

# Weed, The Law, and You

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It's definitely no secret that Michigan has legalized medical marijuana. It is legal for patients suffering from ailments and illnesses, defined by the Michigan Medical Marihuana Act of 2008, to have their physician recommend the use of the plant for its scientifically proven medicinal qualities. Patients can get a license issued to them to them from arrest and discrimination. Michigan is even a reciprocal state, which means that licensed patients from other states with medical marijuana laws have protection here.

So yes, Michigan residents voted to legalize marijuana – it passed in all counties with 63 percent of the total vote. At the time of its passage, it had already been legal in 12 states; it has been voted legal in three states since, and 10 states have legislation in their congresses right now to consider it. So why all the confusion?

Throughout Michigan, particularly Oakland County, law enforcement officials have been causing controversy with their methods of enforcement because a disagreement exists over what is legal and what is not. In a press conference after law officers raided dispensaries (or "compassion clubs") last summer, Oakland County Sheriff Mike Bouchard said, "We have uncovered numerous people, some that have gotten cards because they have stomach aches, sore shoulders. I don't think that was the intent of the voters." Patients and medical marijuana advocates are enraged because they don't think the sheriff should be able to interpret the law.

Last week, local law enforcement and U.S. Drug Enforcement Administration officers entered five Oakland County properties with search warrants. Marijuana advocates are infuriated, saying the laws need to be clarified and enforced responsibly. Attorney Michael Komorn says he'd like to see the law implemented as it was written.

"[Oakland County] is on a crusade against medical marijuana," says Komorn. "The law enforcement community is viewing this from a pre-Michigan Medical Marijuana Act point of view." Komorn represents several clients in medical marijuana cases, most of whom were arrested in Oakland County. "I've been aware of the medical benefits of cannabis for many years," he said, noting that it gives patients in pain an alternative from pharmaceutical pills.

Unlike California, in which state law explicitly allows regulated and licensed dispensaries, Michigan is a caregiver state. A Michigan patient can grow up

to 12 marijuana plants for personal use (but can only carry 2.5 ounces of usable material), or assign a licensed caregiver to grow up to 12 plants for them. A licensed caregiver can have up to five patients, allowing them to grow a maximum total of 60 plants. They are not allowed to sell the plant, however, but may be compensated for their costs of operation. Many of the raids in Michigan have been in dispensaries or compassion clubs, which seem to fall into what has become a current legal gray area.

"California is 12 years into this," Komorn says. "Their law has evolved and their culture accepts it." He also mentions that even though Michigan does not commercially control medical marijuana, application fees alone have raised 6 million dollars in revenue. He suggests some of this money be taken to train state officials and law enforcement on how to approach the legislation. "Whether they like it or not, this is the law," he said. "The law was written broadly to protect patients."

Komorn is associated with the Michigan Medical Marijuana Association, which is a resource for patients to learn more about the law. The organization's website gets four to five million visitors per month. "The law doesn't mention where they go or what they do once they get a card," explains Komorn, and because many patients don't know fully understand the law, the unfortunate result in some cases could be a patient doing what they believe is legal.

Royal Oak resident and long-time political activist Adam Brook is thoroughly familiar with the Michigan Medical Marijuana Act and believes it to be very clear. "The real problem with our law is that it just doesn't say what people want it to say," he explains, "the law is very specific. There are no gray areas."

Brook is one of Michigan's leading medical marijuana activists. He is one of the main organizers and speakers at Ann Arbor's Hash Bash. At 43 years old, Brook uses a marijuana prescription to cope with cancer. "The law was

about sick and dying people – it's a compassion law," he said, adding that some patients are able to use marijuana in place of other prescription medication that pose adverse risks and side affects. "For most people in Michigan," Brook says, "it opened their eyes. We've had this law for two years and it hasn't caused the reefer madness its opponents thought it would."

Brook has had his share of media attention due to legal troubles after local law enforcement raided his home where he was growing a number of plants allowable by state law. He was charged with breaking a Royal Oak land-use ordinance that condones medically approved use of the drug, but prohibits the right to grow it in a commercial or residential building. For obvious reasons, Brook chose not to comment on his pending legal situation.

Brook is not alone in his concerns, either. Another medical marijuana patient, who has chosen to remain anonymous for fear of retribution, said that he disagrees with the way law enforcement has been handling the situation. The patient was prescribed marijuana for Multiple Sclerosis and has been using the medicine legally for almost a year. Although this particular individual has not had trouble with law enforcement, the compassion club raids have made it more difficult for him to get his medicine. "I obviously don't like it," the patient explains, "he [Sheriff Bouchard] says laws are vague. Why doesn't he try to push lawmakers to get things clarified? I feel like it's a passive-aggressive way to stir up trouble." The patient said since the club near his home was raided, he must drive to a dispensary in a different county so he can get his prescription "without hassle."

Although the Oakland County Sheriff and Prosecutor declined to comment for this article, both have stated publicly their disapproval of how the law was written. In fact, Oakland County Prosecutor Jessica Cooper made a 30-

minute address to county commissioners in March, stressing education and regulation about the topic. Cooper further explained to the group that a supermajority, or two-thirds vote, is necessary to repeal or reform the law, and is adamant that it be done to thwart the criminal element involved with medical marijuana.

Komorn finds the fear Cooper is trying to invoke offensive. "What's most disturbing is they [county officials] constantly criticize the law for being confusing and vague," he says. "You can't criticize it and prosecute it under the same law. It acknowledges there are multiple interpretations." So, is Oakland County law enforcement being pitted against medical marijuana patients and activists on this topic? It's hard to say, but it is apparent that this legal confusion is affecting the lives of medical patients across the state, the very people that this Act was supposed to help. | ***RDW***