

## COA Opinion: The Medical Marihuana Act does not apply retroactively.

[27. August 2010](#) By [Aaron Lindstrom](#)

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In *People v. Campbell*, No. 29135 (published Aug. 26, 2010), the Court of Appeals held that the Medical Marihuana Act, [MCL § 333.26421 et seq.](#), does not apply retroactively. The case began when Keith Campbell was arrested in December 2007 for various marijuana charges and for possessing a firearm during the commission of a felony. A year later, while his charges were still pending, the Act passed and became effective. The Court of Appeals explained that legislative acts are presumed to apply only prospectively unless the legislature indicates an intent for a new law to apply retroactively, and the Medical Marihuana Act did not contain any such indication. Nor was the legislation a remedial, because it created a new right—an affirmative defense that did not exist prior to the enactment of the Act. Accordingly, the Court reversed the trial court’s dismissal of the criminal charges and remanded for further proceedings.