



Legislation Text

File #: 11-0835, **Version:** 2

Resolution Adopting a Policy of Non-Disclosure of Certain Medical Marijuana Information

Whereas, Subsection 6(h) of the Michigan Medical Marihuana Act, MCL 333.26426(h), provides that the following information is protected against disclosure by both state agencies and any local unit of government that has received the information, subject to exceptions for disclosure of certain enumerated information to law enforcement personnel:

- (1) Applications to the Michigan Department of Community Health for medical marijuana registry identification cards and supporting information submitted by qualifying patients, including: the name, address and date of birth of the qualifying patient; the name, address and date of birth of the qualifying patient's primary caregiver; the name, address and telephone number of the qualifying patient's physician; and any designation as to whether the qualifying patient or primary caregiver will be allowed under state law to possess marijuana plants for the qualifying patient's medical use; and
- (2) Individual names and other identifying information on the Michigan Department of Community Health's list of the persons to whom the Department has issued registry identification cards.

Whereas, The City desires to protect the same information as is protected under the Michigan Medical Marihuana Act if any of the same information is received by the City as part of the zoning and/or licensing process for medical marijuana caregivers, dispensaries or other providers; and

Whereas, The Michigan Freedom of Information Act provides for information to be exempted from disclosure on the basis of privacy (MCL 15.243(1)(a)) and/or because the information is protected against disclosure by statute (MCL 15.243(1)(h));

RESOLVED, That the following information, if provided to the City as part of the zoning and/or licensing process for medical marijuana caregivers, dispensaries or other providers, shall be protected against public disclosure in the course of the zoning and licensing process: the name, address and date of birth of any qualifying patient; the name, address and date of birth of a qualifying patient's primary caregiver; the name, address and telephone number of a qualifying patient's physician; any designation as to whether a qualifying patient or primary caregiver will be allowed under state law to possess marijuana plants for a qualifying patient's medical use; and the names or other identifying information of persons to whom the Department of Community Health has issued registry identification cards; and

RESOLVED, That all staff of the City of Ann Arbor shall treat the foregoing information as exempted from disclosure in response to Freedom of Information Act requests on privacy grounds and/or based on the provisions of Michigan Medical Marihuana Act, unless those grounds for exemption are ruled invalid by a court.

Sponsored by: Councilmember Briere

As Amended by Ann Arbor City Council on July 5, 2011