



RICK SNYDER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF AGRICULTURE  
AND RURAL DEVELOPMENT

GORDON WENK  
DIRECTOR

March 7, 2018

Mr. Rick Boisvert  
Brighton Area Fire  
615 West Grand River  
Brighton, MI 48116

Dear Mr. Boisvert:

This letter is in response to your request for clarification about the preemption of local ordinances and regulations in the Michigan Right to Farm Act, Public Act 93 of 1981, and the Medical Marihuana Facilities Licensing Act (MMFLA), Public Act 281 of 2016.

The MMFLA appears to explicitly provide a role for local units of government in the regulation of medical marihuana facilities. Section 4 (5) of the Right to Farm Act provides that the Act is not intended to affect the application of other state and federal statutes. Given this language, it is MDARD's view that Section 4(6) of the Right to Farm Act, which generally preempts local ordinances intended to regulate farming activities, does not preempt local units of governments when it comes to medical marijuana facilities under the MMFLA. The Michigan Legislature included specific provisions in the MMFLA that allow local units of government to adopt local ordinances regulating the operation of facilities governed by the MMFLA and that authorize inspections of facilities that fall under the MMFLA. Therefore, in MDARD's view, the Right to Farm Act's preemption language is not applicable.

If you have further questions about the licensing and regulatory framework of the MMFLA, I would encourage you to contact the Michigan Department of Licensing and Regulatory Affairs, which has oversight of this program.

Sincerely,

A handwritten signature in blue ink that reads "Bradley N. Deacon".

Bradley N. Deacon  
Director, Office of Legal Affairs