

**Disclaimer:** The Barry County Substance Abuse Task Force (SATF) exists to prevent and address substance abuse issues. The SATF is concerned with public perception of the Medical Marihuana Act and is using this document to provide correct information and facts so people can be informed. The SATF also does not assist with the Michigan Medical Marihuana Act application nor are we promoting the use of Medical Marihuana.

## **Medical Marijuana Fact Sheet**

### **Michigan Limits on possession of Marihuana**

- 2.5 ounces of usable marihuana plant material
- 12 plants, which must be kept in an enclosed, locked facility.

**Enclosed, locked facility:** A closet, room, or other enclosed area equipped with locks or other security devices that permit access only by a registered primary caregiver or registered qualifying patient. MCL 333.26423©

**Caregiver –** The MMMA defines a "Primary Caregiver" as a person who is at least 21 years old and who has agreed to assist with a patient's medical use of marihuana and who has never been convicted of a felony involving illegal drugs.

Patients under age 18 must have written consent of their parent or guardian responsible for medical decisions. The parent or guardian must be the registered caregiver of the minor patient.

The Act neither protects marihuana plants from seizure nor individuals from prosecution if the federal government chooses to take action against patients or caregivers under the federal Controlled Substances Act.

**Question:** Do I get a prescription from my doctor?

**Answer:** The federal government classifies marihuana as a Schedule 1 drug, which means that licensed medical practitioners cannot prescribe it. Your physician must provide written certification of a "debilitating medical condition" and can only recommend the use of medical marihuana.

**Question:** Why can't I go to a pharmacy to fill a prescription for medical marihuana?

**Answer:** Pharmacies can only dispense medications "prescribed" by licensed physicians. The federal government classifies marihuana as a Schedule I drug, which means licensed physicians cannot prescribe it.

**Question:** I am too ill to grow my own medical marihuana. What can I do?

**Answer:** The MMMA provides for a system of designated caregivers. The caregiver can acquire 2.5 ounces of usable marihuana and grow up to 12 marihuana plants for a qualifying patient. The caregiver may assist up to 5 patients. The caregiver must sign a statement agreeing to provide marihuana only to the qualifying patients who have named the individual as their caregiver. The caregiver's name, address, birth date and social

security number must be provided to the state at the time of a patient's registration. The Department will issue a registry identification card to the caregiver who is named by a qualifying patient on his/her application. The Department may not issue a registry identification card to a proposed caregiver who has previously been convicted of a felony drug offense. The Department will verify through a background check with the Michigan State Police that the designated caregiver has no disqualifying felony drug conviction. A caregiver may receive reasonable compensation for services provided to assist with a qualifying patient's medical use of marihuana.

**Question:** Where can I consume medical marihuana?

**Answer:** Presuming you are registered with the state patient registry and carrying your registry identification card, you may consume medical marihuana on your property or elsewhere. **However, the law does not permit any person to do any of the following:**

- (1) Undertake any task under the influence of marihuana, when doing so would constitute negligence or professional malpractice.
- (2) Possess marihuana, or otherwise engage in the medical use of marihuana:
  - (a) in a school bus;
  - (b) on the grounds of any preschool or primary or secondary school; or
  - (c) in any correctional facility
  - (d) in a licensed medical facility
- (3) Smoke marihuana:
  - (a) on any form of public transportation; or
  - (b) in any public place.
- (4) Operate, navigate, or be in actual physical control of any motor vehicle, aircraft, or motorboat while under the influence of marihuana.

### **Marijuana and Firearms**

Therefore, any person who uses or is addicted to marijuana regardless of whether his or her state has passed legislation authorizing marijuana for medicinal purposes, is an unlawful user of or addicted to a controlled substance, and is prohibited by Federal Law from possessing firearms or ammunition. Such persons should answer "Yes" to question 11.e. on ATF form 4473 (August 2008), Firearms Transaction Record, and you may not transfer firearms or ammunition to them. Further, if you are aware that the potential transferee is in possession of a card authorizing the possession and use of marijuana under State law, then you have "reasonable cause to believe" that the person is an unlawful user of a controlled substance. As such, you may not transfer firearms or ammunition to the person even if the person answered "No" to the question 11.e. on ATF Form 4473.

**Short answer:** You can either have a card for the possession and use of marijuana OR you can ship, transport, receive, or possess firearms or ammunition.

For more information please visit the state of Michigan's Medical Marijuana Law directly from LARA, the Department of Licensing and Regulatory Affairs at:

[http://www.michigan.gov/lara/0,4601,7-154-35299\\_28150\\_51869\\_52140---,00.html](http://www.michigan.gov/lara/0,4601,7-154-35299_28150_51869_52140---,00.html)