

HOUSE BILL NO. 4745

April 29, 2021, Introduced by Reps. Lilly and Hertel and referred to the Committee on Regulatory Reform.

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:

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

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

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

11 (4) If the patient has given permission, the physician has
 12 notified the patient's primary care physician of the patient's
 13 debilitating medical condition and certification for the medical
 14 use of marihuana to treat that condition.

15 (b) "Debilitating medical condition" means 1 or more of the
 16 following:

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

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

28 (3) Any other medical condition or its treatment approved by
 29 the ~~department,~~ **marijuana regulatory agency**, as provided for in

1 section 6(k).

2 (c) "Department" means the department of licensing and
3 regulatory affairs.

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

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

29 (2) An individual is not inside the vehicle unless he or she

1 is either the registered qualifying patient to whom the living
 2 marihuana plants belong or the individual designated through the
 3 ~~departmental~~ **marijuana regulatory agency's** registration process as
 4 the primary caregiver for the registered qualifying patient.

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

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

14 (g) "Marihuana plant" means ~~any plant of the species Cannabis~~
 15 ~~sativa L.~~ **that term as defined in section 3 of the Michigan**
 16 **Regulation and Taxation of Marihuana Act, 2018 IL 1, MCL 333.27953.**

17 (h) "Marijuana regulatory agency" means the marijuana
 18 regulatory agency created under Executive Reorganization Order No.
 19 2019-2, MCL 333.27001.

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

27 (j) ~~(i)~~—"Physician" means an individual licensed as a
 28 physician under part 170 of the public health code, 1978 PA 368,
 29 MCL 333.17001 to 333.17084, or an osteopathic physician under part

1 175 of the public health code, 1978 PA 368, MCL 333.17501 to
2 333.17556.

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

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

13 (m) ~~(l)~~—"Qualifying patient" or "patient" means a person who
14 has been diagnosed by a physician as having a debilitating medical
15 condition.

16 (n) ~~(m)~~—"Registry identification card" means a document issued
17 by the ~~department~~ **marijuana regulatory agency** that identifies a
18 person as a registered qualifying patient or registered primary
19 caregiver.

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

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

26 (q) ~~(p)~~—"Visiting qualifying patient" means a patient who is
27 not a resident of this state or who has been a resident of this
28 state for less than 30 days.

29 (r) ~~(q)~~—"Written certification" means a document signed by a

1 physician, stating all of the following:

2 (1) The patient's debilitating medical condition.

3 (2) The physician has completed a full assessment of the
4 patient's medical history and current medical condition, including
5 a relevant ~~, in-person,~~ medical evaluation.

6 (3) In the physician's professional opinion, the patient is
7 likely to receive therapeutic or palliative benefit from the
8 medical use of marihuana to treat or alleviate the patient's
9 debilitating medical condition or symptoms associated with the
10 debilitating medical condition.