

Recreational Marihuana Frequently Asked Questions

When does the Michigan Regulation and Taxation of Marihuana Act (MRTMA) take effect?

The new law takes effect 10 days after the State Board of Canvassers certifies the election results. It is anticipated that marihuana will officially be “legal” by the end of 2018.

What does the new law allow?

An adult (a person who is 21 or older) may possess, use, consume, purchase, transport or process 2.5 ounces of marihuana – not more than 15g can be in the form of marihuana concentrate). In addition, an adult may process, store and process not more than 10 ounces of marihuana at their home (if more than 2.5 ounces, the marihuana must be stored securely) and may cultivate up to 12 plants at a time (may not be accessible or able to be viewed from a public place).

What is not allowed under the new law?

In general, a person may not operate under the influence of marihuana or consume marihuana while driving or being a passenger in a vehicle, provide marihuana to a person younger than 21, be a minor in possession, separate plant resin with volatile chemicals, consume marihuana within a public place not authorized by the city, grow in a place visible to the public or possess or consume on school grounds.

Does the City have to pass an “opt in” ordinance to allow recreational marihuana establishments?

No, the city does not need to opt in because recreational marihuana businesses will be allowed unless otherwise prohibited by the City Commission.

If recreational marihuana is allowed, what kind of regulations can the City Commission consider?

The City Commission can pass regulations regarding the time, place and manner on the operations of marihuana businesses. This includes the location of businesses and consideration for special events. Rules cannot conflict with state law.

Where could recreational marihuana businesses be located if the City Commission allowed it?

That will need to be a topic of discussion for the City Commission. This conversation has not occurred yet. The zoning ordinance would need to be amended to identify certain zone districts where a recreational marihuana business could be allowed.

If the City allowed recreational marihuana businesses, how soon could a dispensary open in my neighborhood?

The law requires the Michigan Licensing and Regulatory Affairs (LARA) create rules regarding this new industry. LARA must create these rules and begin accepting applications “within 12 months” of the law’s effective date. Local approval will also be

needed. The soonest recreational marihuana businesses might open would be at the end of 2019 or beginning of 2020 – unless the City Commission prohibited them.

If the City wanted to “opt out,” how quickly must it act?

The City Commission needs to take action before LARA begins to issue licenses. To ensure the Commission has enough time to thoughtfully consider how it may wish to regulate recreational marihuana, a zoning ordinance amendment that prevents marihuana businesses not currently listed in the ordinance has been proposed.

Are there any ordinances the City can’t pass related to recreational marihuana?

Laws or regulations that conflict with the new recreational marihuana law are not allowed. In addition, the City cannot restrict transportation in the city.

How does this affect the City’s Marijuana Charter Amendment?

The City’s Charter was amended to make marihuana possession a civil infraction. The Charter amendment includes a provision that if State of Michigan laws change, the Charter amendment is consistent or no longer effective. The City Attorney’s Office will need to review which provisions no longer apply.

How does the ballot initiative affect the City’s medical marihuana ordinance?

The City Commission recently voted to allow medical marihuana within the city of Grand Rapids. Current laws are written only for medical marihuana and not recreational marihuana. Two new types of recreational marihuana “facilities” are not included in the current ordinance language. The City Commission will need to have additional discussions to determine how recreational marihuana businesses should be regulated in the city.

Can the City ban the smoking of marihuana in public places?

The City has a clean air ordinance that regulates smoking in public places and public and private worksites. Under this ordinance, smoking means inhaling, exhaling, burning or carrying any lighted cigar, cigarette, pipe, weed or plant, except as part of a religious ceremony or observance.

What is a public place?

A private home or dwelling is not a public place. Areas where the public is allowed or invited are locations where marihuana consumption should not occur. The new recreational marihuana law allows consumption where “a municipality that has authorized consumption in designated areas that are not accessible to persons under 21.” Depending upon rules from the State of Michigan and City Commission, it could be possible that there might be businesses where persons could consume marihuana like alcohol in the future.