

The Detroit News

APRIL 19, 2012

Appeals court: Michigan medical pot law doesn't protect users who drive

BY KAREN BOUFFARD / DETROIT NEWS LANSING BUREAU

Lansing— A medical marijuana card does not protect users from prosecution under Michigan's "zero tolerance" law for driving with the substance in their bloodstream, a Michigan Court of Appeals panel ruled in a decision released Wednesday.

The three-judge panel overruled two lower courts in deciding the statute that prohibits driving with any amount of a Schedule 1 substance in the body supersedes protections afforded by the Michigan Medical Marihuana Act, which makes it legal to use marijuana with a doctor's prescription for treatment of various medical conditions.

Appeals Court Judges David Sawyer, Peter O'Connell and Amy Ronayne Krause lambasted the Michigan Medical Marihuana Act as "in-artfully drafted" and challenged the notion the law allows anyone to smoke marijuana legally.

The law does not "grant any citizen the 'right' to use or possess marijuana," the judges wrote. The Legislature is reviewing a package of bills meant to clarify how Michigan's marijuana law should be implemented. Supporters of medical marijuana maintain that traces remain in the bloodstream for weeks, long after the substance has ceased to affect users' driving abilities.

In the appeals court case, Rodney Lee Koon of Traverse City was pulled over for speeding 83 miles an hour in a 55 mile an hour zone. A blood test revealed Koon had active THC, a chemical component of marijuana, in his system. Koon was charged with operating a motor vehicle with a Schedule 1 controlled substance in his body.

The district court concluded the Medical Marihuana Act protected the defendant from conviction unless prosecutors could show Koon was impaired by the marijuana, and the Circuit Court agreed.

The Appeals Court panel noted the act specifically states the protections do not apply to operating a motor vehicle while under the influence of marijuana.

© Copyright 2012 The Detroit News. All rights reserved.

<http://www.detroitnews.com/article/20120419/POLITICS02/204190383#ixzz1sahDJFZj>