

**SUBSTITUTE FOR
HOUSE BILL NO. 4745**

A bill to amend 2008 IL 1, entitled
"Michigan Medical Marihuana Act,"
by amending section 3 (MCL 333.26423), as amended by 2016 PA 283.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 3. Definitions.

2 Sec. 3. As used in this act:

3 (a) "Bona fide physician-patient relationship" means a
4 treatment or counseling relationship between a physician and
5 patient in which all of the following are present:

6 (1) The physician has reviewed the patient's relevant medical
7 records and completed a full assessment of the patient's medical
8 history and current medical condition, including a relevant ~~in-~~
9 ~~person,~~ medical evaluation of the patient.

1 (2) The physician has created and maintained records of the
2 patient's condition in accord with medically accepted standards.

3 (3) The physician has a reasonable expectation that he or she
4 will provide follow-up care to the patient to monitor the efficacy
5 of the use of medical marihuana as a treatment of the patient's
6 debilitating medical condition.

7 (4) If the patient has given permission, the physician has
8 notified the patient's primary care physician of the patient's
9 debilitating medical condition and certification for the medical
10 use of marihuana to treat that condition.

11 (b) "Debilitating medical condition" means 1 or more of the
12 following:

13 (1) Cancer, glaucoma, positive status for human
14 immunodeficiency virus, acquired immune deficiency syndrome,
15 hepatitis C, amyotrophic lateral sclerosis, Crohn's disease,
16 agitation of Alzheimer's disease, nail patella, or the treatment of
17 these conditions.

18 (2) A chronic or debilitating disease or medical condition or
19 its treatment that produces 1 or more of the following: cachexia or
20 wasting syndrome; severe and chronic pain; severe nausea; seizures,
21 including but not limited to those characteristic of epilepsy; or
22 severe and persistent muscle spasms, including but not limited to
23 those characteristic of multiple sclerosis.

24 (3) Any other medical condition or its treatment approved by
25 the ~~department,~~ **marijuana regulatory agency**, as provided for in
26 section 6(k).

27 (c) "Department" means the department of licensing and
28 regulatory affairs.

29 (d) "Enclosed, locked facility" means a closet, room, or other

1 comparable, stationary, and fully enclosed area equipped with
2 secured locks or other functioning security devices that permit
3 access only by a registered primary caregiver or registered
4 qualifying patient. Marihuana plants grown outdoors are considered
5 to be in an enclosed, locked facility if they are not visible to
6 the unaided eye from an adjacent property when viewed by an
7 individual at ground level or from a permanent structure and are
8 grown within a stationary structure that is enclosed on all sides,
9 except for the base, by chain-link fencing, wooden slats, or a
10 similar material that prevents access by the general public and
11 that is anchored, attached, or affixed to the ground; located on
12 land that is owned, leased, or rented by either the registered
13 qualifying patient or a person designated through the ~~departmental~~
14 **marijuana regulatory agency's** registration process as the primary
15 caregiver for the registered qualifying patient or patients for
16 whom the marihuana plants are grown; and equipped with functioning
17 locks or other security devices that restrict access to only the
18 registered qualifying patient or the registered primary caregiver
19 who owns, leases, or rents the property on which the structure is
20 located. Enclosed, locked facility includes a motor vehicle if both
21 of the following conditions are met:

22 (1) The vehicle is being used temporarily to transport living
23 marihuana plants from 1 location to another with the intent to
24 permanently retain those plants at the second location.

25 (2) An individual is not inside the vehicle unless he or she
26 is either the registered qualifying patient to whom the living
27 marihuana plants belong or the individual designated through the
28 ~~departmental~~**marijuana regulatory agency's** registration process as
29 the primary caregiver for the registered qualifying patient.

1 (e) "Marihuana" means that term as defined in section ~~7106-3~~
 2 of the ~~public health code, 1978 PA 368, MCL 333.7106.~~ **Michigan**
 3 **Regulation and Taxation of Marihuana Act, 2018 IL 1, MCL 333.27953.**

4 (f) "Marihuana-infused product" means a topical formulation,
 5 tincture, beverage, edible substance, or similar product containing
 6 any usable marihuana that is intended for human consumption in a
 7 manner other than smoke inhalation. Marihuana-infused product shall
 8 not be considered a food for purposes of the food law, 2000 PA 92,
 9 MCL 289.1101 to 289.8111.

10 (g) "Marihuana plant" means any plant of the species ~~Cannabis~~
 11 ~~sativa~~ **Cannabis sativa** L.

12 (h) **"Marijuana regulatory agency" means the marijuana**
 13 **regulatory agency created under Executive Reorganization Order No.**
 14 **2019-2, MCL 333.27001.**

15 (i) ~~(h)~~ "Medical use of marihuana" means the acquisition,
 16 possession, cultivation, manufacture, extraction, use, internal
 17 possession, delivery, transfer, or transportation of marihuana,
 18 marihuana-infused products, or paraphernalia relating to the
 19 administration of marihuana to treat or alleviate a registered
 20 qualifying patient's debilitating medical condition or symptoms
 21 associated with the debilitating medical condition.

22 (j) ~~(i)~~ "Physician" means an individual licensed as a
 23 physician under part 170 of the public health code, 1978 PA 368,
 24 MCL 333.17001 to 333.17084, or an osteopathic physician under part
 25 175 of the public health code, 1978 PA 368, MCL 333.17501 to
 26 333.17556.

27 (k) ~~(j)~~ "Plant" means any living organism that produces its
 28 own food through photosynthesis and has observable root formation
 29 or is in growth material.

1 (l) ~~(k)~~ "Primary caregiver" or "caregiver" means a person who
 2 is at least 21 years old and who has agreed to assist with a
 3 patient's medical use of marihuana and who has not been convicted
 4 of any felony within the past 10 years and has never been convicted
 5 of a felony involving illegal drugs or a felony that is an
 6 assaultive crime as defined in section 9a of chapter X of the code
 7 of criminal procedure, 1927 PA 175, MCL 770.9a.

8 (m) ~~(l)~~ "Qualifying patient" or "patient" means a person who
 9 has been diagnosed by a physician as having a debilitating medical
 10 condition.

11 (n) ~~(m)~~ "Registry identification card" means a document issued
 12 by the ~~department~~ **marijuana regulatory agency** that identifies a
 13 person as a registered qualifying patient or registered primary
 14 caregiver.

15 (o) ~~(n)~~ "Usable marihuana" means the dried leaves, flowers,
 16 plant resin, or extract of the marihuana plant, but does not
 17 include the seeds, stalks, and roots of the plant.

18 (p) ~~(o)~~ "Usable marihuana equivalent" means the amount of
 19 usable marihuana in a marihuana-infused product that is calculated
 20 as provided in section 4(c).

21 (q) ~~(p)~~ "Visiting qualifying patient" means a patient who is
 22 not a resident of this state or who has been a resident of this
 23 state for less than 30 days.

24 (r) ~~(q)~~ "Written certification" means a document signed by a
 25 physician, stating all of the following:

- 26 (1) The patient's debilitating medical condition.
 27 (2) The physician has completed a full assessment of the
 28 patient's medical history and current medical condition, including
 29 a relevant ~~, in-person,~~ medical evaluation.

1 (3) In the physician's professional opinion, the patient is
2 likely to receive therapeutic or palliative benefit from the
3 medical use of marihuana to treat or alleviate the patient's
4 debilitating medical condition or symptoms associated with the
5 debilitating medical condition.

6 Enacting section 1. This amendatory act takes effect 90 days
7 after the date it is enacted into law.

8