



Bloomfield Township sued over 'unconstitutional' medical marijuana ordinances

Published: Thursday, December 16, 2010, 8:38 AM Updated: Thursday, December 16, 2010, 8:45 AM



By **Jonathan Oosting | MLive.com**

Two Oakland County attorneys on Wednesday filed a lawsuit against Bloomfield Township in an attempt to overturn local medical marijuana ordinances they say conflict with state law and make it too difficult for a registered patient to use the drug.



AP File Photo

It's the latest medical marijuana challenge in Oakland County, which has become home to a number of lawsuits and criminal cases that could shape interpretation and application of the Michigan Medical Marijuana Act of 2008 for years to come.

Attorneys Thomas Loeb and Neil Rockind filed a lawsuit Tuesday in Oakland County Circuit Court on behalf of two unnamed residents. The lawsuit suggests that township ordinances passed in October denies patient rights guaranteed under Michigan law. The ordinances prohibit registered patients and caregivers from growing marijuana and requires them to register with local police before using the drug.

Dec. 15, hometownlife.com: "We filed the suit on behalf of two township residents who are impacted by the ordinances," Rockind said Wednesday. "We think the township ordinances are not only unconstitutional, but they directly conflict with the state law that was passed by 63 percent of the people."

..."These people should have access to this medicine," Loeb said in a statement issued to the public on Wednesday. "Michigan law gives them that right. Further, Michigan law protects these patients and caregivers from divulging protected and confidential information. These ordinances have taken away that confidentiality and anonymity, are entirely inconsistent with Michigan law, and should therefore be rendered unenforceable and void."

Police say **no patients have registered** with the township since the ordinance went into effect at the end of October, and officials say the **ordinances are appropriate** and do not ban registered patients from using marijuana as some other local municipalities do.

The ACLU of Michigan earlier this month **filed suit** against two other Oakland County municipalities -- Birmingham and Bloomfield Hills -- along with Livonia. As is the case in this latest suit, the ACLU is not seeking monetary damages but is only asking the cities each to repeal a local ordinance which "effectively bans the use of medical marijuana."

Oakland County Sheriff Mike Bouchard earlier this year **orchestrated a series of high-profile raids** on local medical marijuana dispensaries, suggesting such clinics are not specifically addressed and therefore in violation of state law. Two closely-watched trials for individuals arrested in the raids are expected to begin in coming months.

© 2011 MLive.com. All rights reserved.