirements</b>		
Minimum Age	21	18
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	One
Caregiver is Allowed to Receive Compensation	One	
Number of Designated Caregivers a Qualified User Is Allowed		
<b>Qualifying Diseases and Debilitating Conditions</b>		See note below <sup>4</sup>
Cancer	X	X
Glaucoma	X	X
HIV/AIDS	X	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	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)	X <sup>5</sup>
<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>Washington, DC</b>
Places Where/Occasions When Use Is Prohibited		DC only allows use in a patient's residence, or if permitted, at a medical treatment facility
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	X
Operating Motor Vehicle While Under the Influence	X	X
Operating a Boat While Under the Influence	X	X
Operating an Aircraft While Under the Influence	X	X
While Operating Vehicle Propelled or Drawn By Power		
Stationary Heavy Equipment		
While Possessing A Firearm		
Transporting Medical Marijuana Outside The State		
Where Exposure to Marijuana Smoke Effects The Health and Welfare of a minor		X
Provides That An Employer Will Not Be Required To Accommodate Use In The Workplace	X	
Statutory Protections for Patients and Caregivers for Medical Use of Marijuana as Defined By The State		
Protection from Arrest, Prosecution or Penalty	X	X <sup>6</sup>
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	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		
Statutory Protections for Physicians When Acting In Compliance With State Medical Marijuana Statutes		
Protection from Arrest or Prosecution	X	X <sup>4</sup>
Civil Penalty	X	X <sup>4</sup>
Discipline from a Professional Licensing Board	X	X <sup>4</sup>

	Michigan	Washington, DC
<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 Pursuant to A Court Order	X	For any violation of laws or rules pertaining to medical marijuana
The Discovery of Repeated Violations of Statute		
Failure To Provide Access To The State To Material and Information Necessary For Determining Compliance With Regulations		
Possession Limitations for Patients and Primary Caregivers	Total does not include incidental seeds, stalks, and unusable roots	
Ounce Limit	2.5 ounces	2 ounces
Plant Limit	12 plants kept in an enclosed, locked facility	
Exemptions		Allows the mayor to increase up to 4 ounces, and requires the mayor to promulgate through rulemaking limits on medical marijuana of a form, other than dried.
<b>Offenses Created</b>		
Fraudulent Representation of a Medical Condition to Obtain an ID Card		X
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	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		
Establishes Advisory Committee		X <sup>7</sup>
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.

<sup>3</sup>In DC, this must be pursuant to a bona fide doctor patient relationship, and the statement must: include the physician's medical license number; include a statement that the use of medical marijuana is necessary for the treatment of a qualifying medical condition or the side effects of a qualifying medical treatment; and be written on a form prescribed by the Mayor.

<sup>3</sup>DC also allows use for individuals undergoing "qualifying medical treatment" as defined as: chemotherapy, the use of azidothymidine or protease inhibitors, radiotherapy; or any other treatment, as determined by rulemaking, whose side effects require treatment through the administration of medical marijuana in the same manner as a qualifying medical condition.

<sup>4</sup>Must be: chronic and long lasting, debilitating, or interfere with the basic functions of life; or serious medical condition for which the use of medical marijuana is beneficial: that cannot be effectively treated by any ordinary medical or surgical measure, or for which there is scientific evidence that the use of medical marijuana is likely to be significantly less addictive than the ordinary medical treatment for that condition.

<sup>5</sup>Grants the Board of Medicine the authority to review and audit written physician recommendations and the authority to discipline physicians who act outside of the scope of this chapter. Requires the Board of Medicine to audit the recommendations submitted by any physician who provides more than 250 recommendations in any 12-month period to patients for the use of medical marijuana. Provides that submitting a false statement regarding a qualifying patient's eligibility to participate in the Program is grounds for the revocation, suspension, or denial of a license to practice medicine or osteopathy, or the imposition of a civil fine, or both.

<sup>6</sup>A qualified patient, caregiver, or an employee of a cultivation center or a dispensary who is stopped by the police upon reasonable suspicion or probable cause that the stopped individual is in possession of marijuana may not be further detained or arrested on this basis alone if the police determine that he or she is in compliance with this medical marijuana laws and regulations.

<sup>7</sup>Committee must monitor: best practices in other states that allow the use of medical marijuana; scientific research on the medical use of marijuana; and the effectiveness of the District's medical marijuana program. Also requires the committee by January 1, 2012 to report to the Mayor and City Council: whether the District of Columbia should allow qualifying patients and caregivers to cultivate medical marijuana; how to implement and regulate cultivation of medical marijuana by qualifying patients and caregivers; and any other comments the Committee believes to be important.