



Rochester Hills

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Master

File Number: 2010-0297

File ID: 2010-0297

Type: Administration

Status: To Council

Version: 2

Reference: 2010-0297

Controlling Body: City Council
Regular Meeting

File Created Date : 07/14/2010

File Name: Medical Marihuana Moratorium

Final Action:

Title label: Request for Approval of a Six-Month Extension of the Moratorium for Medical Marihuana and Support for Clarification of the Medical Marihuana Act from the State Legislature

Notes: 07/19/2010 CC Reg Meeting - RES0174-2010

Sponsors:

Enactment Date:

Attachments: Agenda Summary.pdf, Minutes PC 110410.pdf, Minutes PC 120710.pdf, Memo Anzek 120310.pdf, Med Mari Resolution PC.pdf, Final Letter Granholm 120710.pdf, 071910 Agenda Summary.pdf, Memo Mayor 071410.pdf, July 2010 Medical Marihuana Article.pdf, 071910 Resolution.pdf, Resolution.pdf

Enactment Number:

Contact:

Hearing Date:

Drafter:

Effective Date:

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	City Council Regular Meeting	07/19/2010	Adopted by Resolution				Pass
2	City Council Regular Meeting	01/10/2011					

Text of Legislative File 2010-0297

Title

Request for Approval of a Six-Month Extension of the Moratorium for Medical Marihuana and Support for Clarification of the Medical Marihuana Act from the State Legislature

Body

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

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 the City Council whether and to what extent the City should regulate medical marihuana land uses, activities, businesses or facilities; 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 or primary caregiver may lawfully grow or cultivate marihuana; and

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

Whereas, the Act does not provide for medical marihuana growing 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, law enforcement officials have expressed concern over the adverse impact unregulated medical marihuana growing facilities and dispensaries may have upon the community; and

Whereas, recent law enforcement actions, court decisions, lawsuits, news reports, and scholarly analyses of the Act have identified various inconsistencies, conflicts and vagaries within and relating to the Act; and

Whereas, there is a need for the Michigan Legislature to revisit and amend the Act to address the current Act's shortcomings and render the Act more workable for local government and the general public; and

Whereas, the Rochester Hills Planning Commission held a medical marihuana workshop meeting on November 4, 2010, and at its meeting on December 7, 2010, the Planning Commission adopted a resolution recommending that the City Council extend the moratorium regarding medical marihuana land uses for an additional 6 months to allow for further study and analysis by the Planning Commission.

Resolved, that in the interest of promoting and protecting the health, safety and welfare of the public, and in view of the need for clarification of the Act, and the resulting need for further study and analysis by the Planning Commission in order to develop a recommendation regarding whether and how to appropriately regulate medical marihuana land uses, businesses and facilities in the City, the Rochester Hills City Council extends the moratorium regarding medical marihuana land uses for an additional 6 months, to July 15, 2011, with the understanding the moratorium is not intended to prohibit a qualifying patient's personal use of medical marihuana in his/her private residence in accordance with the Act.

Be It Further Resolved, that a copy of this Resolution shall be sent to Governor Rick Snyder, State Senator James Marleau and State Representative Tom McMillin requesting the State Legislature to amend the Michigan Medical Marihuana Act to provide a framework enabling local communities to

properly, safely and consistently implement the intentions of the Michigan Medical Marihuana Act approved by voters in November 2008.