

## Raid no way to settle marijuana dispensary question

-8:-31 Date. NaN. NaN

There is a dispute in this state about whether medical marijuana dispensaries are legal. It's a difference of opinion among reasonable, rational people. But it is a policy decision that won't be settled by conducting police raids on dispensaries. Such raids - such as one in March at the county's only known dispensary - are excessive, heavy-handed and unnecessary.

Denise Pollicella, the Howell attorney representing the raided dispensary that has been operating in Fowlerville since November, says that dispensaries are legal. Voters in 2008 overwhelmingly cast ballots to allow patients whose doctors determined they could be helped with marijuana to possess that drug without being convicted of an offense. The law voters approved allowed for caregivers to provide marijuana to up to five patients each.

There is nothing in the law - nothing we can find - that says two or more caregivers cannot operate out of the same building.

David Morse, Livingston County's prosecutor, argues otherwise. He points out that marijuana is still a controlled substance and the ballot question voters

adopted didn't give approval for dispensaries or smoke clubs. He points to several judicial rulings from other counties in which the court upheld such raids.

Both points are fair. Both sides make good cases for their points of view. But they are both just interpretations of a law that, although approved by voters, was not well-written. Much of what the law has led to was not anticipated. The ballot question is giving everyone - state lawmakers, municipal officials, police, judges and patients in need of their medicine - fits about what the law really says.

In the end, the argument will have to be settled in the state Legislature and in the courts.

Not in a raid. Last month, Livingston and Washtenaw Narcotics Enforcement Team raided the Marshall Alternatives dispensary, south of Fowlerville in rural Handy Township. Pollicella, who was not present during the raid, said 20 to 24 officers arrived in six black SUVs. They

# LIVINGSTON DAILY

were wearing ski masks and carrying what she described as automatic weapons. Officers handcuffed two female dispensary employees and placed them on the floor, and for the next three hours, police gathered up marijuana, plants, computers, hydroponics equipment, patient records, printers and one unloaded handgun stored in a lockbox in a safe.

That seems unnecessarily heavy-handed. Especially for a dispute over interpretation. Five weeks after the raid, not a single charge has been filed.

Such a raid seems more fitting for the headquarters of a drug cartel or a meth lab than a medical marijuana dispensary. If police had wanted to conduct the raid in a manner that was purposely frightening or intimidating to the dispensary operators, it is hard to imagine what more they could have done.

Considering that the dispensary opened two days later, has continued supplying marijuana to its clients, has been unmolested by police in the past month and that charges have yet to be announced, it is hard to see what such a raid has accomplished. We would be at the same point we are today had police issued a simple cease-and-desist letter: "We believe you are in violation. Stop or we'll prosecute." Or they could have conducted a simple inspection, viewing the facility to see if the rules were being followed: Do all patients have their state-issued cards? Does each caregiver supply five or fewer patients? Are the inventory controls in place

to make sure there is no more marijuana than for each patient than the law allows?

There are those, particularly in law enforcement, who contend the 2008 ballot issue should not have been passed. Some believe that pot is a drug and just shouldn't be allowed at all. On the other end of the spectrum, others contend marijuana should be legalized altogether, even for recreational use.

Such arguments are irrelevant. Voters have spoken. In 2008, voters went to the ballot box and approved the medical marijuana proposal by a 63 percent yes vote. That was also the margin of support in supposedly conservative Livingston County, where 60,000 voters cast their ballots in favor of the medical marijuana act.

That vote said two things very clearly. One, voters said they believed that for some conditions, for some patients, marijuana can be medicine. And if a doctor agrees, and if the patient gets a card from the state, that patient should be able to have

# LIVINGSTON DAILY

access to that medicine.

Secondly, voters said patients should not have to face threat of raids, arrest, prosecution and jail time for trying to get that medicine.

LAWNET's raid on the Marshall Alternatives dispensary appears to violate the spirit of that vote. It appears to be a thumbed nose at voters' expressed wishes.

It should not happen again.