

Medical Marijuana: New Michigan laws bring a little clarity

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New laws took effect Monday that further define medical marijuana in Michigan for patients, caregivers and doctors.

Medical marijuana advocates say the new laws, to some degree, help clarify Michigan's 2008 voter-approved amendment allowing the medical use of marijuana. And, to some degree, the new laws don't.

"In some ways, the Legislature's intent was to fill in the holes," says Michael Komorn, a Southfield attorney and president of the Michigan Medical Marijuana Association. "All the confusion should be put aside and all the clarity should be there.

"But I don't really know if that's the case."

The new medical marijuana laws are among many passed by lawmakers in the lame-duck session of the Michigan Legislature in December.

Among the changes:

- **State-issued cards given to patients who have a doctor's approval** are good for two years rather than one.
- **People who have committed a felony** in the past 10 years or ever committed an assault won't be allowed to be caregivers. And, caregivers will have their registrations revoked and face felony charges if they sell to someone who isn't allowed to use medical marijuana.
- **Doctors are now required to do** face-to-face evaluations of patients, review their records and follow-up afterwards to assess whether medical marijuana is working.

Komorn said he doesn't understand the legislative intent of barring 10-year felons from being caregivers when there's been nothing to indicate that prior felons are a problem.

"A lot of patients with long-standing relationships with their caregivers are going to have to look elsewhere," he said. "So why pick on existing caregivers when there's been seemingly no reason to do so?"

Clarifying the roles of doctors and expectations of patients, however, is a step in the right direction.

"There's no question this gives us some direction," Komorn said. "My real concern is that anytime you start allowing the government to judge what takes place inside the doctor's office, it becomes slippery slope for disaster.

"No other physicians are being held to the type of scrutiny that medical marijuana physicians are," he said.

Implementing Michigan's voter-approved medical marijuana law hasn't been easy.

It has largely been left to the Republican-controlled legislature since it was passed in 2008 to write the rules for it.

But increasingly, it's the court system that's sorting it out.

With marijuana remaining a schedule 1 drug and illegal under federal law, medical marijuana providers are increasingly having their cases heard in the courts once they've been cited or arrested by police.

Eventually, that may change, too, says Komorn.

"When juries begin to hear cases and judges dismiss charges, then you'll see prosecutors and police taking a different approach," he said.

The Oakland County Sheriff's Office and the Oakland County Prosecutor's Office did not immediately return messages seeking comment about the new laws.