



## REMINDER: November 1 is Deadline for Municipalities to "Opt Out" of Recreational Marijuana Establishments

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In the November 2018 election, Michigan voters approved Initiated Law 1 of 2018, known as the Michigan Regulation and Taxation of Marihuana\* Act ("MRTMA"), which makes the use of marijuana legal under state and local law for adults 21 years of age or older. The MRTMA also allows for the commercial production and distribution of marijuana under a state licensing system.

Importantly, the MRTMA allows a municipality to completely prohibit or limit the number of "recreational" (adult-use) marijuana establishments within its boundaries through the adoption of an ordinance. **If a municipality has not prohibited marijuana establishments when a marijuana business applies for a state license, then the state can authorize the business to operate in that municipality.**

The Michigan Marijuana Regulatory Agency ("MRA") has issued emergency rules for the licensing of marijuana establishments (available online here). The MRA anticipates that it will begin issuing licenses to marijuana establishments - including growers, processors, retailers, microbusinesses, secure transporters, and safety compliance facilities - by **November 1, 2019**.

This means that if a municipality does not wish to allow marijuana establishments in its jurisdiction, it should adopt an ordinance prior to November 1, 2019, to ensure that the state does not issue a license for a business in that municipality.

If your municipality has already adopted an ordinance, you should e-mail the ordinance to the State of Michigan at [MRA-Enforcement@michigan.gov](mailto:MRA-Enforcement@michigan.gov).

If your municipality has not yet taken action and wishes to prohibit or regulate marijuana establishments, we can help. Foster Swift shareholder Laura Genovich has drafted dozens of medical and recreational marijuana ordinances for municipal clients across the state and can offer a cost-effective package for municipalities wishing to

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prohibit or regulate marijuana establishments. Laura has advised municipal clients about Michigan's marijuana laws since the Michigan Medical Marihuana Act was adopted in 2008, and she has given many presentations around the state and has published several articles about medical and adult-use marijuana regulations.

You can contact Laura directly at (616) 726-2238 or at [lgenovich@fosterswift.com](mailto:lgenovich@fosterswift.com).

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

