

Help Protect Medical Marijuana Patients

If you are a patient or medical professional interested in receiving updates about Michigan's medical marijuana law, please fill out this slip and mail it to **MPP, P.O. Box 77492, Washington, DC 20013.**

We will keep your information confidential, sharing it only with your permission.

With your annual membership contribution of \$25 or more, you will receive MPP's newsletter, *Marijuana Policy Report*. If you donate \$40 or more — or if you join our monthly donor program at a level of \$5 or more — you will also receive your choice of gift. See www.mpp.org/membershipgifts for more information.

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- I believe marijuana should be legally available for medical purposes.
- I am a physician.
- I am a qualifying patient.
- I want to support MPP Foundation financially. Please accept my tax-deductible donation of:
- \$500 \$250 \$100
- \$40 \$25 \$ _____
- I have enclosed a check or money order to MPP Foundation.
- Sign me up for MPP's e-mail alerts!

To donate via credit card, please visit
www.mpp.org/donate.

Thirteen states have medical marijuana laws that are working well by protecting tens of thousands of seriously ill patients from arrest.

Doctors whom the federal government prosecuted for recommending medical marijuana in these states: **0***

Registered patients whom the federal government has convicted for possessing 12 or fewer plants or up to two and a half ounces: **0***

The Medical Use of Marijuana Is Supported By:

- Michigan Nurses Association
- American Academy of Family Physicians
- American Academy of HIV Medicine
- American Bar Association
- American Nurses Association
- American Public Health Association
- Community HIV/AIDS Mobilization Project (CHAMP)
- Episcopal Church
- Leukemia & Lymphoma Society
- Lymphoma Foundation of America
- National Association of People with AIDS
- Presbyterian Church (USA)
- Union of Reform Judaism
- Unitarian Universalist Association
- United Church of Christ
- United Methodist Church

*These numbers are correct to the best of MPP's knowledge.



Michigan's Medical Marijuana Law

A Guide for Patients and Doctors

Marijuana Policy Project Foundation



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On November 4, 2008, 63% of Michigan voters passed a medical marijuana law that is now protecting registered medical marijuana patients and their caregivers from criminal penalties.

What Is the Doctor's Role?

Before a patient can receive a registry card, his or her physician must fill out a portion of the patient's application certifying that the patient has a qualifying debilitating medical condition and that the patient is likely to receive medical benefit from the medical use of marijuana.

What Conditions Qualify?

Cancer; glaucoma; HIV/AIDS; Hepatitis C; amyotrophic lateral sclerosis; Crohn's disease; agitation of Alzheimer's disease; nail patella; debilitating conditions that produce wasting syndrome, severe nausea, severe and chronic pain, seizures, and spasms; and the treatment of these conditions all qualify for ID cards under the law. In addition, patients with serious medical conditions can raise a medical defense in court.

Can Doctors Be Prosecuted For Signing a Certification?

Michigan's new law explicitly protects doctors from punishment. It says:

A physician shall not be subject to arrest, prosecution, or penalty in any manner, or denied any right or privilege, including but not limited to civil penalty or disciplinary action by the Michigan board of medicine ... solely for providing written certifications, in the course of a bona fide physician-patient relationship ... provided that nothing shall prevent a professional licensing board from sanctioning a physician for ... violating the standard of care for evaluating medical conditions. (Sec. 4(f))

Has the Federal Government Punished Practitioners Who Recommend Medical Marijuana?

No. The U.S. Court of Appeals for the Ninth Circuit ruled that doctors cannot be punished — or even investigated — solely for recommending medical marijuana, because doing so is protected free speech (*Conant v. Walters*). The U.S. Supreme Court let the decision stand.

What Can't a Doctor Do?

- **Prescribe marijuana.** Until federal law changes, doctors cannot prescribe marijuana. However, no doctor has been punished for *recommending* marijuana in good faith.
- **Help patients obtain marijuana or describe how they may do so.** Doctors also cannot sign a certification with the intention of helping a patient illegally obtain marijuana. The doctor's role is simply to state that a patient has a qualifying medical condition and the doctor feels the patient is likely to receive therapeutic or palliative benefits from marijuana.
- **Offer individualized advice about the timing or amount of marijuana dosage or its administration.**

How Much Marijuana Can a Patient Possess?

Patients and their caregivers can each possess up to two-and-a-half ounces of useable marijuana, and either a patient or a caregiver can possess up to 12 marijuana plants. The law also has a defense that can be raised in court if greater amounts are needed.

What Is Forbidden Under the Medical Marijuana Law?

- ✗ smoking marijuana in public or on public transportation
- ✗ cultivating marijuana somewhere other than in a secure, locked facility
- ✗ driving under the influence of marijuana

The Medical Marijuana Application Process

To apply for a medical marijuana registration card from the Department of Community Health, a patient must:

- be suffering from a qualifying condition; and
- submit the following to the Medical Marijuana Program:
 - a written certification from a physician;
 - an application form;
 - if the patient is a minor, additional documentation; and
 - an application fee.

The patient may designate only one caregiver on the application; caregivers cannot apply for cards directly.

After receiving a completed application, the Department of Health has 15 days to approve a valid application and then five days to issue an ID card. Cards expire after one year.

Application forms will be available at www.michigan.gov/mdch (choose the link for Michigan medical marijuana information) by April 4, 2009.

More Information

A summary of research on the medical value of marijuana in alleviating the qualifying conditions and their symptoms is available at www.mpp.org/research.

This brochure is not intended to substitute for reading the entire law and regulations, available from the Community Department of Health at www.michigan.gov/mdch.