



Michigan Voters Approve Recreational Marihuana Ballot Proposal

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Foster Swift Municipal Law E-blast

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On November 6, 2018, Michigan voters approved Proposal 1, the Marihuana* Legalization Initiative. Among other things, the initiated law makes marijuana legal under state and local law for adults 21 years of age or older, makes industrial hemp legal under state and local law, and controls the commercial production and distribution of marijuana under a system that licenses, regulates, and taxes the businesses involved.

The new law will be known as the Michigan Regulation and Taxation of Marihuana Act.

Under the new law, Michigan municipalities may completely prohibit marijuana establishments within their boundaries, limit the number of permitted establishments, and regulate any permitted establishments.

A "marijuana establishment" means a marijuana grower, marijuana safety compliance facility, marijuana processor, marijuana microbusiness, marijuana retailer, marijuana secure transporter, or any other type of marijuana-related business licensed by the Michigan Department of Licensing and Regulatory Affairs. Municipalities may not prohibit the use of marijuana within their boundaries, but can regulate marijuana establishments.

Individuals may petition to initiate an ordinance to provide for the number of marijuana establishments or to completely prohibit marijuana establishments within a municipality, and if the petition requirements are met, then the ordinance must be submitted to the electors of the municipality at the next regular election.

Foster Swift can prepare ordinances for municipalities who wish to prohibit, limit, or regulate marijuana establishments. Please contact Laura J. Genovich at lgenovich@fosterswift.com or 616-726-2238 for assistance in preparing and adopting your community's ordinance.

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**Marijuana is typically spelled with a "J" when mentioned but is spelled with an "H" when referring to the title of the statute.*
