

Brief History of Medical Marijuana in Michigan

In 2008, Michigan voters voted to allow the medical use of marijuana within prescribed parameters for the alleviation of certain medical conditions. Thereafter, the Michigan Legislature adopted the Michigan Medical Marijuana Act (MMMA), that regulates the use of marijuana for medical purposes by qualifying patients and primary caregivers. The use of medical marijuana as allowed by the MMMA has been ongoing since 2008 and continues to be allowed by law in Michigan.

In 2016, the Michigan legislature enacted a group of statutes that authorized commercial medical marijuana facilities, developed a tracking system for medical marijuana and expanded the definition of medical marijuana to include edibles and other types of marijuana. The Medical Marijuana Facilities Licensing Act (MMFLA) authorizes the establishment and operation of five types of commercial medical marijuana facilities: growers, processors, secure transporters, safety compliance facilities and provisioning centers. The MMFLA allows a municipality to decide if the municipality wants to allow any or all of the five types of commercial medical marijuana facilities to establish in the municipality. If the municipality wants to allow any of the five types of commercial facilities, the municipality must adopt an ordinance to “opt in” to allowing commercial medical marijuana facilities. Additionally, if a municipality does decide to “opt in” and allow commercial medical marijuana facilities, the municipality may decide what types of facilities and the permitted number of each type. The municipality should also adopt zoning ordinance regulations to specify what zoning districts commercial medical marijuana facilities may locate in and whether the zoning approval will be by a permitted use or a special use process.

The MMFLA (PA 281 of 2016, as amended) was effective on 12/20/16; the State of Michigan will begin accepting applications for licenses for commercial medical marijuana facilities on 12/15/17. As that date approaches, many municipalities, including Kalamazoo Charter Township, have reviewed the possibility of allowing medical marijuana facilities within their jurisdiction. Kalamazoo Charter Township’s discussions have included input from the Planning Commission, Zoning Board of Appeals, township police department, township attorney and a number of interested residents and potential business owners that have attended a number of Township Board work sessions and meetings over the last several months. As a culmination of the months long review process, the Kalamazoo Charter Township Board voted on November 13, 2017 to “opt in” and allow all five types of commercial medical marijuana facilities in the Township. Currently, the Township Planning Commission is working to develop zoning ordinance regulations to identify appropriate locations for the facilities, along with the recommended approval process. The Township’s zoning approval process will most likely include consideration of security issues, lighting, hours of operation, landscaping or buffering requirements, traffic impacts, spacing of marijuana facilities and setbacks from residential uses.