

# HOUSE BILL NO. 6022

July 23, 2020, Introduced by Rep. Yaroch and referred to the Committee on Judiciary.

A bill to amend 2008 IL 1, entitled  
"Michigan Medical Marihuana Act,"  
by amending section 4 (MCL 333.26424), as amended by 2016 PA 283.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

- 1           4. Protections for the Medical Use of Marihuana.  
2           Sec. 4. (a) A qualifying patient who has been issued and  
3 possesses a registry identification card is not subject to arrest,  
4 prosecution, or penalty in any manner, or ~~denied~~**denial of** any  
5 right or privilege, including, but not limited to, civil penalty or



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1 disciplinary action by a business or occupational or professional  
2 licensing board or bureau, for the medical use of marihuana in  
3 accordance with this act, ~~provided that if~~ the qualifying patient  
4 possesses an amount of marihuana that does not exceed a combined  
5 total of 2.5 ounces of usable marihuana and usable marihuana  
6 equivalents, and, if the qualifying patient has not specified that  
7 a primary caregiver will be allowed under state law to cultivate  
8 marihuana for the qualifying patient, 12 marihuana plants kept in  
9 an enclosed, locked facility. Any incidental amount of seeds,  
10 stalks, and unusable roots shall also be allowed under state law  
11 and shall not be included in this amount. The privilege from arrest  
12 under this subsection applies only if the qualifying patient  
13 presents both his or her registry identification card and a valid  
14 driver license or government-issued identification card that bears  
15 a photographic image of the qualifying patient.

16 (b) A primary caregiver who has been issued and possesses a  
17 registry identification card is not subject to arrest, prosecution,  
18 or penalty in any manner, or ~~denied~~ **denial of** any right or  
19 privilege, including, but not limited to, civil penalty or  
20 disciplinary action by a business or occupational or professional  
21 licensing board or bureau, for assisting a qualifying patient to  
22 whom he or she is connected through the department's registration  
23 process with the medical use of marihuana in accordance with this  
24 act. The privilege from arrest under this subsection applies only  
25 if the primary caregiver presents both his or her registry  
26 identification card and a valid driver license or government-issued  
27 identification card that bears a photographic image of the primary  
28 caregiver. This subsection applies only if the primary caregiver  
29 possesses marihuana in forms and amounts that do not exceed any of



1 the following:

2 (1) For each qualifying patient to whom he or she is connected  
3 through the department's registration process, a combined total of  
4 2.5 ounces of usable marihuana and usable marihuana equivalents.

5 (2) For each registered qualifying patient who has specified  
6 that the primary caregiver will be allowed under state law to  
7 cultivate marihuana for the qualifying patient, 12 marihuana plants  
8 kept in an enclosed, locked facility. **The primary caregiver shall**  
9 **not cultivate marihuana on property that is zoned residential**  
10 **unless allowed by a local ordinance.**

11 (3) Any incidental amount of seeds, stalks, and unusable  
12 roots.

13 (c) For purposes of determining usable marihuana equivalency,  
14 the following shall be considered equivalent to 1 ounce of usable  
15 marihuana:

16 (1) 16 ounces of marihuana-infused product if in a solid form.

17 (2) 7 grams of marihuana-infused product if in a gaseous form.

18 (3) 36 fluid ounces of marihuana-infused product if in a  
19 liquid form.

20 (d) A person shall not be denied custody or visitation of a  
21 minor for acting in accordance with this act, unless the person's  
22 behavior is such that it creates an unreasonable danger to the  
23 minor that can be clearly articulated and substantiated.

24 (e) There is a presumption that a qualifying patient or  
25 primary caregiver is engaged in the medical use of marihuana in  
26 accordance with this act if the qualifying patient or primary  
27 caregiver complies with both of the following:

28 (1) Is in possession of a registry identification card.

29 (2) Is in possession of an amount of marihuana that does not



1 exceed the amount allowed under this act. The presumption may be  
2 rebutted by evidence that conduct related to marihuana was not for  
3 the purpose of alleviating the qualifying patient's debilitating  
4 medical condition or symptoms associated with the debilitating  
5 medical condition, in accordance with this act.

6 (f) A registered primary caregiver may receive compensation  
7 for costs associated with assisting a registered qualifying patient  
8 in the medical use of marihuana. Any such compensation does not  
9 constitute the sale of controlled substances.

10 (g) A physician shall not be subject to arrest, prosecution,  
11 or penalty in any manner, or denied any right or privilege,  
12 including but not limited to civil penalty or disciplinary action  
13 by the Michigan board of medicine, the Michigan board of  
14 osteopathic medicine and surgery, or any other business or  
15 occupational or professional licensing board or bureau, solely for  
16 providing written certifications, in the course of a bona fide  
17 physician-patient relationship and after the physician has  
18 completed a full assessment of the qualifying patient's medical  
19 history, or for otherwise stating that, in the physician's  
20 professional opinion, a patient is likely to receive therapeutic or  
21 palliative benefit from the medical use of marihuana to treat or  
22 alleviate the patient's serious or debilitating medical condition  
23 or symptoms associated with the serious or debilitating medical  
24 condition, provided that nothing shall prevent a professional  
25 licensing board from sanctioning a physician for failing to  
26 properly evaluate a patient's medical condition or otherwise  
27 violating the standard of care for evaluating medical conditions.

28 (h) A person shall not be subject to arrest, prosecution, or  
29 penalty in any manner, or denied any right or privilege, including,



1 but not limited to, civil penalty or disciplinary action by a  
2 business or occupational or professional licensing board or bureau,  
3 for providing a registered qualifying patient or a registered  
4 primary caregiver with marihuana paraphernalia for purposes of a  
5 qualifying patient's medical use of marihuana.

6 (i) Any marihuana, marihuana paraphernalia, or licit property  
7 that is possessed, owned, or used in connection with the medical  
8 use of marihuana, as allowed under this act, or acts incidental to  
9 such use, shall not be seized or forfeited.

10 (j) A person shall not be subject to arrest, prosecution, or  
11 penalty in any manner, or ~~denied~~**denial of** any right or privilege,  
12 including, but not limited to, civil penalty or disciplinary action  
13 by a business or occupational or professional licensing board or  
14 bureau, solely for being in the presence or vicinity of the medical  
15 use of marihuana in accordance with this act, or for assisting a  
16 registered qualifying patient with using or administering  
17 marihuana.

18 (k) A registry identification card, or its equivalent, that is  
19 issued under the laws of another state, district, territory,  
20 commonwealth, or insular possession of the United States that  
21 allows the medical use of marihuana by a visiting qualifying  
22 patient, or to allow a person to assist with a visiting qualifying  
23 patient's medical use of marihuana, shall have the same force and  
24 effect as a registry identification card issued by the department.

25 (l) Any registered qualifying patient or registered primary  
26 caregiver who sells marihuana to someone who is not allowed the  
27 medical use of marihuana under this act shall have his or her  
28 registry identification card revoked and is guilty of a felony  
29 punishable by imprisonment for not more than 2 years or a fine of



1 not more than \$2,000.00, or both, in addition to any other  
2 penalties for the distribution of marihuana.

3 (m) A person shall not be subject to arrest, prosecution, or  
4 penalty in any manner, or ~~denied~~**denial of** any right or privilege,  
5 including, but not limited to, civil penalty or disciplinary action  
6 by a business or occupational or professional licensing board or  
7 bureau, for manufacturing a marihuana-infused product if the person  
8 is any of the following:

9 (1) A registered qualifying patient, manufacturing for his or  
10 her own personal use.

11 (2) A registered primary caregiver, manufacturing for the use  
12 of a patient to whom he or she is connected through the  
13 department's registration process.

14 (n) A qualifying patient shall not transfer a marihuana-  
15 infused product or marihuana to any individual.

16 (o) A primary caregiver shall not transfer a marihuana-infused  
17 product to any individual who is not a qualifying patient to whom  
18 he or she is connected through the department's registration  
19 process.

