

Attorney General Opinion 7261, released September 15, 2011:

Attorney General opined that “2009 PA 188, which prohibits smoking in public places and food service establishments, applies exclusively to the smoking of tobacco products.

Because marihuana is not a tobacco product, the smoking ban does not apply to the smoking of medical marihuana.”

He further opined that “The Michigan Medical Marihuana Act, Initiated Law 1 of 2008, MCL 333.26421 *et seq*, prohibits qualifying registered patients from smoking marihuana in the public areas of food service establishments, hotels, motels, apartment buildings, and any other place open to the public.”

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Lastly, he opined that “An owner of a hotel, motel, apartment building, or other similar facility can prohibit the smoking of marihuana and the growing of marihuana plants anywhere within the facility, and imposing such a prohibition does not violate the Michigan Medical Marihuana Act, Initiated Law 1 of 2008, MCL 333.26421 *et seq*.”