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Michigan medical pot bills would OK edibles, dispensaries

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In this March 19, 2014 photo, Chuck Ream shows homemade cookies containing the active ingredients of medical marijuana, at his home in Ann Arbor. / Associated Press

By Emma Fidel
Associated Press

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Ream, a former marijuana dispensary manager in Ann Arbor, is one of roughly 118,000 patients and 27,000 caregivers licensed by the state to use and grow marijuana. But more than five years after Michigan voters legalized medical marijuana, advocates say gaps in the law cause needless confusion and prosecution.

Two Republican House bills would clarify the law by legalizing dispensaries and edibles. Neither was directly addressed in the 2008 law, but court rulings have since judged them illegal.

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MARCH 22, 2014 AT 8:59 PM

Medical pot bills would OK edibles, dispensaries

EMMA FIDEL ASSOCIATED PRESS 3 COMMENTS



Two Republican House bills would clarify the law by legalizing dispensaries and edibles. (Elsie Thompson / AP)

Lansing — The 20 marijuana plants Chuck Ream grows are perfectly legal under Michigan law. It's the pot-butter cookies he makes from them that could get him arrested.

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"The prosecutors and police have been using it as a weapon in a war of

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prohibition, which has only resulted in law-abiding citizens being turned into criminals," said Bruce Leach, a criminal defense lawyer in Flint. One of his clients was charged with delivery of marijuana this past week after police raided his dispensary in June.

A bill by Rep. Mike Callton of Nashville would legalize dispensaries, or businesses that sell marijuana, to registered patients and caregivers. The Michigan Supreme Court deemed dispensaries illegal in a 4-1 ruling last year, but some cities still offer licenses and many dispensaries post their address and hours online. The bill passed the state House 95-14 in December.

Of the 20 states where medical marijuana is legal, 14 allow dispensaries, according to the National Conference of State Legislatures.

A bill by Rep. Eileen Kowall of White Lake deals with marijuana on a smaller scale. It would allow patients and caregivers to make marijuana-infused products, including edible and topical forms, in specific quantities. One ounce of usable marijuana would be equivalent to 16 ounces of a solid product, 72 fluid ounces of a liquid or seven grams of a gas. Patients can have 2.5 ounces of dried marijuana leaves or flowers currently. The bill passed the House 100-9 in December.

The Michigan Court of Appeals ruled last year that food containing marijuana's active ingredient but not dried leaves or flowers isn't "usable marijuana" under state law. Patients who possess THC-laced foods could still claim immunity under another section of the law, the court said.

Patients' rights groups say alternative forms are crucial to those who are too sick or prefer not to smoke. They have urged the Senate Government Operations Committee to act on the bills quickly, but the committee hasn't said when it will vote.

Michigan State Police also is working with lawmakers to clarify bill sections that it says endanger public safety. Law enforcement officials have had "positive conversations" with legislators about clearer standards, State Police Sgt. Amy Dehner said at a committee hearing on March 11.

Michigan food safety organizations oppose the legislation because it doesn't apply state food law to dispensaries. The groups say any business that sells food should be licensed and inspected.

While Gov. Rick Snyder has stayed out of the fray, his administration advocated for marijuana patients recently while negotiating with lawmakers over a drug testing pilot program for welfare recipients. The Department of Human Services worked to convince lawmakers to ensure authorized medical marijuana use would not be grounds for welfare ineligibility.

Attorney General Bill Schuette was unavailable for comment but has said he opposes efforts to legalize drugs because expanding sales would undermine public safety and make them more accessible to minors.

"This law is narrowly focused to help the seriously ill, not an open door to unrestricted retail marijuana sales," Schuette said after the Michigan Supreme Court decision. "Dispensaries will have to close their doors."

Advocates say the legal dispensaries would create jobs and generate state revenue. Michigan's medical marijuana licensing program netted \$6.8 million in fiscal 2013.

State tax revenue from dispensaries varies widely, ranging from tens of millions of dollars a year in California to a few hundred thousand in Maine and New Mexico, according to the Marijuana Policy Project advocacy group.

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One of Leach's clients, Kiel Howland, voluntarily surrendered Monday after a state police raided his Springfield dispensary, Karmacy, and two others last year. Charges include delivery of marijuana, possession with intent to deliver and manufacturing. Possible penalties range up to four to seven years in prison.

Leach said he's confident Howland will be exonerated because Karmacy was licensed by the city of Springfield and had previously been inspected by police.

"If this bill does pass, my client's alleged conduct would be entirely legal," he added.

Ream, the Ann Arbor advocate, ran MedMar dispensary for less than two years before it was raided in 2011, leading to its closure. The dispensary has since reopened under new management and a new name, Arborside.

Ream, a retired kindergarten teacher, said he hopes to apply for a dispensary license if the bill passes, but knows the competition would be "fierce."

"I miss it, it breaks my heart. I want to be there to widen the patient base. I know that I have the people skills to bring the use of cannabis to older people," Ream said. "My motto will be, cannabis is wasted on the young. It's older people who have the aches and pains."

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