

Consumers consider financial gains in selling medical marijuana

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Consumers around the state are increasingly interested in how they can take financial advantage of the growing medical marijuana industry that was made legal by statewide voters in November 2008.

However, while growers and distributors can earn a profitable living in such a role, potential legal issues exist and there is no guarantee that law enforcement won't arrest individuals found in possession of marijuana. That is true even for those residents holding a state license given that marijuana use still is not permitted by federal law.

On Wednesday, in fact, two local operations — Everybody's Cafe in Waterford Township, and Clinical Relief in Ferndale — were raided by the Oakland County Sheriff's Office.

At least 15 people were arrested as part of the raids, which took place following an undercover police investigation. Undercover officers purchased marijuana without the proper credentials and witnessed hand-to-hand drug transactions in the parking lot, according to Oakland County Sheriff Michael Bouchard.

Despite the potential threats, consumers realize the opportunity exists to earn a high five-figure or even six-figure income by being a licensed supplier or grower of medical marijuana. On many levels it is a sign of a unique income opportunity for consumers who remain disciplined in their approach.

Many have called the Law Offices of Michael Komorn in Southfield to learn more about such opportunities. Komorn has been recognized as a legal expert on the state's medical marijuana law.

“They come to me or another lawyer because they want to do it right and they recognize the financial opportunity,” Komorn said. “Given everything that is going on with our economy, people are willing to take their last savings and use it (as an investment) to get their foot into the door in the medical marijuana business.”

Komorn’s role is a unique one. He will advise such individuals how to best handle themselves in a professional way while advocating safety and avoiding potential law enforcement issues. But there are no guarantees.

“No matter what advice I give them in no way does it mean that I guarantee they can’t get arrested or in trouble,” Komorn said.

The reason is that there is a significant amount of uncertainty around the state of how law enforcement will react to growers and suppliers, even those licensed by the state. It is a dangerous environment for consumers to get involved with because based on federal law, such growers and suppliers are subject to arrest. While the federal government has largely made it clear that it is not interested in pursuing those consumers licensed by states to be involved in medical marijuana, local law enforcement can choose to recognize federal or state law. “There’s a huge divide on how law enforcement and the medical marijuana community believe,” Komorn said.

For example some law enforcement officials around Michigan have used the strategy to arrest those in possession of marijuana first and let the courts decide on the legality of individual actions. That is especially true for consumers who make a healthy living being licensed by the state.

Naturally, the more successful some of these people are the more attention they draw to themselves and the more attention from law enforcement, Komorn said.

He is quick to point out that law enforcement should not be blamed for various actions in arresting consumers. That’s because the state law is so broadly defined that even state courts aren’t sure how to handle the medical marijuana issue.

“My role is to read our clients the riot act,” Komorn said. “In some cases you have people who resent caregivers profiting from the medical marijuana industry and that are where you can have some problems.”

The demand, though, for such medicinal use continues to grow. There have been well over 45,000 original and renewal applications for medical marijuana use by Michigan residents since April 1, 2009, according to the Michigan Department of Community Health. Slightly less than half of those applications were issued valid

registrations.

Meanwhile it does take time, education, skill and a significant investment to successfully grow marijuana plants used for medicinal purposes. It is a difficult plant to grow in Michigan's climate and can take up to four months to completely harvest.

Many cities around the state have created, or are in the process of finalizing ordinances to regulate the use of medical marijuana. However there isn't a direct benefit currently to cities for allowing dispensaries and other usage because there are no local tax opportunities. The one benefit for local municipalities is that a dispensary could help to fill an unoccupied commercial building, which leads to commercial property taxes. But the medicinal products themselves are not taxed.

"We even see situations where some (entrepreneurs) are renting commercial spaces for the purposes of growing marijuana plants," Komorn said.

That is just another example of drawing unwanted attention. And federal law states that individuals found guilty of growing more than 100 marijuana plants are mandated five-year prison sentences. For those found to have grown more than 1,000 plants, there's a 10-year mandated sentence.