

Medical Marijuana Laws and Regulations for Patients, Caregivers and Physicians: Delaware, 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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	Delaware 16 Del.C. § 4901A to 4926A	Michigan MI ST §§ 333.26421 to 26430, 333.7335, .7336 MI ADC 333.101 to .133	Washington, DC DC ST § 3-1202.03, 7-1671.01 to 7-1671.13, DCMR § 100 to 9900
State Registration			
Identification Cards Issued to Registered Users and Caregivers	X	X	X
Registry of Authorized Users, Physicians, and Primary Caregivers Maintained by the State	X	X	X
Requires Development of 24 Hour Verification System for Law Enforcement	X		
Individuals Allowed Access to Registry			
Authorized Employees of Administrative Department to Perform Official Duties	X	X ⁵	
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	Department must disclose whether ID card is valid	Administrative agency is required to verify validity of an ID card
Application Information Required From Patient, Caregiver, or Physician Before Placement in Registry			
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	X ⁷
Name	Patient, Caregiver, Physician	Patient, Physician, Caregiver	Caregiver must be designated by patient, Physician
Address	Patient, Caregiver, Physician	Patient, Physician, Caregiver	Patient, Caregiver, Physician
Date of Birth	Patient, Caregiver	Patient, Caregiver	
Driver's License or ID Card Number		Photo ID of Patient, Caregiver	Copy of Patient, Caregiver ID
Telephone Number	Physician	Physician	Physician
Proof of Residence			Patient, Caregiver
Patient Signature			
Social Security Number/Patient ID #			Patient, Caregiver
Duties of Primary Caregiver			
Medical License # of Physician			X(Also required to identify area of specialty)
A Statement From The Caregiver That The Caregiver Agrees to Serve as The Caregiver	X	X	
Consent of Caregiver to A Criminal Background Check		X	X
Length of Time the Patient Has Been Under the Care of the Practitioner			X
Designation As To Whether The Qualifying Patient or The Caregiver Will Be Allowed To Possess Marijuana Plants		X	X
Photograph			2 photographs of Patient, Caregiver
A Complete Set of Fingerprints of Patient and Caregiver			Caregiver
A Notarized Program Waiver and Acknowledgment Form			
Signature of Physician and Date of Application			X
Name of Compassion Center if One is Designated	X		
A Signed Statement Pledging Not to Divert Marijuana	X		
A Release Signed by the Patient, the Patient's Guardian or the Patient's Health Care Power of Attorney Authorizing the State to Obtain Further Information, From the Physician Who Submits a Written Certification on Behalf of the Patient			Patient authorizing release of medical records related to qualifying condition or treatment

	Delaware	Michigan	Washington, DC
Additional Steps/Information That Must Be Submitted Before Use Can Be Approved for Minors	Issuing ID Cards to Minors is Prohibited in DE		
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 (Must also state that Parent/Guardian understands risks/benefits)
A Statement That Parent/Guardian Understands the Qualifying Medical Condition or Qualifying Medical Treatment of the Minor			X
Parent/Guardian Must Consent in Writing to: 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
Information on ID Cards			
Name	X	X	
Address		X	X
Date of Birth		X	
Social Security Number			
Photo of ID Cardholder		X	X
Driver's License or ID Card			
Unique User ID or Serial Number	X	X	X
A Statement That The Person Is Registered With The State			
Date of Issuance/Expiration Date		X	X
Primary Caregiver Information Included on Patient's Card		X	X
Patient's Information Included on Primary Caregiver's Card		X	X
Phone Number of Administrative Agency			
Designation As To Whether The Qualifying Patient or The Caregiver Will Be Allowed To Possess Marijuana Plants		X	
Designation as to Stating Whether the Person is a Patient or Caregiver	X		
Name and Address of Dispensary			X
Medical License Number of Recommending Physician			X
Department Internal Authentic Identifier			X
Other Information As Determined By the State			
Period of Time an ID Card is Valid	One Year ¹	One Year	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	Within 10 days (Must also notify of change in compassion center or card lost)	X (Must also notify if there is change of legal guardian for a minor)	Within 14 days (Must also notify if changing dispensary)
Cardholder Must Return Card If They No Longer Have A Debilitating Condition	Must notify the state	X ⁶	Within 14 days (Must also return all unused marijuana to police)
Must Notify if Card is Lost, Stolen or Destroyed			Verbal notification in 24 hours; Written notification in 72 hours
Primary Caregiver Conditions and Requirements			
Minimum Age	21	21	18
Must Sign Statement Agreeing to Provide Marijuana Only to the Patient Who Named The Caregiver	X	X	
Disqualification For A Felony Conviction/ Probation or Parole	X ²	Felony for drug conviction	X
Maximum Number of Patients a Primary Caregiver May Assist	Five	Five	One
Caregiver is Allowed to Receive Compensation	X	Reimbursement for costs	
Number of Designated Caregivers a Qualified User Is Allowed			

	Delaware	Michigan	Washington, DC
Qualifying Diseases and Debilitating Conditions			See note below ⁸
Cancer	X	X	X
Glaucoma		X	X
HIV/AIDS	X	X	X
Hepatitis C		X	
Alzheimer's Disease	X	X	
Nail Patella		X	
Amyotrophic Lateral Sclerosis	X	X	
Cachexia/Wasting Syndrome	X	X	
Severe/Chronic Pain	X	X	
Severe Nausea	X	X	
Seizures	X	X	
Intractable Skeletal Muscular Spasticity			
Anorexia			
Severe and Persistent Muscle Spasms MS/Crohns's	X	X	X
Damage to the Nervous Tissue of The Spinal Cord, With Neurological Indication of Intractable Spasticity			
Appetite Loss			
Cramping			
Arthritis			
Migraine			
Decompensated Cirrhosis	X		
Post-Traumatic Stress Disorder	X ³		
Admission to Hospice Care/Terminal Illness			
Any Other Chronic or Persistent Medical Condition			
Other Medical Conditions Approved by the State	Pursuant to petition	Pursuant to a petition	X ⁹
Reasons an Application May Be Denied			
Information Provided is False	X	X	X
Information Cannot Be Verified		X	
Not All Required Information Was Submitted	X	X	X
Failure to Establish Chronic or Debilitating Medical Condition			
Failure to Document a Consultation With an Attending Physician			
Failure to Provide an Address Located in The State		X (unless applicant is homeless)	
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 Specified Offenses			Caregiver
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	X		Patients cannot re-apply for one year, Caregivers five years
An Applicant Does Not Meet Established Criteria	X		
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	X	X
Any Way That Endangers The Health or Well Being of Any Person			When use affects children
Grounds of a School, Recreation Center, or Youth Center	School Grounds	Any school grounds	X
On a School Bus	X	X	X
Public Transportation	X	X	
Public Park or Beach			
In the Workplace			
In a Correctional Facility	X	X	
In A Medical Facility	X		
Any Licensed Drug Treatment Facility	X(state funded)		
Undertaking Tasks Under The Influence of Marijuana That Would Constitute Negligence or Professional Malpractice	X	X	X

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Places Where/Occasions When Use Is Prohibited (Cont'd)			DC only allows use in a patient's residence, or if permitted, at a medical treatment facility
Operating Motor Vehicle While Under the Influence	X	X	X
Operating a Boat While Under the Influence	X	X	X
Operating an Aircraft While Under the Influence	X	X	X
While Operating Vehicle Propelled or Drawn By Power			
Stationary Heavy Equipment			
While Possessing A Firearm			
Transporting Medical Marijuana Outside The State			X
On The Grounds of a Dispensary			X
Provides That An Employer Will Not Be Required To Accommodate Use In The Workplace		X	Possession is prohibited in workplace
Statutory Protections for Patients and Caregivers for Medical Use of Marijuana as Defined By The State			
Protection from Arrest, Prosecution or Penalty	X	X	X ¹⁰
Civil Penalty	X	X	
Discipline from a Professional Licensing Board	X	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	X		
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 ⁴	X	X
Requires Authorized to Be Considered the Same as Use of Any Other Authorized Drug for the Purpose of Medical Care	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	X	
Prohibits Arrest or Prosecution of An Individual for Being In the Presence or Vicinity of Medical Use of Marijuana	X	X	
Provides That Individuals Who Provide A Qualified Patient or Caregiver With Paraphernalia Are Not Subject to Arrest, Prosecution or Penalty	X	X	
Provides That Individuals Who Assist a Qualified Patient With Using or Administering Marijuana 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			
Provides That Patients Are Not Protected from Liability for Damages or Criminal Prosecution for Acts Committed or Omitted While Under the Influence			X
Statutory Protections for Physicians When Acting In Compliance With State Medical Marijuana Statutes			
Protection from Arrest or Prosecution	X	X	X ¹¹
Civil Penalty	X	X	X ¹¹
Discipline from a Professional Licensing Board	X	X	X ¹¹
Reasons a Card May Be Revoked			See note ¹²
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	X or if they obtain from unauthorized source
Conviction of A Marijuana Relate Offense	Selling to person not allowed to possess		
Pursuant to A Court Order			
The Discovery of Repeated Violations of Statute			

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Reasons a Card May Be Revoked (Cont'd)			
If A Person Violates A Section of the Act or Another Controlled Substances Law	Serious or multiple violations of laws pertaining to medical marijuana	X	For any violation of laws or rules pertaining to medical marijuana
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		Caregivers may possess amounts listed for each qualifying patient for whom they provide care	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.
Offenses Created			
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	State records are subject to HIPAA
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			
Department/Agency in Charge/Contact			
Agency In Charge		Bureau of Health Professions, Department of Community Health	
Division In Charge		Michigan Medical Marijuana Program	
Contact		(517) 373-0395	
Clarifies That Municipalities May Enact Regulations as Specified by State Law	X		
Creates Research Program		X	
State Uses Program to Monitor Dispensing of Marijuana			
Clarifies that Insurance Will Not Be Required to Provide Coverage	X	X	X
Requires Physician to Maintain Medical Records With Specified Information Required by the State			X
Clarifies That An Employer Will Not Be Required To Provide Reimbursement For The Purposes of Workers' Compensation			
Clarifies That An Employer Will Not Be Required to Accommodate Use	X		
Provides That A Penal Institution is Not Required to Accommodate Use			
State Honors Identification Card Issued By Another State	Requires visitors to acquire Delaware card	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		X ¹³
Creates Severability	X	X	

¹Unless the physician submits that the patient should be allowed to use medical marijuana for less than one year; or If the patient is a visiting qualifying patient whose permission to use medical marijuana in the person's home jurisdiction would expire sooner than one year after the issuance date, then the registry identification card shall expire on the date their home jurisdiction documentation would expire.

²Disqualification does not apply to violation of a state or federal controlled substance law that was classified as a felony if: an offense for which the sentence, including any term of probation, incarceration, or supervised release, was completed 10 or more years earlier; or an offense that consisted of conduct for which this chapter would likely have prevented a conviction, but the conduct either occurred prior to the enactment of this chapter or was prosecuted by an authority other than the state of Delaware.

³Requires certification to be submitted by a psychiatrist.

⁴Provides that defense is valid if: a physician states, after having completed a full assessment of the individual's medical history and current medical condition, that the patient is likely to receive therapeutic or palliative benefit from marijuana; the individual was in possession of no more than six ounces of usable marijuana; and the individual was engaged in the acquisition, possession, use, or transportation of marijuana, paraphernalia, or both, relating to the administration of marijuana to treat or alleviate a serious or debilitating medical condition.

Provides that the defense and motion to dismiss shall not prevail if the prosecution proves that: the individual had a registry identification card revoked for misconduct; or the purposes for the possession of marijuana were not solely for palliative or therapeutic use by the individual with a serious or debilitating medical condition who raised the defense.

⁵Information 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.

⁶An 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.

⁷ Requires the physician to: be in a bona fide physician-patient relationship with the qualifying patient; to complete a full assessment of the patient's medical history and current medical condition, including a personal physical examination, not more than ninety (90) days prior to making the recommendation; 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; have responsibility for the ongoing care and treatment of the patient, provided that such ongoing treatment shall not be limited to or for the primary purpose of the provision of medical marijuana use or consultation solely for that purpose; make the recommendation based upon the physician's assessment of the qualifying patient's medical history, current medical condition, and a review of other approved medications and treatments that might provide the qualifying patient with relief from a qualifying medical condition or the side effects of a qualifying medical treatment. Prohibits the physician from being the owner, director, officer, member, incorporator, agent, or employee of a dispensary or cultivation center.

⁸DC 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.

⁹Must 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.

¹⁰ 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.

¹¹Grants 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.

¹²If an ID is revoked, patients and caregivers must return all unused marijuana to DC Metro Police.

¹³Committee 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.