

MICHIGAN SUPREME COURT DECISIONS

People v. Koon, 494 Mich 1; 832 NW2d 724 (2013):

Issue: Whether the MMMA's protection supersedes the Michigan Vehicle Code's prohibition and allows a registered patient to drive when he or she has indications of marihuana in his or her system but is not otherwise under the influence of marihuana?

Holding: The Michigan Supreme Court held that the "The immunity from prosecution provided under the MMMA to a registered patient who drives with indications of marihuana in his or her system but is not otherwise under the influence of marihuana inescapably conflicts with MCL 257.625(8), which prohibits a person from driving with any amount of marihuana in her or system. Under the MMMA, all other acts and parts of acts inconsistent with the MMMA do not apply to the medical use of marihuana. Consequently, MCL 257.625(8) does not apply to the medical use of marihuana."

Therefore the Michigan Court held that the "Court of Appeals incorrectly concluded that defendant could be convicted under MCL 257.625(8) without proof that he had acted in violation of the MMMA by operating a motor vehicle while under the influence of marihuana."

The Michigan Supreme Court reversed the Michigan Court of Appeals and reinstated the judgment of the Grand Traverse Circuit Court, and remanded the case to the district court for further proceedings.