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Medical marijuana advocates, businesses say proposed bills and attorney general's opinion will hinder patient access to medicine; lawmakers argue current act needs clarification

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By Roberto Acosta | Flint Journal



GENESEE COUNTY, Michigan — Medical marijuana advocates are fuming about efforts by some in Lansing to limit patient access to marijuana.



[View full size](#) Ryan Garza | Flint Journal Annamai X. Sanders, of Oakland County, talks with a person while sitting at her rented table space where she sells her own medical marijuana products in a private area of the Genesee County Compassion Club in Flint to patients as part of their 'farmers market'.

In recent weeks, state Rep. John Walsh, R-Livonia, has introduced a package of tighter rules while the state's attorney general has issued a new legal opinion that outlaws sharing

of marijuana.

Proponents of the rules say they are needed to clarify the Michigan Medical Marijuana Act, which many have called hazy and full of loopholes.

But medical marijuana advocates say the rules go too far.

Jeremy Rupinski, director of the Genesee County Compassion Club in Genesee Township, called the opinion by state Attorney General Bill Schuette "a farce."

Rupinski said Schuette's opinion on storing marijuana goes beyond the current law and that Walsh's proposal would hinder the process of obtaining medicine in the state.

"The very intent of the law is to provide access (to patients)," he said.

The debate is the latest in a confusing saga that has ensued since voters approved medicinal use of marijuana nearly three years ago.

Local communities, as well as those across the state, have taken widely varying approaches to enforcing the law and regulating the businesses and organizations that have sprung up to implement it.

A crackdown in Lapeer County resulted in the closing of a Dryden dispensary and criminal charges of delivering/manufacturing marijuana against three people.

In Genesee County, Burton, Flushing and Forest Township have approved zoning requirements while others, such as Flint Township, Davison Township and Fenton, have instituted temporary moratoriums in hopes the state will clarify the act.

Thursday night, Flushing Township officials announced they were tabling the issue indefinitely.

Trustee Mark Purkey said the planning commission has discussed the topic of medical marijuana for almost a year and chose to do nothing.

"(The planning commission) agreed with a Cooley Law School professor that said the best thing a township can do is to not do anything," Purkey said.

Currently, two separate bills would establish distance requirements for dispensaries and prohibit felons from becoming caregivers, those who can grow and supply marijuana to patients.

The bills face an uphill climb, requiring a supermajority — or three-fourths approval — in the state Legislature.

Among the changes Walsh is seeking is a requirement that a physician who approves a medical marijuana application must have previously treated the patient for the same ailment and must perform follow-ups to check the marijuana treatment's effectiveness.

"What if your doctor of 30 years won't give out a prescription, and (you) want to use marijuana as an alternative treatment?" asked Nick Panessidi, operator of the Michigan Wellness Center in Flint Township, where prospective patients can get an evaluation from the center's doctor and apply for a medical marijuana card.

Panessidi argues that regulating the patient-physician relationship is hypocritical.

"If your doctor sent you to a specialist appointment, you don't know that person," he said. "It's a serious thing. (Medicinal marijuana) is an alternative for people taking a long hard look at it."

Panessidi's other business, Michigan Safe Transfer in Flint, also could face a hit under the proposed bill.

It would require patients to receive marijuana from only licensed caregivers. Michigan Safe Transfer sells marijuana grown by patients and caregivers, as well as edible forms of the drug.

Michael Komorn, president of the Michigan Medical Marijuana Association, said the proposed restrictions are not workable and don't take into account the medical marijuana community's concerns.

"(State legislators) are taking limited incidents of abuse, which exist in every industry, and they are blowing it out of proportion and not taking what voters had in mind ... allowing patients to use and have access to the medicine," said Komorn.

Komorn, an attorney representing medical marijuana patients and providers, also takes issue with the proposal to allow law enforcement officials access to patient records.

But Genesee County Sheriff Robert Pickell said that if medical marijuana operations are following the law, they have nothing to worry about.

"We wouldn't be spending time investigating something if they are licensed by the state," he said. "We don't have access to those (records). It's silly. I think the public has a right to know who these people are."

Genesee County Prosecutor David Leyton calls the proposed bills "a step in the right direction" but said gray areas still will exist if the measures become law.

"The overall law is extremely vague, and it's going to take considerable time before we fill in the gaps," he said. "I'm sure the courts will have to interpret exactly what the Legislature intended with these laws."

Staff writer Sarah Schuch contributed to this report.

http://www.mlive.com/news/flint/index.ssf/2011/07/medical_marijuana_advocates_bu.html