

Medical Marijuana Laws and Regulations for Patients, Caregivers and Physicians: Illinois and Michigan



© 2014 Research is current for all states through January 15, 2014. 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. In order to ensure that the information contained herein is as current as possible, research is conducted using both nationwide legal database software and individual state legislative websites. Please contact Susan Weinstein at 703-836-6100, ext. 101 with any additional updates or information that may be relevant to this document. Headquarters Office: THE NATIONAL ALLIANCE FOR MODEL STATE DRUG LAWS, 215 Lincoln Ave., Suite 201, Santa Fe, NM, 87501.

	Illinoisⁱ	Michigan
	Ill. Rev. Stat. ch. 410, §§ 130/1 to 130/999; ch. 625, § 5/2-118.1; ch. 625, §§ 5/6-206.1, 5/6-208.1, 5/6-514; ch. 625, §§ 5/11-501, 5/11-501.1, 5/11-502.1	Mich. Comp. Laws Ann. §§ 333.26421 to 333.26430; Mich. Admin. Code R. 333.101 to 333.133
State Registration		
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		
Individuals Allowed Access to Registry <i>*Only categories listed below appear in state laws which are the subject of this chart. Other categories that appear in other state statutes do not appear below if they are not applicable to the subject states in this chart.*</i>		
Authorized Employees of Administrative Department to Perform Official Duties	X	X ²
Authorized Employees of State or Local Law Enforcement to Verify that a Person is Lawfully in Possession of ID Card	X	Department must disclose whether ID card is valid
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
Name	Patient, Physician, Caregiver	Patient, Physician, Caregiver
Address	Patient (unless homeless), Physician, Caregiver	Patient (unless homeless), Physician, Caregiver
Date of Birth	Patient, Caregiver	Patient, Caregiver
Driver's License or ID Card Number		Photo ID of Patient, Caregiver
Telephone Number	Physician	Physician
Proof of Residency		X
Patient Signature		
Social Security Number/Patient ID #	Patient (social security number)	
Duties of Primary Caregiver		

	Illinois	Michigan
Application Information Required From Patient, Caregiver or Physician Before Placement in Registry (continued)		
Medical License Number 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	Patient, Caregiver	X
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
Photograph		
A Complete Set of Fingerprints of Patient and Caregiver		
A Notarized Program Waiver and Acknowledgment Form		
Signature of Physician and Date of Application		
Name of Compassion Center if One is Designated		
A Signed Statement Pledging Not to Divert Marijuana	Patient, Caregiver	
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		
A Statement By The Caregiver That The Caregiver Agrees to Serve as The Caregiver		
Name, Address and Phone Number of Dispensary Patient Will Use	X (name only)	
Statement That the Physician is Licensed in Good Standing and Possesses an Active Controlled Dangerous Substance Registration		
Statement that the Physician Has an Ongoing Responsibility for the Assessment, Care and Treatment of the Patient		
Additional Steps/Information That Must Be Submitted Before Use Can Be Approved for Minors	Issuing ID cards to Minors is Prohibited in Illinois	
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 2 physicians
A Statement That Parent/Guardian Understands the Qualifying Medical Condition or Qualifying Medical Treatment of the Minor		

	Illinois	Michigan
Additional Steps/Information That Must Be Submitted Before Use Can Be Approved for Minors (continued)		
Parent/Guardian Must Consent in Writing to Allow the Medical Use of Marijuana		X
Parent/Guardian Must Consent in Writing to Agree to Serve As the Minor's Caregiver		X
Parent/Guardian Must Consent in Writing to Agree to Control the Acquisition of Marijuana, The Dosage and Frequency of Use		X
Requires Physician to Perform Follow Up Services to Track Effectiveness of Treatment		
Information on ID Cards		
Name	X	X
Address		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
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
Patient's Information Included on Primary Caregiver's Card		X
Phone Number of Administrative Agency		
Designation As To Whether The Qualifying Patient or The Caregiver Will Be Allowed To Possess Marijuana Plants		X
Indication if Cardholder is Patient or Caregiver		
Name and Address of Dispensary		
Medical License Number of Recommending Physician		
Department Internal Authentic Identifier		
Other Information As Determined By the State		
Period of Time an ID Card is Valid	1 Year	2 Years
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)

	Illinois	Michigan
Information on ID Cards (continued)		
Must Notify if Card is Lost, Stolen or Destroyed		
Cardholder Must Return Card If They No Longer Have A Debilitating Condition	Within 10 Days	X ³
Primary Caregiver Conditions and Requirements		
Minimum Age	21	21
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 (violent crime or felony controlled substance conviction)	X (Felony drug conviction or any felony within past 10 years)
Maximum Number of Patients a Primary Caregiver May Assist	1	5
Caregiver is Allowed to Receive Compensation		Reimbursement for costs
Number of Designated Caregivers a Qualified User Is Allowed		
Qualifying Diseases and Debilitating Conditions		
Cancer	X	X
Glaucoma	X	X
HIV/AIDS	X	X
Hepatitis C	X	X
Alzheimer's Disease	X	X
Nail Patella	X	X
Amyotrophic Lateral Sclerosis	X	X
Cachexia/Wasting Syndrome	X	X
Severe/Chronic Pain	X	X
Severe Nausea		X
Seizures		X
Intractable Skeletal Muscular Spasticity	X	
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	X	
Appetite Loss		
Cramping		
Arthritis		
Inflammatory Bowel Disease		
Migraine		

	Illinois	Michigan
Qualifying Diseases and Debilitating Conditions (continued)		
Decompensated Cirrhosis		
Post-Traumatic Stress Disorder		
Admission to Hospice Care/Terminal Illness		
Any Other Chronic or Persistent Medical Condition	X ¹	
Other Medical Conditions Approved by the State	X	Pursuant to a petition
Reasons an Application May Be Denied		
Information Provided is False	X	X
Information Cannot Be Verified		X
Not All Required Information Was Submitted	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)
Failure to Comply With Established Regulations		
The Attending Physician Was Not Licensed in the State		
Primary Caregiver Denied If Caregiver Is Already Listed As Caregiver for Maximum Number of Patients	X	
Patient or Primary Caregiver Has Been Convicted Specified Offenses	X	
Patient Has Been Prohibited By A Court	X (prohibited of a controlled substance felony)	
An Applicant Previously Had an ID Card Revoked, or Knowingly Violated A Provision Related to The Medical Use of Marijuana	X	
An Applicant Does Not Meet Established Criteria		
Places Where/Occasions When Use Is Prohibited		
Any Place Where Smoking Is Prohibited By Law	X	
Any Public Place	X	X
Any Way That Endangers The Health or Well Being of Any Person	X (in close proximity to anyone under 18)	
Grounds of a School, Recreation Center or Youth Center	School grounds	School grounds
On a School Bus	X	X
Public Transportation	X	X
Public Park or Beach	X	

	Illinois	Michigan
Places Where/Occasions When Use Is Prohibited (continued)		
In the Workplace	X	
In a Correctional Facility	X	X
In A Medical Facility	X	
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		
On The Grounds of a Dispensary		
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
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	X
Allows Use of Medical Marijuana to be Used as an Affirmative Defense to Prosecution	X	X
Requires Authorized to Be Considered the Same as Use of Any Other Authorized Drug for the Purpose of Medical Care		

	Illinois	Michigan
Statutory Protections for Patients and Caregivers for Medical Use of Marijuana as Defined By The State (continued)		
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
Provides That Individuals Who Provide A Qualified Patient or Caregiver With Paraphernalia Are Not Subject to Arrest, Prosecution or Penalty		X
Provides That Individuals Who Assist a Qualified Patient With Using or Administering Marijuana Are Not Subject to Arrest, Prosecution or Penalty		
Provides That Parents/Guardians Who Have Legal Custody of a Qualifying Patient Are Not Subject to Arrest or Prosecution	X	
Provides That Patients Are Not Protected from Liability for Damages or Criminal Prosecution for Acts Committed or Omitted While Under the Influence		
Statutory Protections for Physicians When Acting In Compliance With State Medical Marijuana Statutes		
Protection from Arrest or Prosecution	X	X
Civil Penalty	X	X
Discipline from a Professional Licensing Board	X	X
Reasons a Card May Be Revoked		
It is Discovered Information on Application Was False	X	X
If a Cardholder Sells Marijuana to a Person Who Is Not Authorized to Use Marijuana	X	X
Conviction of A Marijuana Relate Offense		
Pursuant to A Court Order		
The Discovery of Repeated Violations of Statute		
If A Person Violates A Section of the Act or Another Controlled Substances Law	X	X
Failure To Provide Access To The State To Material and Information Necessary For Determining Compliance With Regulations		
If a Caregiver is De-designated		
If a Patient Ceases to Have a Debilitating Condition		
Failure to Notify State of Change in Name, Address, Physician or Primary Caregiver		

	Illinois	Michigan
Possession Limitations for Patients and Primary Caregivers		Total does not include incidental seeds, stalks, and unusable roots
Ounce Limit	2.5 ounces (during any 14 day period)	2.5 ounces
Plant Limit	Must obtain from a state-regulated medical marijuana dispensary	12 plants kept in an enclosed, locked facility
Exemptions		Caregivers may possess amounts listed for each qualifying patient for whom they provide care
Offenses Created		
Fraudulent Representation of a Medical Condition to Obtain an ID Card		
Fraudulent Representation of ID Card to Law Enforcement	X	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		
Department/Agency in Charge/Contact		
Agency In Charge	Department of Public Health	Department of Licensing and Regulatory Affairs
Division In Charge		
Contact		
Clarifies That Municipalities May Enact Regulations as Specified by State Law		
Creates Research Program		X
State Uses Program to Monitor Dispensing of Marijuana		
Clarifies that Insurance Will Not Be Required to Provide Coverage		X
State Uses Program To Monitor Dispensation of Marijuana		
Requires Physician to Maintain Medical Records With Specified Information Required by the State		

	Illinois	Michigan
Department/Agency in Charge/Contact (continued)		
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		
Provides That A Penal Institution is Not Required to Accommodate Use		
State Honors Identification Card Issued By Another State		X
ID Cards Issued By Another State Do Not Qualify An Individual For Medical Use		
Establishes Advisory Committee		
Creates Severability	X	X

¹Specifically, “debilitating medical condition” means one or more of the following: cancer, glaucoma, positive status for human immunodeficiency virus, acquired immune deficiency syndrome, hepatitis C, amyotrophic lateral sclerosis, Crohn's disease, agitation of Alzheimer's disease, cachexia/wasting syndrome, muscular dystrophy, severe fibromyalgia, spinal cord disease, including but not limited to arachnoiditis, Tarlov cysts, hydromyelia, syringomyelia, Rheumatoid arthritis, fibrous dysplasia, spinal cord injury, traumatic brain injury and post-concussion syndrome, Multiple Sclerosis, Arnold-Chiari malformation and Syringomyelia, Spinocerebellar Ataxia (SCA), Parkinson's, Tourette's, Myoclonus, Dystonia, Reflex Sympathetic Dystrophy, RSD (Complex Regional Pain Syndromes Type I), Causalgia, CRPS (Complex Regional Pain Syndromes Type II), Neurofibromatosis, Chronic Inflammatory Demyelinating Polyneuropathy, Sjogren's syndrome, Lupus, Interstitial Cystitis, Myasthenia Gravis, Hydrocephalus, nail-patella syndrome, residual limb pain or the treatment of these conditions.

²Information may be released to other individuals if all individuals with legal authority to wave 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.

³An 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. Patients are required to be notified within 14 days.

¹ The Compassionate Use of Medical Cannabis Pilot Program Act is repealed four years from its effective date or January 1, 2018, and the rules and regulations implementing this new program are not yet adopted. The information in the chart is available from the law that went into effect on January 1, 2014.