

Municipal Law News

Foster Swift Administrative & Municipal Group

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WEBINAR | The Medical Marijuana Act - and the Issues It Presents to Municipalities

Join Foster Swift's municipal attorneys for a free webinar:

DATE: May 18, 2011

TIME: 11:30 a.m. - 12:30 p.m.

The topic of **medical marijuana** is on nearly every municipal board or council's agenda these days. And the law is changing fast and furiously – from court decisions to State Department of Treasury pronouncements. Foster Swift will shed light on the law and summarize recent updates in the medical marijuana front.

This free webinar will explore

- the Michigan Medical Marijuana Act (MMMA);
- recent court decisions interpreting the MMMA; and
- other recent updates.

Stay ahead of the game without leaving your office. Take home helpful information and have your questions answered during a Q&A session.

SCHEDULED PRESENTERS

- Ronald D. Richards
- Michael D. Homier
- Laura J. Garlinghouse

SIMPLE STEPS TO REGISTER

Go to <https://www1.gotomeeting.com/register/520163641> and complete the registration form.



michigan municipal league
business alliance program

Will Medical Marijuana Users Be Effectively Barred from Driving?

by: [Nichole J. Derks](#)

Attorney General Bill Schuette has chimed in to support a county prosecutor's decision to prosecute a medical marijuana user for driving with the presence of marijuana in the user's system. The case arose when Grand Traverse County charged Mr. Koon, a medical marijuana user, with driving with the presence of drugs in his system. The prosecutor relied on the Michigan Motor Vehicle Code's rule that prohibits

driving with any amount of a Schedule 1 substance – which includes marijuana – in the driver's system. The district court and circuit court agreed with the driver that the Michigan Medical Marijuana Act (the Act) is an affirmative defense to the charges, ruling that the Act supercedes the Motor Vehicle Code.

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But the Grand Traverse County prosecutor has asked the Michigan Court of Appeals to step in. Michigan Attorney General Schuette has filed a brief with the Court of Appeals supporting the prosecutor's appeal. The Attorney General argues that the Act does not trump the zero-tolerance standard in the

Motor Vehicle Code. The case is Court of Appeals Docket #301443.

Have questions about Michigan's Medical Marijuana Act? Please contact **Nichole Derks** at nderks@fosterswift.com or any member of Foster Swift's Municipal Team.

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Mike focuses his practice in the areas of municipal law, public finance, zoning and land use as well as related litigation.

In his role as general counsel for municipalities throughout Michigan, Mike has extensive experience representing counties, cities, villages, townships, libraries and municipal authorities facing a wide array of different legal challenges and regularly handles high profile and sensitive issues. Distance is not an obstacle as Mike and his colleagues address day-to-day legal needs through the use of the telephone, video-conference, email and the Internet.

Mike has been successful in helping municipalities in the planning and regulation of many commercial and residential developments. In addition to his planning and zoning expertise, he has developed significant experience in public finance and has served as issuer's counsel and bond counsel in several sophisticated projects. To keep on the cutting edge of this ever-changing discipline, Mike is a member of the National Association of Bond Lawyers and is listed in the "Red Book."

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