

MICHIGAN CHAMBER OF COMMERCE

OFFICIAL POLICY RELATING TO MEDICAL MARIJUANA

APPROVED BY
BOARD OF DIRECTORS
JANUARY 23, 2008

The Michigan Chamber is neutral on a proposed ballot initiative to legalize marijuana for medical purposes.

Background

In September of 2000, the Michigan Chamber's Board of Directors adopted Board policy to "oppose any initiative to legalize marijuana in the state." This Board policy was developed and adopted in response to a petition drive undertaken in Michigan to qualify a constitutional amendment for the November 2000 ballot to broadly legalize marijuana. The initiative, called the "Personal Responsibility Amendment," would have allowed the possession of three marijuana plants and three ounces of marijuana for any purpose. It also would have stripped law enforcement of using forfeiture funds (i.e., assets, such as cash and vehicles, seized by drug dealers then used for future law enforcement or prevention activities). Ultimately, the petition drive failed when petitioners failed to gather more than half of the 300,000+ valid signatures required for a constitutional amendment to be placed on the statewide ballot.

Although in 2000 the so-called "Personal Responsibility Amendment" failed to qualify for the ballot, the Michigan Chamber's Board of Directors reviewed the issue and voted to oppose any similar initiative for the following reasons: it creates a conflict with federal law; removes marijuana from the drug approval process within the federal Food and Drug Administration (FDA); raises concerns about the safety and health of employees; and sends a dangerous message to the future of the workplace.

In November of 2007, the Michigan Coalition for Compassionate Care submitted just under 500,000 signatures to qualify a carefully drafted and more narrowly focused initiative for the ballot to allow seriously ill patients to use, possess and grow their own marijuana for medical purposes with their doctors' approval. Under this initiative, if certified by the Michigan Board of Canvassers and passed by the voters in November 2008, Michigan would become the twelfth state – and the first in the Midwest -- to have a law on its books to allow patients to use medical marijuana despite federal law.

The ballot initiative being proposed in Michigan would do the following: allow terminally and seriously ill patients to use medical marijuana with a doctors' approval; protect these patients from arrest and prosecution for the use of medical marijuana; permit patients and caregivers to cultivate their own medical marijuana for medical use, with limits on the amount they could possess and where it may be grown; create registry identification cards for law enforcement purposes and establish penalties for false and fraudulent ID cards; allow

patients and caregivers who are arrested to discuss their medical use in court; and prohibit the use of medical marijuana in public places. **It is important to note that the language expressly states that the proposal would not require “[a]ny employer to accommodate the ingestion of marihuana in any workplace or any employee working while under the influence of marihuana.”**

Although the proposed ballot initiative seems to legalize medical marijuana under state law, its use would remain a criminal offense under federal law. However, proponents are not deterred by this fact, arguing that the federal government cannot force states to have laws that are identical to federal law, nor can the federal government force state and local police to enforce federal law. In addition, proponents’ claims 99 percent of all marijuana arrests in the nation are made by state and local (not federal) officials, thereby protecting 99 out of every 100 medical marijuana users who otherwise would have been prosecuted.

In December of 2007, the Chamber’s Health and Human Resources (HHR) Committee heard a presentation from a spokesperson for the Michigan Coalition for Compassionate Care regarding their proposed ballot initiative to legalize medical marijuana. Following this presentation, the HHR Committee overwhelmingly voted to recommend to the Board of Directors of the Michigan Chamber of Commerce that the Chamber remain neutral on this latest ballot proposal. The Committee’s recommendation was largely based on the language in the most recent ballot proposal, which minimizes the impact on the workplace, agreeing that employers could work with the language as they do with other “no tolerance” policies for alcohol and other drugs. The Committee acknowledged the concerns raised by the Chamber Board in 2000 (i.e., that the widespread legalization of marijuana would be harmful because it removes it from the FDA approval process and creates conflicts with federal law), but felt the priority of the Chamber in reviewing this legislation should be to look at it from a workplace/employer’s perspective. In addition, the Committee felt the benefits this legislation could potentially offer the seriously ill, in the form of pain management, outweighed these concerns.