

Medical marijuana supporters push to legalize drug as access tightens

Jan. 8, 2012 | [Comments](#)



Detroit attorney Matt Abel is a chief organizer of the petition campaign to put a marijuana proposal before voters. / JESSICA J. TREVINO/Detroit Free Press

Narrowing access to medical marijuana is leading Michigan's registered patients, supporters and lawyers to a new strategy: a campaign to gain limited legalization of marijuana in Michigan for all uses.

Access to the drug has tightened as doctors increasingly refuse to sign the state forms to approve the drug, patients said. In addition, dozens of communities -- including Birmingham and Livonia -- are enforcing total bans on the drug, and dispensaries that

once openly sold it have been raided and shut down by police.

Detroit attorney Matt Abel, a state-registered user, is a chief organizer of the petition campaign that is to start Wednesday -- the first day when signatures can be gathered within the 180-day period allowed before the July 9 filing deadline, Abel said. The goal is to be on the statewide November ballot with a proposal allowing Michiganders 21 and older to possess small amounts of marijuana, he said.

"It would be for religious, medical and personal use, industrial use and agricultural use -- we're putting all that right in the wording," said Abel, 53, of Detroit.

In 2008, Michigan voters passed the state act to allow medical marijuana use with 63% yes votes. Law enforcement authorities, including Michigan Attorney General Bill Schuette and Oakland County Prosecutor Jessica Cooper, said the state's medical marijuana act has been widely abused and used as cover for drug dealers. If a ballot proposal passes for limited legalization of marijuana, prosecutors and police said the drug would still be illegal in Michigan under federal laws.

Still, proponents of the ballot proposal said state and local courts could not prosecute small-time marijuana users if their proposal passes. The state act allowing medical marijuana "doesn't legalize marijuana, it creates an exception to illegality -- but a constitutional amendment would be a stronger protection for the use of marijuana, medical or otherwise," attorney and Royal Oak City Commissioner Jim Rasor said.

The campaign for legalization "is a direct result of ... Schuette and his obsession with destroying the medical marijuana act," said marijuana activist Tim Beck, owner of a Detroit-based health care benefits firm.

"People are getting desperate and saying, 'We have to push ahead and get public opinion on our side,' " said Beck, 60, of Detroit, who in 2006 helped draft Michigan's medical marijuana act.

Access to medical marijuana has been squeezed as the number of doctors who approve the drug dwindle, patients said.

In a Nov. 29 letter to patients, infectious disease specialist Dr. Charles Craig at St. Joseph Mercy Hospital in Ypsilanti wrote:

"The Michigan Attorney General has declared the Michigan Medical Marijuana Act to be illegal (and) instructed law enforcement officials in Michigan to arrest anyone possessing marijuana, even if they have a card.

"If I prescribed medical marijuana for you ... I might be construed as being complicit in encouraging criminal behavior for prescribing what the AG has declared to be an illegal substance."

Craig declined to be interviewed. One of his patients -- Steven Greene, 46, of Lyon Township -- said he must find another doctor before his state registry card expires May 1.

"I've been seeing Dr. Craig for 10 years, and he's been signing my certificate (for medical marijuana approval) for three years now" for a chronic infectious condition, Greene said.

The concerns of Michigan doctors were triggered in June, when Schuette issued an opinion in which he said:

"The possession of marijuana remains illegal under federal law, even if it is possessed for medicinal purposes in accordance with the state law." Schuette declined repeated requests in the last two months for interviews on marijuana.

Other Michigan doctors also are retreating from signing medical marijuana forms, leading to more demand for approvals by doctors working in offices that do nothing but approve medical

marijuana users, said Michael Komorn, a Southfield lawyer who handles medical marijuana cases.

"We're hearing this from a number of patients, but their doctors don't want to talk about it," Komorn said.

Access to the drug further narrowed in December, when an Oakland County circuit judge ruled against a lawsuit by a Birmingham couple.

The couple -- she has multiple sclerosis, he has other ailments -- hoped to overturn bans on medical marijuana in Birmingham, Bloomfield Hills and Livonia. More than 60 communities, counties and other government entities in Michigan have passed zoning ordinances that restrict or ban medical marijuana, according to the American Civil Liberties Union.

Access also tightened after a state Appeals Court decision in 2010 ruled as illegal some sales of medical marijuana at dispensaries, which supplied the drug to state-registered users.

The ruling prompted Schuette to declare that all dispensaries were illegal, and it unleashed a fresh round of police raids to close dispensaries.

The shrinking pool of cooperating doctors is one of many reasons that Michigan voters should support limited legalization of the drug, said Rick Thompson, editor of the Chesterfield Township-based Michigan Medical Marijuana Magazine.

"We're seeing all kinds of ways that the authorities want to confuse the voters and contradict the intent of the state law, which was to provide safe use of this drug that has proven medicinal purposes," Thompson said.

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More Details: Marijuana symposium at Wayne State University

The "National and State Marijuana Reform -- Social, Economic, Health and Legal Implications" symposium is 8 a.m.-5 p.m. Jan. 27 at Wayne State University Law School's Spencer Partrich Auditorium.

The keynote speaker is former Michigan Attorney General Mike Cox. Other speakers include WSU professors of law and pharmacy, prominent Detroit-area attorneys involved with legalization efforts and speakers from nonprofit groups that favor legalization.

The event is open to the public. To register, call 313-577-8032.

<http://www.freep.com/article/20120108/NEWS06/201080479/Medical-marijuana-supporters-push-to-legalize-drug-as-access-tightens>