

Pursuant to the passing of the Michigan Medical Marijuana Act, Ann Arbor City Council drafted Zoning and Business Ordinances for Medical Marijuana Dispensaries.

City Council also mandated the formation of an advisory board for licensing dispensaries.

It turns out the Michigan Medical Marijuana Act does not even mention dispensaries.

When something key to an act is omitted, there are two ways to look at it:

- 1) If it's not forbidden, it is legal (English Law)
- 2) If it's not mentioned, it is illegal (Germanic Law)

The City Attorneys' Office decided to look at the MMMA and the McQueen case in Michigan (which is still in the appeal process) as laws forbidding dispensaries and has been aggressively trying to shut them down while we actively try to license them. The McQueen case is unsettled law, and yet it is the basis of action by the City Attorneys' Office. Since both the Advisory board and the City Attorneys' Office act at the direction of City Council, we find this confusing.

The Licensing Board came up with several resolutions for changes in the ordinances which would give dispensaries a chance in Ann Arbor by removing some of the wording which seems to give staff discomfort.

An attorney from the City Attorney's Office was present at every Licensing Board meeting. They were aware of the Board's resolutions, and knew our resolutions had been attached to an agenda to City Council. Even after that, they sent out new letters to all dispensaries, functionally requesting them to provide a business model to show they were in compliance with the MMMA and the McQueen case.

How can dispensaries be in compliance with the MMMA when they are not mentioned in the MMMA?

What business is it of the City to require a business plan of any business?

It is our understanding that under "home rule" the City council has the authority to make the decision regarding dispensaries.

Dispensaries are openly operating in areas throughout Michigan, including our neighbors to the east, Ypsilanti, who recently renewed their dispensaries' licenses for a year.

Our resolution to you Monday is a request for you to tell the City Attorneys to stop enforcement activities against dispensaries until you have had time to look over the Advisory Board's resolutions. The zoning location requirements will not change, and, of course, must still be enforced.

As a Board we decided dispensaries are necessary for the dispensing of medical marijuana for several reasons.

There is no other vehicle for Patients to find Caregivers

There is no other vehicle for Caregivers to find Patients

Dispensaries can provide many services and vehicles for medicine than a Caregiver can alone

We, the Licensing Board, took a tour of dispensaries after submitting our resolutions:

We were very impressed with the privacy and security provided, as mandated in City Council's ordinances.

We were struck with the consistent level of professionalism, both in the facilities' appearances and in the personnel's' demeanors at each dispensary.

Most importantly, we were impressed with the testing being done on the medicine. They can test for content in the raw product, using laser light technology and the internet, and receive results almost immediately (80 seconds) from a research facility in California. They can ensure that the product is safe by the results for fungus and pesticides. They can not only determine what elements are in it, which aids in decisions of how it is to be used, but also helps determine whether it is locally grown, which is a requirement in Michigan.

We saw remedies for pain, anxiety, appetite stimulators, and more, and recently learned of one dispensary offering a salve for arthritis pain. This may work better than traditional chemical medicine in the blood because our blood doesn't flow through our joints. Anyway, patients claim it works better.

These dispensaries are serious, and obeying the local laws for them to be in business. What more do they have to do?