

Testimony for Ann Arbor Planning Commission Meeting of October 5, 2010
speaking for the Ann Arbor Coalition for Compassionate Care
Re: Draft ordinance on Medical Marijuana, Chuck Ream

1911 Packard Rd.

I very much want to thank the compassionate and intelligent voters of Ann Arbor. They have made it clear, with a 79 % majority, that they want the ancient cannabis herb to be available to patients when a Medical doctor has indicated that it may be useful to treat their condition.

I especially want to thank the Ann Arbor city council and planning commission. They have shown extraordinary intelligence, common sense, hard work, and a willingness to listen to Ann Arbor citizens, patients, and caregivers. I thank you for the good changes that you have already made to this document.

Still, of course, there are points to discuss, and one huge problem.

Section 3.c talks about parking requirements. It says that dispensaries should have adequate parking, which I support. However, it goes on to say that "cultivation facilities" must meet the minimum parking requirements "for retail uses, with no exceptions". That doesn't seem to make sense, and I hope it will be changed.

Section 4d says that anyone running a dispensary or cultivation facility needs the "express written permission of the owner of the property". This written permission can't be directly expressed like this, since it would require a property owner to provide proof that they were intentionally violating our (antiquated and ridiculous) federal drug laws. We need a phrase to use as code words for permission in a lease, such as "uses that are safe, clean, and legal under Michigan law".

Section 4h pushes all cultivation activity indoors, and it is not right to demand that people burn fossil fuel to get their medicine. A good greenhouse is a "locked, enclosed facility", and that is what the law requires.

The whole of section 5 "Medical marijuana home occupation regulations" is a problem, since this area is already covered by state law. **Our city council did not ask for any input about licenses and they didn't ask for any new regulations on**

home occupations. Section 5c is completely unacceptable and a violation of state law. You simply cannot say that regular caregivers and patients, who are governed by state law, have to get a zoning compliance permit. This will be immediately litigated; this regulatory overkill is not what our voters want. **Other home occupations do not require any annual zoning compliance permit, so this is clearly discriminatory.** In essence, the city would be compiling a list and trying to get money from all caregivers. Great damage could be done to the lives of good people if such a list fell into the hands of federal prosecutors. Any demand that regular caregivers divulge their location to the city would be illegal, terrifying to caregivers, and not in accord with the wishes of our voters. **Section 5c must be omitted!**

Section 7e must also be omitted or altered. It is fully redundant, and is much better phrased in Section 5i. For some reason very extreme wording is tossed into 7e that is not in Section 5i. The very extreme wording, which says "All aspects of medical marijuana shall comply at all times"..., is an invitation for trouble. Dispensaries and large cultivation facilities are not even mentioned in the MMMA, so there is no way we can say we are complying with "all aspects" at "all times". It is possible, in general, to fully comply with the MMMA, so the general language about compliance in Section 5i is appropriate and adequate. Please drop Section 7e, or make it conform to Section 5i.

Thank you so much.

Lots of sick people need this simple healing herb, and the voters of Ann Arbor have proven that they are willing to take the lead to get it to them.

Sincerely, Chuck Ream

Thank you so much for doing your job.