

Michigan Medical Marijuana Law

Modifications and Amendments

By Marlene Coir

The Michigan Medical Marihuana Act was passed in November 2008.¹ The act became law through a voter-approved initiative rather than through the legislative process, so no legislative history is available as one might expect with controversial legislation. The act caused important modifications and amendments to the Michigan Public Health Code.

Since the initiative became law, the Michigan legislature has modified various aspects of the act through separate legislation. The history for these pieces of legislation include earlier versions of the bill (documents), bill analyses, and fiscal analyses when available. The documents and analyses are available at the Michigan legislature website and may be available through the Library of Michigan.² The Michigan legislature site also provides links to the affected sections of the Michigan Compiled Laws. This article presents a snapshot of key legislation that has modified the act; it is not a comprehensive review of medical marijuana law in Michigan. While reference is made to the Michigan Public Health Code, additional sections of the Michigan Compiled Laws also may have been affected by the legislation.

Modifications and amendments

2011 HB 2834 passed as 2012 PA 514.³ This amendment speaks to regulation of and protection for the use of medical marijuana, including medical marijuana patient and caregiver registration and identification.

In 2013, 2011 HB 4851 became 2012 PA 512 and defined, in part, a qualifying patient or primary caregiver.⁴

2015 SB 0072 affected Section 7 of the act. The bill passed in 2017 as 2016 PA 546.⁵

In 2015, several pieces of legislation dealing with medical marijuana distribution

were introduced in the House. 2015 HB 4209 became the Medical Marihuana Facilities Licensing Act.⁶ 2015 HB 4827 became the Marihuana Tracking Act.⁷ 2015 HB 4210 became 2016 PA 283, which affected certain sections of the Michigan Medical Marihuana Act (2008).⁸

2017 HB 5144 became law as 2018 PA 10. It amends the Medical Marihuana Facilities Licensing Act, providing further oversight and regulation of the processing and distribution of medical marijuana products.⁹

Regulation

Under the Michigan Medical Marihuana Act, regulation of medical marijuana is the responsibility of the Michigan Department of Licensing and Regulatory Affairs Bureau of Medical Marihuana Regulation, which consists of the Medical Marihuana Facility Licensing Division and the Michigan Medical Marihuana Program Division.¹⁰

Criminal prosecution

While the use of cannabis to treat certain medical conditions is legal in Michigan, the recreational use of marijuana remains illegal.¹¹ Under MCL 333.7401, possession or sale of any amount of cannabis may result in charges ranging from a misdemeanor to a felony, with penalties ranging from fines to 4–15 years of imprisonment. Criminal possession or distribution of marijuana may result in property forfeiture under MCL 333.7521. The use of marijuana may also

trigger additional penalties through local municipal regulations.¹² At the federal level, any use or distribution of the drug remains a criminal offense under the Controlled Substances Act, 21 USC 801 *et seq.*

Additional resources

The Citizens Resource Council of Michigan, a public policy organization, often publishes succinct reports on proposed legislation. Its report on Michigan's medical marijuana law also references Michigan communities that have local ordinances regulating marijuana and controlling federal statutes. Citations to medical impact studies, relevant articles, and Congressional Research Service reports may be included when available. The reports typically provide a summary of the proposed legislation along with a live link to the full text of the proposal.¹³

The Governing Michigan collection at the Library of Michigan website provides a page on Michigan legislative and statutory material. The site has legislative summaries, analyses, and resources to assist with legislative history. It's possible to do quick, advanced, and agency searches; detailed instructions are provided for executing the various searches.¹⁴

Specific procedures must be followed to search public act numbers and bill numbers when using the "Find results with" service at Governing Michigan. The format for searching bills requires the year of the bill, the House (HB) or Senate (SB) abbreviation, and the bill number separated by dashes: YYYY-HB-Bill

While the use of cannabis to treat certain medical conditions is legal in Michigan, the recreational use of marijuana remains illegal.

Number or YYYY-SB-Bill Number. Searching for public acts requires a similar format: YYYY-PA-Act Number. It's also necessary to change the type of search from "All of the words" to "The exact phrase." This can be accomplished through the drop-down menu to the left of the search box. The field selection must be set to "Bill number" or "Public act number" by using the drop-down menu located to the right of the search-terms box. Fortunately, Governing Michigan provides detailed search tips,¹⁵ but if additional help is needed, you can contact one of the Library of Michigan reference librarians by email or phone. A librarian at your local library may also be able to provide assistance. ■



Marlene Coir has been a member of the State Bar of Michigan since 1990. She is also an active member of the American Association of Law Libraries and serves as chair of the Government Relations

Committee for its Michigan chapter.

ENDNOTES

1. MCL 333.26421 *et seq.*
2. Library of Michigan, *Collections: Michigan Legislative & Statutory Materials* <<http://governingmichigan.org/collections/michigan-legislative-statutory-materials/>>. All websites cited in this article were accessed July 11, 2018.
3. MCL 333.26426. The legislative history behind 2012 PA 514 is available at <[http://www.legislature.mi.gov/\(S\(lagsb4fsuljbureeyruc2iaf\)\)/mileg.aspx?page=GetObject&objectName=2011-HB-4834](http://www.legislature.mi.gov/(S(lagsb4fsuljbureeyruc2iaf))/mileg.aspx?page=GetObject&objectName=2011-HB-4834)>.
4. MCL 333.26423, MCL 333.26424, and MCL 333.26428. The legislative history behind 2012 PA 512 is available at <[http://www.legislature.mi.gov/\(S\(11l24li2453utsahmqti2jil\)\)/mileg.aspx?page=GetObject&objectName=2011-HB-4851](http://www.legislature.mi.gov/(S(11l24li2453utsahmqti2jil))/mileg.aspx?page=GetObject&objectName=2011-HB-4851)>.
5. MCL 333.26427. The legislative history behind 2016 PA 546 is available at <[http://www.legislature.mi.gov/\(S\(gcltnhaai5bnxo2424tkuxx\)\)/mileg.aspx?page=GetObject&objectName=2015-SB-0072](http://www.legislature.mi.gov/(S(gcltnhaai5bnxo2424tkuxx))/mileg.aspx?page=GetObject&objectName=2015-SB-0072)>.
6. MCL 333.27101 *et seq.* The legislative history behind 2016 PA 281 is available at <[http://legislature.mi.gov/\(S\(bb35at0j2vjthj1vbvx52cc\)\)/mileg.aspx?page=GetObject&objectName=2015-HB-4209](http://legislature.mi.gov/(S(bb35at0j2vjthj1vbvx52cc))/mileg.aspx?page=GetObject&objectName=2015-HB-4209)>.
7. MCL 333.27901 *et seq.* The legislative history behind 2016 PA 282 is available at <[http://www.legislature.mi.gov/\(S\(look0grsxt3rexpq4rlqob\)\)/mileg.aspx?page=GetObject&objectName=2015-HB-4827](http://www.legislature.mi.gov/(S(look0grsxt3rexpq4rlqob))/mileg.aspx?page=GetObject&objectName=2015-HB-4827)>.
8. MCL 333.26423, MCL 333.26424, MCL 333.26424a, MCL 333.26424b, MCL 333.26426, and MCL 333.26427. The legislative history behind 2016 PA 283 is available at <[http://www.legislature.mi.gov/\(S\(yqalkzh4qxpgrg4crzckfb0n\)\)/mileg.aspx?page=GetObject&objectName=2015-HB-4210](http://www.legislature.mi.gov/(S(yqalkzh4qxpgrg4crzckfb0n))/mileg.aspx?page=GetObject&objectName=2015-HB-4210)>.
9. MCL 333.27101 *et seq.* The legislative history behind 2018 PA 10 is available at <[http://www.legislature.mi.gov/\(S\(gxvul05ojqlrlkcpmsfxpaxn\)\)/mileg.aspx?page=GetObject&objectName=2017-HB-5144](http://www.legislature.mi.gov/(S(gxvul05ojqlrlkcpmsfxpaxn))/mileg.aspx?page=GetObject&objectName=2017-HB-5144)>.
10. Additional information about each division can be found at <<https://www.michigan.gov/lara/0,4601,7-154-79571--,00.html>> and the relevant administrative regulations can be found at Mich Admin Code, R 333.101 *et seq.* <https://www.michigan.gov/lara/0,4601,7-154-79571_79575_79581--,00.html>.
11. MCL 333.7212 and MCL 333.7401 *et seq.*
12. Citizens Research Council of Mich, *Proposal 08-1: Medical Marijuana* (June 10, 2018) <https://csrcmich.org/proposal_02-1_medical_marijuana_summary_2008/>.
13. *Id.* at n 4.
14. Library of Michigan, *Collections: Michigan Legislative & Statutory Materials*.
15. Library of Michigan, *Governing Michigan Advance Search Guide* (2016) <<http://governingmichigan.org/collections/view-item/?DMaliaslist=p9006coll4&DMItem=182963>>.

SBM

OUT OF SYNC?

Career

Self-Care

Recreation

Relationships

Community

Sometimes
it's hard
to keep all
the balls in the air.

LJAP can help (800) 996-5522

STATE BAR OF MICHIGAN
LAWYERS AND JUDGES ASSISTANCE PROGRAM (800) 996-5522

Build on your strengths and support your successes.

State Bar of Michigan
Lawyers & Judges
ASSISTANCE
PROGRAM

(800) 996-5522