

Resolution – Medical Marihuana

Whereas, on July 19, 2010 the Rochester Hills City Council adopted a 180-day Moratorium on all land uses relating to the medical use of marihuana in the community and directed the Planning Commission to study, deliberate and recommend to City Council whether and to what extent the City should regulate medical marihuana land uses, activities, businesses or facilities; and

Whereas, the Rochester Hills Planning Commission held a workshop on November 4, 2010 and recommended that a Resolution be forwarded to City Council based on its findings.

Whereas, on December 4, 2008, the Michigan Medical Marihuana Act, MCL 333.2642 et seq., became effective; and

Whereas, the stated purpose of the Act is “to allow under State law the medical use of marihuana,” to provide protections for the medical use of marihuana, to provide for a system of registry identification cards for qualifying patients and primary caregivers, to impose a fee for registry application and renewal, to provide for the promulgation of rules, to provide for the administration of this Act, to provide for the enforcement of this Act, to provide for affirmative defenses, and to provide for penalties for violations of the Act; and

Whereas, the Act allows a qualifying patient who has been issued and possesses a registry identification card to possess up to 2.5 ounces of usable marihuana for medical use, and if the patient has not specified that a primary caregiver will be allowed to cultivate marihuana for the patient, to cultivate up to 12 marihuana plants in an enclosed, locked facility for medical use; and

Whereas, the Act allows a primary caregiver to assist up to 5 qualifying patients to whom the caregiver is connected through the State Department of Community Health with the use of medical marihuana, provided that the caregiver does not possess more than 2.5 ounces of usable marihuana for each patient and cultivate more than 12 marihuana plants for each patient in an enclosed, locked facility; and

Whereas, the Act does not specify the location(s) where a qualifying patient may cultivate marihuana; and

Whereas, the Act does not specify the location(s) where a primary caregiver may cultivate marihuana; and

Whereas, the Act does not specify the manner or location in which medical marihuana may be delivered to a qualifying patient by the patient’s caregiver; and

Whereas, the Act does not provide for medical marihuana facilities, or for the regulation of medical marihuana growing facilities; and

Whereas, the Act does not provide for medical marihuana dispensaries or clubs, or for the regulation of medical marihuana dispensaries or clubs; and

Whereas, local law enforcement officials have expressed their concerns about the negative impact of unregulated medical marihuana growing facilities and dispensaries upon the community; and

Whereas, there is a need for the Michigan Legislature to make certain revisions to address the current Act's shortcomings render the act more workable for local government and the general public.

Resolved, that in the interest of furthering and protecting the health, safety and welfare of the public and the need for clarification of the fundamental intent of the Act, which has certain omissions as outlined in the findings above, the Rochester Hills Planning Commission hereby recommends that the City Council extend the Moratorium regarding Medical Marihuana land uses for an additional 6 months.

Be It Further Resolved, that the Rochester Hills Planning Commission hereby recommends that the Mayor and City Council adopt and send a Resolution or similar correspondence to Governor Jennifer Granholm, Governor-Elect Rick Snyder, State Senator Mike Bishop, State Senator-Elect James Marleau, and State Representative Tom McMillin, requesting the State Legislature to amend the Michigan Medical Marihuana Act to provide the framework enabling local communities to safely and consistently implement the intentions of the Michigan Medical Marihuana Act approved by the voters in November, 2008.