

## 65B DISTRICT COURT PROBATION POLICY REGARDING MARIHUANA

As you are aware, as a result of public referendum Michigan enacted initiated law 1 of 2008 entitled Michigan Medical Marihuana Act regarding the regulated possession and use of medical marihuana. Michigan Law now allows an individual to apply for a Michigan medical marihuana card upon certification by a physician that the individual suffers from a debilitating medical condition and is likely to obtain therapeutic or palliative benefit from the use of marihuana. Although the State of Michigan has passed such a law, it is currently in contravention with and therefore in conflict with Federal Law. US Federal Law generally prohibits the use, possession, or consumption of marihuana except in very limited circumstances. As an order of the court, probation is an alternative sentence that is imposed in lieu of incarceration in jail. The reason to place an individual on probation is to give that individual an opportunity to rectify or correct the conditions which led to their criminal conviction, including but not limited to the opportunity to address any and all substance abuse or dependency issues affecting or inhibiting their ability to avoid future violations of criminal law. A Michigan medical marihuana card is not a prescription by a physician prescribing a particular dosage or quantity of marihuana for use. Rather it is a license by the State of Michigan to use marihuana upon a doctor's certification of likely medical benefit. Unlike most prescription drugs, there is no dosage or frequency attached to the permissive use of marihuana under the state license and therefore no ability for the court to monitor proper medicinal use of marihuana versus the abuse of marihuana.

Therefore, consistent with and in conformity with current Federal Law, it is this court's position that persons placed on probation in the 65B District Court shall not be allowed to use, possess, or consume marihuana or any other dangerous, illegal and/or non-prescribed drug(s) or alcohol as a condition of and during the term of probation. This rule will be in effect, notwithstanding the fact that a probationer may have applied for and/or received a medical marihuana card from the State of Michigan either before or after their placement on probation. It will be the individual responsibility of the person on probation to consult with their physician and seek alternative medical treatment in lieu of the use or consumption of marihuana while on probation. No exceptions shall be allowed to this policy. Please direct further questions or requests for clarification to your probation officer.

Dated: November 4, 2010

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Stewart D. McDonald, P30191  
65B District Court Judge