

## “PRIMARY CAREGIVER” FACT SHEET

A Primary caregiver’s rights are clearly set forth in the recently passed Michigan Medical Marihuana act as:

Sec. 3. (g) "Primary caregiver" means 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.

The caregiver must be registered with the Michigan Department of Community Health by the patient as part of their application. The caregiver must supply the Department with: his/her name and address on the patient’s application.

Once a primary Caregiver is registered and has received their card s/he has the same rights as their patient:

Sec. 4 (b) A primary caregiver who has been issued and possesses a registry identification card 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 a business or occupational or professional licensing board or bureau, for assisting a qualifying patient to whom he or she is connected through the department's registration process with the medical use of marihuana in accordance with this act, provided that the primary caregiver possesses an amount of marihuana that does not exceed:

(1) 2.5 ounces of usable marihuana for each qualifying patient to whom he or she is connected through the department's registration process; and

(2) for each registered qualifying patient who has specified that the primary caregiver will be allowed under state law to cultivate marihuana for the qualifying patient, 12 marihuana plants kept in an enclosed, locked facility; and

(3) any incidental amount of seeds, stalks, and unusable roots.

(d) There shall be a presumption that a qualifying patient or primary caregiver is engaged in the medical use of marihuana in accordance with this act if the qualifying patient or primary caregiver:

(1) is in possession of a registry identification card; and

(2) is in possession of an amount of marihuana that does not exceed the amount allowed under this act. The presumption may be rebutted by evidence that conduct related to marihuana was not for the purpose of alleviating the qualifying

patient's debilitating medical condition or symptoms associated with the debilitating medical condition, in accordance with this act.

(e) A registered primary caregiver may receive compensation for costs associated with assisting a registered qualifying patient in the medical use of marihuana. Any such compensation shall not constitute the sale of controlled substances.

However, under the law's affirmative defenses section a patient or caregiver can claim that the marijuana or plants they

“...were collectively in possession of a quantity of marihuana that was not more than was reasonably necessary to ensure the uninterrupted availability of marihuana for the purpose of treating or alleviating the patient's serious or debilitating medical condition or symptoms of the patient's serious or debilitating medical condition; **Sec. 8 (a) (2)**.

Obviously, this difference will have to be worked out in the regulations or by litigation but patients and caregivers should be aware that this defense is implicitly more expansive than the amounts defined earlier.

The law doesn't protect anyone who's an unregistered or a primary caregiver who has more than the permitted amount of pot or plants.

The law has no provisions for patients or their caregivers to form groups or act collectively or in cooperatives but there also no provisions to prevent them from organizing and maintaining web sites for the exchange of information that might assist either group from im[proving their cultivation knowledge or skills for example. There are, in addition, innumerable other sites that provide similar information. See those listed below.