

Cooper made assumptions on law

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In response to Oakland County Prosecutor Jessica Cooper's guest opinion about the medical marijuana law, I want to address and clarify some of Cooper's assumptions to ensure the medical marijuana community's voice is heard.

I find it interesting to see her refer to marijuana as being illegal under federal law, with no exemptions, as it is not in Cooper's job description or duties as the Oakland County prosecutor to enforce federal law. Cooper's obligations are to the people of Oakland County, who overwhelmingly voted in favor of the Michigan Medical Marijuana Act (MMMA). The hard line approach Cooper takes on the MMMA also raises questions, as the law is intended to be interpreted liberally, protecting patients and caregivers against arrest and prosecution. In fact, by claiming a dispensary model is illegal according to the Michigan Department of Community Health (MDCH), it is clear Cooper is not interested in understanding the true spirit of the law — to provide medical marijuana patients with safe, reliable access to their medicine. The inability of the MDCH to promptly address medical marijuana applications has resulted in dozens of arrests of patients statewide.

If the department or Cooper wanted an authoritative legal opinion, they would look to the state's Attorney General, Mike Cox.

Cox seemingly disagrees with Cooper's position. In an opinion issued Aug. 31, he clearly states that voter initiatives must be "liberally construed to effectuate their purposes" and to "facilitate rather than hamper the exercise of reserved rights by the people."

By citing Michigan Court of Appeals Justice O'Connell, Cooper again misses the mark, as O'Connell's concurring opinion bears no legal weight. Cooper omits mention of the majority opinion, the current legal precedent in the state of Michigan, in the Redden and Clark case, which determines Cooper's interpretation of the MMMA as incorrect.

One thing Cooper has correct is the MMMA was passed to provide relief to those suffering from debilitating diseases. However, she misses the opportunity to show a true understanding when assuming all patients smoke medical marijuana.

As for issuing medical marijuana cards to children, the one example I know of involves a young girl with an inoperable brain tumor whose only path to a normal life is through the relief of medical marijuana. Prescription drugs have been no help. Cooper's lack of understanding of the medical marijuana community further necessitates what we've been asking for all along – a dialogue with law enforcement. It is time to put to rest the misperceptions and stereotypes that interfere with intelligent discussion. She is correct the people have spoken: now it's up to the people and the law enforcement community to work together and define this law as intended.

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