

# SENATE BILL No. 506

June 21, 2011, Introduced by Senators KAHN, JONES, COLBECK, NOFS, GREEN, MARLEAU, BRANDENBURG, ROCCA, PROOS, SCHUITMAKER, PAPPAGEORGE, BOOHER, MEEKHOF and JANSEN and referred to the Committee on Health Policy.

A bill to amend 2008 IL 1, entitled  
"Michigan medical marihuana act,"  
(MCL 333.26421 to 333.26430) by adding section 3a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1           SEC. 3A. (A) FOR PURPOSES OF THIS ACT, A PHYSICIAN-PATIENT  
2           RELATIONSHIP IS NOT BONA FIDE UNLESS THE PHYSICIAN HAS DONE ALL OF  
3           THE FOLLOWING:

- 4           (1) TAKEN A MEDICAL HISTORY OF THE PATIENT.  
5           (2) PERFORMED A RELEVANT PHYSICAL EXAMINATION.  
6           (3) REVIEWED PRIOR TREATMENT AND TREATMENT RESPONSES.  
7           (4) OBTAINED AND REVIEWED RELEVANT DIAGNOSTIC TEST RESULTS.  
8           (5) DISCUSSED ADVANTAGES, DISADVANTAGES, ALTERNATIVES,

1 POTENTIAL ADVERSE EFFECTS, AND THE EXPECTED RESPONSE TO THE  
2 RECOMMENDED TREATMENT AND MADE REASONABLE EFFORTS TO ENSURE THAT  
3 THE PATIENT UNDERSTANDS THAT INFORMATION.

4 (6) PROVIDED FOR MONITORING THE PATIENT TO DETERMINE THE  
5 RESPONSE TO AND ANY SIDE EFFECTS OF THE TREATMENT.

6 (7) CREATED AND MAINTAINED RECORDS FOR THE PATIENT.

7 (8) NOTIFIED THE PATIENT'S PRIMARY CARE PHYSICIAN, IF ANY.

8 (B) NOTWITHSTANDING ANY OTHER PROVISION IN THIS ACT, IF A  
9 PHYSICIAN'S WRITTEN CERTIFICATION IS ISSUED IN SUPPORT OF A  
10 REGISTRY IDENTIFICATION CARD WITHOUT FIRST ESTABLISHING A BONA FIDE  
11 PHYSICIAN-PATIENT RELATIONSHIP AS DESCRIBED IN SUBSECTION (A), BOTH  
12 OF THE FOLLOWING APPLY:

13 (1) THE REGISTRY IDENTIFICATION CARD IS NOT VALID AND PROVIDES  
14 NO DEFENSE TO A CRIMINAL PROSECUTION UNDER THE LAWS OF THIS STATE.

15 (2) THE CERTIFYING PHYSICIAN MAY NOT ASSERT ANY PROTECTION  
16 OTHERWISE PROVIDED IN THIS ACT IN A CIVIL ACTION OR IN A  
17 PROFESSIONAL DISCIPLINARY OR LICENSING PROCEEDING.