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Township sued over medical marijuana rules

By Angela Niemi

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Bloomfield Township is being sued over two medical marijuana ordinances enacted at the end of October.

Attorneys Neil Rockind and Thomas Loeb are representing a pair of anonymous residents being referred to in the case as John Doe and Richard Roe.

"We are complaining on behalf of two citizens and residents who are lawfully in compliance with the state's medical marijuana laws but who are also Bloomfield Township residents. And Bloomfield Township has passed ordinances that severely restrict and undermine the Michigan medical marijuana law," Rockind said.

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Bloomfield Township's ordinances prohibit any cultivation or distribution of medical marijuana by any caregiver or patient. The ordinance provisions allow up to two registered patients to use medical marijuana per residential dwelling.

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The ordinances also require a qualifying patient to register with the township police department by providing their name, date of birth, address, phone number, driver's license number, Michigan Medical Marijuana Act number; and declare whether they are a renter or an owner of a residence. If they are a renter, they must also provide the name of the rental unit's owner, his or her address and telephone number.

"This is one more effort by local government to undermine, restrict, or limit the Medical Marijuana Act and the rights of patients, who otherwise are attempting to comply with state law," Rockind said. "It's inexcusable that any local township would insist its residents have to separately register with the township police department."

"It violates the confidentiality of every patient by having them register with the police department and provide all the information they are asking for," Loeb added. "It's none of the police department's business what patients live in Bloomfield Township and what they are using to treat their conditions."

Loeb also said confidentiality was the reason why the lawsuit was filed anonymously. Both complainants are registered as medical marijuana patients and caregivers with the Michigan Department of Community Health, as required by state law.

According to Bloomfield Township Supervisor Dave Payne, the lawsuit is being referred to the township attorney.



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"We were very careful as we developed that ordinance," he said.

"Based on our legal counsel's advice, we felt it was consistent with the law."

The suit was filed on Tuesday, Dec. 14 in the Oakland County Circuit Court and will be heard by Circuit Court Judge Denise Langford-Morris.

Rockind said his clients aren't asking for money, compensation, or damages. Instead, they are seeking declaratory action.

"We simply filed to get a judge to declare that the Bloomfield Township ordinances are unconstitutional and violate the Michigan Marijuana Act, which is the supreme law in the state of Michigan," he said.

[Angela Niemi is a staff writer for The Paper.](#)

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