



MICHIGAN STATE POLICE LEGAL UPDATE

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This update is published by the Michigan State Police Executive Division. Questions and comments may be directed to MSPLegal@michigan.gov. Past editions can be found at www.michigan.gov/msp-legal.

CRIMINAL LAW

Administrative rules governing medical marihuana

Effective: April 4, 2009

The administrative rules governing medical marihuana in Michigan (R 333.101 - R 333.133) have been promulgated by the Michigan Department of Community Health (MDCH). The rules primarily cover processes unrelated to law enforcement; however, they contain a provision allowing law enforcement officers to verify the validity of registry identification cards.

Officers can verify a card by calling (517) 373-0395 during business hours. The MDCH will only verify a card *by number*, and will not provide further information about a patient or caregiver. When a patient or caregiver does not have their card with them, it will not be possible to verify their registration unless they know their number.

The [Michigan Medical Marihuana Act](#) does not allow a patient or caregiver to possess marihuana unless they also possess their registry identification card. So, a person possessing marihuana without his or her card can be properly arrested. However, the Act contains an affirmative defense provision, so officers should check with their prosecutor before arresting a person for a marihuana-related crime when the person claims to be a registered patient or caregiver.

All registry identification cards will eventually contain photographs of the registered patient or caregiver – the first cards issued did not contain photos, but these cards will be reissued with photos by the MDCH in the near future. Adult patient cards will contain blue lettering and blue text boxes, minor patient cards will contain brown lettering and orange text boxes, and caregiver cards will contain green lettering and green text boxes.

The back of each card will contain gray lettering, and may identify patients or caregivers associated with the person appearing on the front of the card.

Details of the program can be found on the MDCH's [Michigan Medical Marijuana Program](#) website and a summary can be found in [MSP Legal Update No. 69](#).

[Sample Medical Marihuana Identification Cards](#)

CRIMINAL PROCEDURE

Search warrant statute amended to allow warrants to search for wanted persons

Effective: April 9, 2009

Public Act 10 of 2009 amended the statute describing the proper grounds for issuance of search warrants ([MCL 780.652](#)). The statute now allows a court to issue a search warrant to search for and seize a person wanted on an arrest warrant or bench warrant in a criminal case.

[Public Act 10 of 2009](#)

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This update is provided for informational purposes only. Officers should contact their local prosecutor for an interpretation before applying the information contained in this update.