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June 28, 2011

Hon. Rick Jones, Chair and Members  
Senate Judiciary Committee

### Testimony on SB 505

Cannabis Patients United (CPU) was organized following passage of Voter Initiative 1, 2008, for the purpose of representing the interests of patients and caregivers. These patients and their caregivers are explicitly provided for in the Michigan Medical Marijuana Act. CPU opposes Senate Bill 505.

Members have established relationships with legislators, law enforcement organizations, prosecutors and others who have an impact on patient and caregiver rights. These relationships are important vehicles for providing accurate information on the Act and about those who use it; to promoting our positions on central issues; and for protecting patients who have chosen to use cannabis to treat their qualifying conditions. These patients have decided to use appropriate forms of cannabis as a substitute for prescribed narcotics that eroded their quality of life. They work closely with their caregivers to find the strains and forms of cannabis that are most effective in treating their medical conditions. These relationships involve development of open communication, monitoring various treatments and determining their effectiveness, and making sure that patients have an adequate supply of medicine.

The patient/caregiver system is clearly defined in the Act. Patients must choose and identify a caregiver through the state's registration process. Once selected and registered, the Act allows each caregiver to provide medical marijuana for up to six patients, to store up to 2.5 ounces of usable marijuana for each patient, and to grow cannabis plants in a locked, enclosed facility. No person with a drug felony conviction can become a caregiver.

This bill would expand the "drug felony" exclusion from care-giving to "any" felony. Any felony is a very expansive term for a very expansive list of possible felony convictions, many of which have no contemporary relevance or any relevance to the act of care-giving. It would deny many otherwise capable caregivers the right receive remuneration for the cost of cannabis production which can augment family incomes in an economic environment where there are few employment opportunities.

In fact, a web search found a four page, single-spaced list of federal felony crimes. State felonies would increase the list considerably. A sample of "any" felonies includes these crimes.

Lobbyists giving gifts, false swearing to register or vote, falsifying school records, issuing a warehouse receipt for goods not received, adultery, bribing a public officer to influence contract, non-sufficient funds check (three or more within ten days), Grain Dealers Act violations, Organic Products Act violations, water pollution, knowingly releasing air pollutants, littering including sharps, importing solid waste from a foreign country, buying or selling protected animals, removing forest products over \$2,500, recovering abandoned Great Lakes having value \$1,000 to \$20,000, conversion of federal contracts, casino gaming offenses, county employee providing answers to a county civil service exam, purchase of public residential by a public servant, and many more felony crimes would prevent a person from becoming a caregiver.

Preventing registration to grow medicinal marijuana because of having committed any of these felony crimes would seem to have no rational basis. CPU requests that this committee oppose SB 505.

257.233a(7) Odometer tampering  
257.257(1) Altering or forging vehicle documents  
205.27(1)(a) Failure to file or false tax return or payment  
205.27(1)(b) Aiding and abetting tax evasion or filing false returns  
205.27(1)(c) Making/permitting false tax returns or payments  
205.27(3) False tax returns/perjury  
205.28(1)(e) State employee compromising taxes  
205.28(1)(f) Unauthorized disclosure of tax information  
205.428(2) Tobacco products tax act violations  
207.118a Gasoline tax — embezzlement over \$100  
207.119 Gasoline or motor fuel tax violation  
207.127c Diesel fuel tax — embezzlement over \$100  
207.754(3) State treasurer — municipality tax — divulging confidential information  
169.254 Campaign finance — corporate contributions  
169.255 Campaign finance — corporate solicitation for certain funds  
169.266 Campaign finance — qualified campaign expenditures  
168.731(4) Pub trst G Election law — filing certain false statements  
168.734 Election law — election board refusing to provide challenger conveniences  
168.756 Elector's false statement concerning inability to mark ballot  
168.757 Election inspector — unlawful conduct  
168.759(8) Forged signature on absentee ballot  
168.759b False statement in application for emergency absentee ballot  
168.761(5) Assisting an absentee voter in making a false statement  
168.769(4) Voting both in person and by absentee ballot  
168.792a(11) Disclosing how ballot voted or election results early before polls are closed  
168.792a(16) Disclosing election result or how ballot voted  
168.808 Untrue statement by member of board of inspectors  
168.873 Misconduct of election employee in recount — county and local  
168.887 Misconduct of election employee in recount  
168.932(a) Bribing or intimidating voters  
168.932(b) Ballot tampering  
168.932(c) Destroying or falsifying election return or records  
168.932(d) Disclosing votes or obstructing voter  
168.932(e) Absentee ballot tampering  
168.932(f) Election law — possess absent voter ballot delivered to another person  
168.932(g) Suggesting how a disabled voter should vote  
168.932(h) Suggesting or influencing how an absentee voter should vote  
168.932(i) Organizing a meeting where absentee voter ballots are to be voted  
168.932a Election offenses  
168.933 False swearing to register or vote  
168.936 Election law — perjury  
168.937 Election law — forgery  
35.929 Willful falsification in application for veterans benefits  
35.980 False statement in application for Korean veterans benefits  
35.1029 False statement in application for Vietnam veterans benefits  
38.412a(1) County employee providing answers to county civil service exam  
38.516 Fire and police civil service — appointment or employment contrary to act  
45.82 County purchasing agent — violations in awarding bids or contracts  
47.8 Payment of claim against county before audit  
47.56 Wayne county treasurer paying claims without appropriate signature  
51.364 Appointment or selection contrary to civil service commission rules  
110.28 Fourth class cities — misappropriation of money or property  
117.25(3) Amendment to city electors — willfully affixing another's signature, false representation  
28.214 Unauthorized disclosure of information from LEIN  
4.421(1) Lobbyists — compensation contingent on outcome of action  
4.421(2) Lobbyists giving gifts  
15.324(1)(d) Purchase of public residential property by public servant  
21.154 Public officer — embezzlement  
257.310(8) Selling or possessing forged driver license with intent to deliver  
257.310(9) Possession of 2 or more forged driver licenses  
257.312b(6) Corrupting a person or agency conducting a motorcycle driving test  
257.312b(7) Deviating from motorcycle road test criteria  
257.312b(8) Forging, counterfeiting, or altering motorcycle road test certification  
257.329(1) Possession/sale of stolen or counterfeit insurance certificates  
257.602a(2) Fleecing and eluding — fourth degree  
257.602a(3) Fleecing and eluding — third degree  
257.616a(2)(b) Using a signal preemption device  
257.616a(2)(f) Selling or purchasing a signal preemption device  
257.625(11)(c) Operating a vehicle while impaired — third or subsequent offense  
257.744a False statement in citation — perjury  
259.83b(2)(a) Conducting flight operations without certificate 285.83 Grain dealers act violations

## Incomplete List of Felonies

- 285.279(2)(c) False pretenses under Michigan family farm development act involving \$1,000 to \$20,000 or with prior convictions
- 286.455(2) Agriculture - hazardous substance
- 286.929(4) Organic products act violations
- 289.5107(2) Adulterated, misbranded, or falsely identified food
- 324.3115(2) Water pollution
- 324.3115(4) Water pollution — substantial endangerment
- 324.5531(4) Knowingly releasing air pollutants
- 324.8905(2) Littering — infectious waste/pathological waste/sharps
- 324.11549(2) Solid waste — importing from foreign country
- 324.11719(2) Septage — false statement or entry in a license application or other record
- 324.12116(2) Liquid industrial waste — false statement in a license application
- 324.30316(3) NREPA violation — subsequent offense
- 324.40118(11) Wildlife conservation — buying/selling protected animals — subsequent offense
- 324.41309(3)(b) Possession of prohibited species
- 324.48738(4) Possession, importation, or planting of genetically engineered fish
- 324.51120(2) Removing forest products over \$2,500
- 324.76107(4)(c) Recovering abandoned property in Great Lakes having value of \$1,000 to \$20,000
- 324.80130d(1) False representation to obtain personal information
- 328.232 Conversion of funeral contracts
- 333.2813(3) Unauthorized disclosure of social security number
- 339.735 Unauthorized practice of public accounting
- 380.1816 Improper use of bond proceeds
- 400.60(2) Welfare — obtaining over \$500 by failure to inform
- 400.603 Medicaid fraud — false statement in benefit/concealing information
- 409.122(2) Employment of children during certain hours
- 421.54(d) Unemployment comp fraud — disclose confidential information for financial gain
- 421.54a Unemployment comp fraud — false statement as condition of employment
- 431.332 Horse racing — influencing or attempting to influence result of race
- 432.30 Lottery — forgery of tickets
- 432.218 Casino gaming offenses
- 436.1909(3) Liquor violation
- 436.1919 Fraudulent documents, labels, or stamps
- 438.41 Criminal usury
- 443.50 Issuing warehouse receipt for goods not received
- 445.408(2) Buying or selling stolen scrap metal
- 445.487(2) Precious metal and gem dealer failure to record material matter — subsequent offense
- 445.779 Antitrust violation
- 445.1505 Franchise investment law — fraudulent filing/offers
- 445.1508 Franchise investment law — sale without proper disclosure
- 445.1521 Franchise investment law — false representation
- 445.1523 Franchise investment law — false statements of material fact
- 445.1525 Franchise investment law — false advertising
- 445.1528 Pyramid/chain promotions — offer or sell
- 445.1671 Mortgage brokers, lenders — knowingly giving a false statement
- 482.44 Bills of lading — issuance for goods not received
- 482.46 Bills of lading — issuance of duplicate negotiable bill with intent to defraud
- 487.1042(2) Criminal fraud in the conduct of money transmission services business
- 487.1505(6) BIDCO act — knowingly receiving money or property at an interest rate exceeding 25%
- 493.56a(13) False statement in reports — secondary mortgage
- 600.8813 Law enforcement officer — knowingly making false statement in a citation
- 750.30 Adultery
- 750.93 Removing or destroying bonds in state treasury
- 750.95 Fraudulent bank notes
- 750.100 Banks — conducting business when insolvent
- 750.117 Bribing a public officer
- 750.118 Public officer accepting bribe
- 750.121 Bribing a public officer to influence contract
- 750.131a(2) NSF checks, 3 or more within 10 days
- 750.157r Financial transaction device — forgery, alteration, or counterfeiting
- 750.157u Overcharging person using financial transaction device
- 750.174(4) Embezzlement by agent of \$200 to \$1,000 from nonprofit corporation or charitable organization, of \$1,000 to \$20,000
- 750.175 Embezzlement by public official over \$50
- 750.178(3) Embezzling mortgaged or leased property with value of \$1,000 to \$20,000 or with prior convictions

## Incomplete List of Felonies

750.180 Embezzlement by financial institutions  
750.182a Falsifying school records  
750.217b Impersonating public utility employee  
750.217c Impersonating public officer or employee  
750.248 Forgery  
750.252 Possessing counterfeit notes  
750.271 Fraudulently issuing or selling domestic securities  
750.272 Sale of fraudulent stock of foreign corporations  
750.273 Obtaining signature to financial document with intent to defraud 10  
750.274 Fraud – purchasing/ collecting on fraudulent financial document  
750.332 Entering horse in race under false name  
750.411a(1)(b) False report of a felony  
750.411l Money laundering — fourth degree  
750.411m Money laundering — third degree  
750.411n Money laundering — second degree  
750.411o Money laundering — first degree  
750.539c Eavesdropping  
750.539d(3)(a)(i) Installing, placing, or using eavesdropping device  
752.797(2)(a) Unlawfully accessing computer, computer system, or computer program  
Compare and contrast eh.  
Generally the US Dept. of Justice divides Violent crimes into 5 categories:

murder  
rape  
robbery  
aggravated assault  
simple assault

\*A longer list depending on State governmental would cover a longer list such as:

Abuse, Child Abuse, Sexual Abuse, Child sexual abuse, Child on Child Sexual Abuse, Assault and Battery, Assault, Aggravated Assault, Sexual Assault, Battery, Aggravated Battery, Sexual Battery, Cruelty to Animals, Domestic Violence, Harrassment, Sexual Harrassment, Homicide, Murder, Aggravated Murder, Sexual Murder, Property Damage, Rape, Statutory Rape, Robbery.