



Horton's

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Recreational Marijuana: Voters say 'yes,' officials say 'no'

Analysis by Steve Horton

At last Monday's (Nov. 12) Fowlerville Council meeting, trustees voted unanimously to prohibit marijuana establishments from operating within the village boundaries. This move came in response to the passage of Proposal One in the recent General Election, legalizing recreational marijuana in Michigan.

The law is expected to go into effect in early December.

While recreational marijuana is now legal, a provision in the new law allows municipalities (villages, cities and townships) to "opt out." Fowlerville village officials chose unanimously (for the time being) to do that.

The decision came in spite of the fact that the Village electorate, along with the rest of the Fowlerville area, approved the proposal by sizable margins. The local results reflected what happened elsewhere in the state with nearly 60 percent of Michigan voters giving their support to legalization.

Precinct 2 in Handy Township—which is the Village of Fowlerville—saw 632 'yes' votes to 430 'no'. In the rest of Handy Township, the final results were 1,340 in favor of the measure to 975 opposing passage.

In Conway Township, the tally was 871 'yes' to 692 'no', while in Iosco Township the numbers were 612 in favor to 459 against.

The proposal had been portrayed by some opponents as "a liberal measure," but these numbers would indicate that locally it received bipartisan support since Republican candidates for office topped their Democratic opponents by wide margins.

Bill Schuette, for example, received 1,940 votes in the three Handy Township precincts compared to Gretchen Whitmer's total of 1,318. In Conway, the GOP standard-bearer won by a nearly two-one-margin—1,008 votes to Whitmer's 552, while in Iosco he won by an even larger difference—1,136 to 562.

Council, in "opting out", did so by passing an amendment to an existing ordinance that prohibits medical marijuana facilities from operating within the village boundaries.

This amendment, prohibits "any marihuana grower, marihuana safety compliance facility, marihuana processor, marihuana micro business, marihuana retailer, marihuana secure transporter, or any other type of marihuana-related business licensed by the State of Michigan under the Michigan Regulation and Taxation of Marihuana Act." The language is nearly identical to what was used to ban medical marijuana facilities.

While the revised Village Ordinance is designed to block any commercial or processing activity, residents in the

Fowlerville area, as well as the rest of the state, are now allowed to carry up to 2.5 ounces of marijuana and grow up to 12 plants for personal use when the new law goes into effect. This right is now part of the state constitution.

Kathryn Arledge, the Fowlerville Village Manager, said that the decision to opt out “is basically due to the unknowns” about the new law and how it will be implemented and regulated. She noted that the Village Attorney had advised council that “municipalities can choose to ‘opt out’ and then can ‘opt in’ at a later date,” adding that “This is what Village Council decided to do; it was stated that council will take another look at it when the red tape is finalized by the State.”

In making its decision to ‘opt out’ with the caveat of waiting to see what happens, Fowlerville officials are in tune with the reaction of many other municipalities to the new law and echoes what happened during the past eight years since voters approved medical marijuana.

The Detroit News noted in an editorial that “Only 108 of Michigan’s 1,773 cities, villages and townships have agreed to allow (medical) marijuana businesses in their communities, according to an unofficial list compiled by the state Bureau of Medical Marijuana Regulation.” The communities that have allowed medical marijuana businesses have generally been larger cities, including Detroit, East Lansing and Lansing.

Based on the reaction by officials, both in Fowlerville and elsewhere, history appears to be repeating itself.

A survey of communities in Ingham, Eaton and Clinton counties by the *Lansing State Journal* found that nearly all of them will probably choose to ‘opt out’. “Most local leaders in the tri-county area say they are wary of, if not outright opposed to, recreational pot retail in the areas they represent,” the *Journal* article noted.

The regulations that eventually emerged with medical marijuana gave municipalities a multiple choice in what kind of business establishments could operate within their boundaries and allowed them to set limits. There were Class A, B and C growers, processors, transporters, safety-compliance facilities, and dispensaries or provisioning centers.

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For example, Webberville—one of the few communities allowing medical marijuana—prohibits dispensaries, but has no caps on the other categories.

A dispensary or provisioning center is the retail outlet where someone (who doesn’t grow their own plants) needs to go to purchase the product.

The Detroit News article noted that “Though 108 municipal governments currently allow some form of medical marijuana businesses, all but 25 have put a limit on the number of “provisioning centers” (i.e. storefronts) that are allowed.”

The speculation has been that the state, having finally addressed the need to deal with medical marijuana businesses through regulation, a move that took several years, will use this as a model for recreational marijuana. If so, then the existing dispensaries might be in line to also sell products to the general public.

The Detroit News, in its editorial, pointed out that “Municipalities which do not allow

marijuana businesses will miss out on tax revenue.”

Part of this revenue will be used for implementation and regulation and \$20 million will be donated to marijuana research.

What’s left will be divided as follows:

- 15 percent to municipalities with marijuana retail stores or micro businesses (independently owned businesses that grow, process and sell their own marijuana)

- 15 percent to counties with marijuana retail stores or micro businesses

- 35 percent to the school aid fund for K-12 education

- 35 percent to the Michigan transportation fund for roads and bridges

While the loss of this revenue is one consequence of ‘opting out’, the other is ignoring the will of the voters. As noted, the support was in the territory of an electoral landslide.

Eight years ago, Michigan voters approved allowing medical marijuana. Now they’ve expanded it to recreational use. Some of this support was obviously from those who use the product and want easier access, but removing the criminal penalties for those who possessed small quantities of marijuana seems to have been another factor.

As *The News* noted, like it or not, “the voters have spoken.” And it’s safe to assume that they feel their vote matters. So, the question is: Will officials listen?