

West Bloomfield to regulate sale of medical marijuana

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Regulation, not prohibition. That is the position West Bloomfield Township will be taking regarding the sale and distribution of medical marijuana.

At a meeting on Monday, May 17 the Board of Trustees voted to establish a 120-day moratorium so possible zoning ordinance amendments and other relevant regulations can be researched and developed.

In a 4-3 split, township Supervisor Michele Economou Ureste, Treasurer Teri Weingarden and Trustee Steve Kaplan voted against regulating the sale of the drug.

Senior Planner Sara Roediger, who had been requested by the board to research the subject following lengthy discussion at a March 1 meeting, presented four options for regulating the drug within West Bloomfield.

These included doing nothing and letting current zoning ordinances stand, drafting language to regulate medical marijuana within certain districts, establishing moratoriums to conduct further research while waiting for state legislation to provide further clarification, and drafting specific language to amend zoning ordinances to prohibit the sale of medical marijuana in the community.

Roediger also provided information on how other Michigan communities are handling the issue. According to her research, Livonia, Marysville and Williamston have amended their zoning ordinances to prohibit businesses that dispense marijuana on the basis that the sale of the drug violates federal law.

Other municipalities, including Bloomfield Township, Bloomfield Hills and Royal Oak, have chosen to establish moratoriums to defer the review and approval of applications for zoning permits, approvals, or certificates for any buildings or other properties related to medical marijuana.

She said the city of Troy plans to prohibit marijuana sales by relying on existing federal laws, adding that the city's attorney told her he expects this approach to be challenged.

“This is an upscale bedroom community,” said Kaplan. “We’ve banned massage parlors, topless bars and the sale of liquor at gas stations. I’m in favor of a permanent moratorium.”

Ureste agreed, stating the township should prohibit the operation of any business that violates federal law. Kaplan made a separate motion to ban the sale of medical marijuana in retail establishments, which was defeated 4-3. Supporting votes were cast by Ureste, Kaplan and Weingarden.

Trustees Howard Rosenberg and Gene Farber said the issue has already been decided by Michigan voters, who approved the passage of the Michigan Medical Marijuana Act in the November 2009 election. According to township records, approximately 70 percent of West Bloomfield voters were in favor of legalizing marijuana for medical use.

“The people have spoken,” Farber said.

Kaplan said he opposes the retail sale of medical marijuana in West Bloomfield because patients who have prescriptions for the drug are able to obtain it through the 6,500 caregivers who are licensed by the state.

“We’re not denying anybody the right to obtain medical marijuana,” he said. “We’re just taking the stance that we don’t want it dispensed at retail establishments.”

Rosenberg said he came to the meeting expecting not to debate the issue but to review potential regulatory ordinances. He added that President Barack Obama has stated federal laws prohibiting the sale of marijuana will not take precedence in states that have voted for its legalization.

“Marijuana, which is recognized as a legitimate form of treatment, is being stigmatized and put in a category with brothels, alcohol and smoking cigarettes,” said Michael Komorn, a Southfield attorney who specializes in defending the rights of patients using medical marijuana. Komorn said the drug should be dispensed in private settings where patients can interact with their caregivers.

“Prescription drugs are not a good alternative to medical marijuana,” Komorn said. “Patients need a place to go other than a parking lot to acquire their medicine.”

Tony Phillips of Birmingham Compassion, a support organization for people who use medical marijuana, advocated providing medical marijuana in commercial settings rather than residential areas to protect the privacy of patients and caregivers.

“I know people who are suffering from cancer who are prescribed medical marijuana for their pain,” said township clerk Cathy Shaughnessy. “Who am I to deny anybody who is suffering in that way anything that would relieve them of that kind of pain? So I do not believe that we should ban the sale of medical marijuana. But we do have the right and the responsibility to come up with the best way to regulate it for this community, and that’s why I believe we need a temporary moratorium.”

During the 120-day moratorium, township staff will develop comprehensive regulations for the sale and distribution of medical marijuana, which will be presented in a public hearing before the planning commission prior to review and approval by the Board of Trustees.