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M E D I A R E L E A S E

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Yesterday the Michigan Court of Appeals decided *State of Michigan v McQueen, et al.* The opinion concerned the operation of a medical marihuana dispensary in Mount Pleasant which the Isabella County Prosecuting Attorney had sought to close for violating Michigan's Controlled Substance laws and the Michigan Medical Marihuana Act. The Court of Appeals reversed the Isabella County Circuit Court's decision that the dispensary was allowed under the Medical Marihuana Act.

In the opinion, the Court of Appeals held that The Medical Marihuana Act does not permit the "sale" of marihuana among medical marihuana patients or caregivers, and therefore the operation of the dispensary was illegal. Accordingly, they reversed the judgment of the Trial Court, and remanded the case for entry of an order to close the business.

Since passage of the voter initiative in 2008, medical marihuana dispensaries have opened in large numbers, all over the State of Michigan. The *McQueen* opinion is the first decision by the Court of Appeals regarding the legality of dispensaries under the Medical Marihuana Act.

Isabella County Prosecuting Attorney Larry Burdick brought this action because he believed dispensaries were not permitted by the law, a position confirmed by the Court of Appeals. Burdick stated:

*"The unanimous opinion gives clear guidance to local governments which have been struggling with the issue in zoning their communities, law enforcement and local judges faced with complaints from citizens, and to medical marihuana patients themselves.*

*"The voters in 2008, approved a law carving out a narrow exception to allow for the compassionate use of marihuana for some individuals suffering from serious debilitating illnesses. The law approved by the voters did not sanction businesses selling marihuana."*

A copy of the opinion can be found at:

[http://coa.courts.mi.gov/documents/OPINIONS/FINAL/COA/20110823\\_C301951\\_67\\_301951.OPN.PDF](http://coa.courts.mi.gov/documents/OPINIONS/FINAL/COA/20110823_C301951_67_301951.OPN.PDF)