

# FITTING ALL THE PIECES

Central Michigan District Health Department  
HIV/AIDS Case Management Program

January 2009

Volume II, Issue I

## MICHIGAN MEDICAL MARIHUANA PROGRAM

I've received so many calls from folks interested in how and when the recently passed medical marihuana (I know, I know, the state spells it funny) law will take effect. The state has planned for everything to be in place by April 4, 2009 which isn't that far away. However, the Bureau of Health Professions is still working on the administrative rules and program forms at this time. So for now, I've included some general information and frequently asked questions. For those of you with internet access, you can find all the latest happenings at [www.michigan.gov/mmp](http://www.michigan.gov/mmp).

### General Information

- You must be a Michigan resident to be a registered patient in the Michigan Medical Marihuana Program (MMMP).
- There is an application fee to register for the MMMP. The fee cannot be waived, although it can be reduced under certain circumstances.
- You must have a qualifying debilitating medical condition as listed on the Attending Physician's Statement.
- The MMMP cannot supply you with seeds or starter plants, or give you advice on how to grow medical marihuana.



## Catrina's Corner

Well, the holidays are over and hopefully everyone made it through in one piece. With the new year comes a lot of planning for our future. Some of us have made New Year's resolutions and some have begun planning for where the new year will take them. You'll find me busy planning support groups, clinics, and many other things. As always, please feel free to share your thoughts or concerns during this time of planning.



Some new things that you may notice this year are quarterly cooking classes with our wonderful dietician, Kati; requests for your feedback and input when it comes to our endeavors to educate the public as well as professionals about HIV/AIDS; and possible requests for clients to be part of an advisory committee along with peers and professionals from the community to assist in guiding this program and its components in the appropriate direction. If, at any time, you have suggestions for our program please call or email me. I, along with the rest of the CMDHD staff, take this opportunity wish you a very happy new year and hope to see and talk to all of you very soon! Take care...

## Clinic Dates

January 30, 2009

9:00 am - 4:00 pm

February 27, 2009

9:00 am - 4:00 pm

March 19, 2009

9:00 am - 4:00 pm

Clinic is located on the  
2nd floor of the county  
building in Harrison.

Look for the Family  
Planning clinic sign



Commitment To Change

Ready.

Willing..

And Able...

Making Health A Priority

# MICHIGAN MEDICAL MARIHUANA PROGRAM

## General Information...continued from page 1

- Your physician must be a Medical Doctor (MD) or Doctor of Osteopathic Medicine (DO) licensed to practice in Michigan. You must have an established patient/physician relationship with your "attending physician." Other licensed health professionals such as Chiropractors, physician assistants and nurse practitioners cannot sign the documentation.
- The MMMP cannot refer you to a physician. The MMMP does not have a physician referral list.
- You, or your designated primary caregiver, may grow your marihuana. There is no place in the state of Michigan to legally purchase medical marihuana.
- The MMMP cannot find a designated primary caregiver for you. The MMMP does not keep a referral list of persons who want to be caregivers for patients. (You are not required to list a caregiver unless you are less than 18 years old.) Your caregiver cannot be your physician.
- If you decide to change your caregiver, it is your responsibility to notify him or her that he or she is no longer protected under the law. The MMMP does not communicate directly with caregivers.
- The MMMP will only speak directly with the patient. All written requests to release information must be signed and dated by the patient. The MMMP will not accept written or verbal requests for information from your caregiver or any other person without your permission.
- 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.

## Frequently Asked Questions

**Question:** How do I register as a medical marihuana patient with the state?

**Answer:** "Qualifying patients" must register with the Michigan Department of Community Health, Bureau of Health Professions, P.O. Box 30670, Lansing, Michigan 48909.

To register, the patient must submit (on forms provided by the department) the following information:

- (a) an application or renewal fee;
- (b) the name, address, and birth date of the qualifying patient;
- (c) the name, address, and telephone number of the qualifying patient's physician;
- (d) the name, address, and birth date of the qualifying patient's caregiver, if any.
- (e) written certification that the person is a qualifying patient, which must be submitted directly to this office by the physician.

**Question:** What medical conditions are eligible?

**Answer:** Patients must suffer from a debilitating medical condition, defined as:

- (a) cancer, glaucoma, or positive status for human immunodeficiency virus (HIV), acquired immune deficiency syndrome (AIDS), hepatitis C, amyotrophic lateral sclerosis, Crohn's disease, agitation of Alzheimer's disease, or nail patella.
- (b) a chronic or debilitating disease or medical condition or its treatment that produces one of more of the following:
  - (i) cachexia or wasting syndrome;
  - (ii) severe or chronic pain;
  - (iii) severe nausea;
  - (iv) seizures, including but not limited to those caused by epilepsy; or
  - (v) severe or persistent muscle spasms, including but not limited to, those which are characteristic of multiple sclerosis; or
- (c) any other medical condition or treatment for a medical condition adopted by the department by rule. (NOTE: to date, the department has not added to the list by administrative rule).

## Frequently Asked Questions...continued from page 2

**Question:** What is the fee to apply for participation in the Michigan Medical Marihuana Program (MMMP)? Are there any circumstances under which the fee can be reduced?

**Answer:** The fee for a new or renewal application is \$100.00, unless a qualifying patient can demonstrate his or her current eligibility in the Medicaid Health Plan or receipt of current SSI benefits, in which case the application fee is \$25.00. The documentation required to be eligible for the reduced fee is outlined in the application instructions.

**Question:** Why do I need to have a physician sign and date an "Attending Physician's Statement" form? Why can't I just provide my medical records?

**Answer:** According to the Michigan Medical Marihuana Act (MMMA), a physician must state in writing that the patient has a qualifying debilitating medical condition and that medical marihuana may mitigate the symptoms or effects of that condition. The MMMP contacts each physician during the application process to verify the patient is under the physician's care. A signed and dated "Attending Physician's Statement," must be current within 3 months of the date of a person's new or renewal application.

**Question:** Can the MMMP refer me to a physician?

**Answer:** No. The MMMP does not serve as a referral source. Any Doctor of Medicine (MD) or Doctor of Osteopathic Medicine (DO) licensed in Michigan can recommend a patient for the program.

**Question:** What happens to my application once I mail it? What if I don't send in all the required parts of my application?

**Answer:** The MMMP has 15 days to review your application to make sure it is complete and all parts are current. If your application is complete, your registry identification card will be issued within 5 days after the MMMP verifies the information on your application. If you don't send in all the required parts of your application, the MMMP will send you an "incomplete letter" telling you what parts of your application are missing. The incomplete letter gives you 14 days from the date of the letter to get the missing parts to the MMMP and tells you the terms under which your application may be terminated. When you get all missing parts of your application to the MMMP, the registry identification card will be issued within 5 days.

**Question:** Do I need to keep a copy of my application and any other information I send to the MMMP?

**Answer:** Yes. If your application has not yet been approved, denied or terminated you may provide law enforcement with a copy of your written documentation submitted to the department; you must also submit proof of the date of mailing or other transmission of the documentation. This documentation shall have the same legal effect as a registry identification card, until such time as you receive your card or you have received notification that your application has been approved, denied or terminated.

**Question:** Is my confidentiality protected?

**Answer:** Yes. The MMMP does not give out lists of patients or caregivers. Law enforcement personnel may contact the MMMP only to verify a specific name or address of a patient, caregiver or person responsible for a grow site. The MMMP will tell law enforcement staff if the patient or caregiver is registered, or if an application is in process. The MMMP will disclose patient information to others only at the specific written request of the patient. MMMP computer files are secure and paper files are kept locked when not in use.

## Frequently Asked Questions...continued from page 3

**Question:** Who has access to the patient registry list?

**Answer:** The state will maintain a confidential list of "qualified patients" and "approved caregivers" to whom the department has issued registry identification cards. Individual names and other identifying information on the list must be confidential and is not subject to disclosure, except to:

- (a) authorized employees of the department as necessary to perform official duties of the department; or
- (b) authorized employees of state or local law enforcement agencies, only as necessary to verify that a person is a lawful possessor of a registry identification card.

**Question:** Can a patient withdraw from the program?

**Answer:** Yes. A patient must submit a written statement that he or she wishes to withdraw from the MMMP. The MMMP will request that all cards be returned and the file will be closed. The patient's card and all cards associated will be voided. It is the responsibility of the patient to notify his or her caregiver, if applicable, that his or her card is no longer valid. It is the patient's responsibility to collect all cards associated with his or her patient card and return them to the Department. If the Department is notified by the patient that he or she would like to withdraw from the program, the Department shall notify the primary caregiver by mail at the address of record informing the caregiver that his or her card is no longer valid and must be returned to the Department within fourteen (14) calendar days. All cards must be returned to the Department within fourteen (14) calendar days of the date that the Department was notified of withdrawal. If the patient so chooses he or she may reapply as a new patient at any time. In order to reapply a patient must submit the required documentation and application fee.

**Question:** Do I have to tell the MMMP if I change my mailing address or change my designated primary caregiver?

**Answer:** The answer to these questions is "yes". You are required to tell the MMMP in writing of any such changes within 14 days of the change. The MMMP does not accept changes of information over the telephone. The MMMP only accepts written changes about the patient's name, the patient's address, the patient's telephone number, the patient's physician, or the patient's primary caregiver. You may mail or fax your changes to the MMMP. You will get written confirmation from the MMMP that the change was received. Your changes will be made in our computer database and will be put in your file. You will be protected from civil and criminal penalties for these changes. If you change your caregiver, you will be asked to return your old caregiver card within 14 days.

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

**Answer:** The federal government classifies marijuana as a Schedule I 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 marijuana.

**Question:** Where do I get the seeds or plants to start growing medical marijuana?

**Answer:** The MMMP is not a resource for the growing process and does not have information to give to patients.

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

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

**Question:** Can doctors get in trouble for discussing medical marijuana?

**Answer:** Not under Michigan state law. A physician may not be arrested, prosecuted or penalized in any manner, or be denied any right or privilege, including but not limited to civil penalty or disciplinary action by the Board of Medicine or Board of Osteopathic Medicine.

## Frequently Asked Questions...continued from page 4

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

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

**Question:** Who can ingest medical marijuana?

**Answer:** Under the MMMA, only a person with a qualifying debilitating medical condition who has obtained a valid MMMP card is exempt from criminal laws of the state for engaging in the medical use of marijuana as justified to mitigate the symptoms or effects of the person's debilitating medical condition.

**Question:** How are the laws and rules of the MMMA enforced?

**Answer:** The MMMP enforces the registration process making sure applications are complete before issuing a registry identification card, terminating incomplete or fraudulent applications, and revoking cards if individuals commit violations of the MMMA. The MMMP verifies the names and addresses of patients and caregivers with local and state law enforcement personnel if they call the MMMP requesting such information. As local and state law enforcement agencies enforce the MMMA around the state, they may verify with the MMMP at any time whether a particular patient or designated primary caregiver is registered with MMMP. Local and state law enforcement personnel may take any action they believe is necessary to enforce the criminal laws of the state, including violations of the MMMA. Local and state law enforcement actions may vary. The MMMP has no authority to direct the activities of local and state law enforcement agencies.

**Question:** Will paraphernalia associated with my medical use be protected?

**Answer:** Yes, in Section 4 of the MMMA, asserting medical use of your "paraphernalia relating to the consumption of marijuana" is an affirmative defense.

**Question:** Can the police search me just for having a patient registry card?

**Answer:** No, not under Michigan law. Possession of, or application for, a registry identification card does not alone constitute probable cause to search the person or property of the person possessing or applying for the registry identification card or otherwise subject the person or property to inspection by any governmental agency, including a law enforcement agency.

**Question:** Will my medical insurance cover medical marijuana?

**Answer:** Probably not. The MMMA does not require a government medical assistance program or commercial or non-profit health insurer to reimburse a person for costs associated with the medical use of marijuana.

**Question:** Can I use medical marijuana at work?

**Answer:** This is up to the employer. Even if you are a registered patient, your employer may still prohibit medical marijuana use in the workplace.

## Frequently Asked Questions...continued from page 5

**Question:** If I live in a nursing home, assisted living facility, or a retirement home, can I consume medical marijuana?

**Answer:** Presuming you are registered with the state patient registry and carrying your registry identification card, the law does not specifically prohibit the use of medical marijuana in those settings. However, the facility or home may have prohibitions. Therefore, you must verify with the facility if using medical marijuana is permitted and under what circumstances or conditions.

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

**Answer:** Presuming you are registered with the state patient registry and carrying your registry identification card, you may consume medical marijuana 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 marijuana, when doing so would constitute negligence or professional malpractice.
- (2) Possess marijuana, or otherwise engage in the medical use of marijuana:
  - (a) in a school bus;
  - (b) on the grounds of any preschool or primary or secondary school; or
  - (c) in any correctional facility.
- (3) Smoke marijuana:
  - (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 marijuana.

**Question:** Do I have to tell my landlord that I am a patient in the MMMP? Can my landlord evict me if I am a patient in the MMMP and have my grow site in my rental housing? Can I live in subsidized housing and be a patient in the MMMP?

**Answer:** It is up to you to decide whether or not to tell your landlord that you are a patient in the MMMP. Nothing in the MMMA specifically addresses whether or not you can be evicted because you are a patient in the MMMP, even if you have only the amount of medical marijuana allowed by law. Nothing in the MMMA specifically addresses whether or not a person can be an MMMP patient and live in subsidized housing. If you have questions about these important issues, you may wish to talk to an attorney to learn about your rights and protections.

**Question:** What should I tell my employer if I am subjected to a drug test?

**Answer:** The MMMA states that employers are not required to accommodate employees who use medical marijuana. You may wish to consult an attorney about whether or not to tell your employer that you are a patient in the MMMP. A patient may contact the MMMP in writing to ask the program to release information about the patient's registration to an employer.

**Question:** Is the MMMA recognized by other states? Can I travel to another state with medical marijuana and my MMMP registry identification card and not be arrested or charged with civil or criminal penalties?

**Answer:** At this time, the MMMP is not aware of any "reciprocity" agreements with any other states to honor the Michigan law. This includes even those states that have medical marijuana laws of their own, such as Washington and California. Because medical marijuana programs vary by state, you may want to contact the state you are traveling to for information on their laws.

**Questions:** Can patients form growing cooperatives?

**Answer:** The law does not address this. Consult with your local law enforcement officer or personal attorney.

# KATI'S TIPS

If you never have paid attention to food safety and sanitation before, this may be your year to start. As an individual with HIV or AIDS, maintaining proper food safety at home and out is incredibly important. This is especially true when your CD4 count is less than 100. At this level your body becomes less resistant to infection which can be spread through the consumption of contaminated food.

To better protect yourself from food contamination, there are many steps you can take including:

## At Home

- Buying food as fresh as possible. This means purchasing food products with the latest Best Buy Date on the label.
- Buying fruits and vegetables with unbroken skins and washing them thoroughly prior to eating. This includes fruits and

vegetables with rinds and peels.

- Keeping raw foods separate from cooked and ready-to-eat foods.
  - Washing hands before and after handling raw foods.
  - When preparing raw meat, washing the cutting boards and utensils between use with hot soapy water or using separate cutting boards and utensils for different items.
  - Not eating unpasteurized milk and cheese products.
  - Not eating moldy food items.
  - Not eating raw meat, fish, poultry, or eggs.
  - Storing foods at the right temperatures. For refrigerated items, this temperature range is 40 degrees F or lower while frozen items should be kept at 0 degrees F or lower.
  - Refrigerating leftovers within 1 hour by placing them in tightly sealed, shallow containers.
- Heating leftovers thoroughly

and eating them within 3-4 days.

## At Restaurants

- Eating at clean establishments.
  - Asking a restaurant employee to make sure raw food items are not in your order.
  - Ordering foods that are cooked thoroughly and sending under cooked items back to the kitchen.
- Avoiding buffets and salad bars where many people come into direct contact with the food being served.



By incorporating some of these steps into your daily lives, you can make 2009 one of your healthiest years ever.

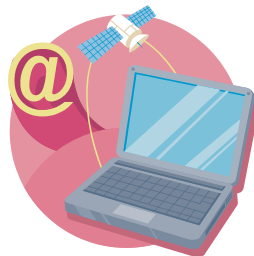
## Support Group

January 19, 2009	To Be Announced
February 18, 2009	Cooking with Kati * date and location change
March 16, 2009	Wills, Power of Attorney, etc.
April 20, 2009	To Be Announced
May 20, 2009	Cooking with Kati * date and location change
June 15, 2009	To Be Announced

Support Group meets 5:30-7:00pm. Call Catrina at 989-539-6731 ext. 8221 for location and directions

## Websites

[www.thebody.com](http://www.thebody.com)  
[www.cmdhd.org](http://www.cmdhd.org)  
[www.michigan.gov/mmp](http://www.michigan.gov/mmp)



## Questions? Comments? Concerns?

### Contact:

**\*Catrina Weber, Case Manager**  
**Phone: 989-539-6731, Ext. 8221**  
**\*Chris Lauckner, Director**  
**Health Education Services**  
**Phone: 989-773-5921, Ext. 8460**