



# Resource

## **Prescribed Medications & Medical Marijuana in Michigan's Treatment Courts**

Michigan treatment courts regularly supervise participants who are prescribed medications, including controlled substances, medication for opioid use disorder (MOUD), and medical marijuana. Effective supervision requires balancing accountability, safety, and compliance without substituting judicial judgment for medical judgment.

This resource outlines core expectations and best practices for Michigan treatment courts, consistent with state and federal law and prior MATCP guidance.

- **Verification of Prescribed Medications**
- **Documentation for Controlled, Mind- or Mood-Altering Medications**
- **Medical Marijuana: Compliance with the MMMA**
- **Case-by-Case, Not Blanket Bans**
- **Coordination with Providers**
- **ADA Considerations**



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## **Verification of Prescribed Medications**

During the initial appointment, participants should bring:

- All prescription medications, in original pharmacy containers.
- Valid prescriptions for each medication.
- Signed releases of information allowing communication with treating providers.

Participants must inform their physicians that they have a diagnosed substance use disorder and are involved in a treatment court program.[1]

Courts may verify prescriptions, confirm medical recommendations, and ensure the physician is aware of the participant's clinical history.

[1] SCAO Model Document, Multiple-Party Consent to Release Information may be used to authorize communication between the treatment court and a participant's treating provider.

## **Documentation for Controlled, Mind- or Mood-Altering Medications**

When a participant is prescribed a controlled substance or any medication with misuse potential, the court may request written documentation verifying:

- Full medical assessment including review of the participant's substance use disorder diagnosis.
- Clinical justification supporting continued use of the medication after reviewing the participant's SUD history.
- Education provided to the participant about risks, potential for misuse, and adherence requirements.

Participants must take medications exactly as prescribed and report any changes within 24 hours.



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## **Medical Marijuana: Compliance with the MMMA**

Under the Michigan Medical Marijuana Act (MMMA) and its 2022 statutory updates:

- A valid Medical Marijuana Card is not, by itself, determinative.
- Treatment courts must evaluate medical marijuana as they would any prescribed medication.
- Courts may consider whether the participant has a bona fide physician-patient relationship, including a complete medical assessment and documentation of the qualifying condition.
- Factors such as the role of marijuana in the underlying SUD, severity of the medical condition, and alternative treatment options may be relevant.

When questions arise, courts may hold a hearing and request information from the treating physician.

## **Case-by-Case, Not Blanket Bans**

Federal and state law and treatment-court best practices make clear:

- No medication, whether MOUD, a controlled substance, or medical marijuana, should be categorically prohibited.
- Courts should never determine the type, dosage, or duration of a medication.
- Courts may assess risk, request documentation, and impose individualized conditions.
- Courts may restrict or modify use only when credible evidence shows the medication interferes with recovery or program compliance.

This is consistent with MATCP's prior statewide publication that: “ a Treatment Court should not prohibit the use of any prescribed medications unless it finds that the use of the medication(s) interferes with the participant's recovery (e.g., no blanket bans on medical marijuana).”



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## **Coordination with Providers**

Clear communication, through releases of information, helps ensure that medication decisions support:

- Recovery planning
- Participant stability
- Program compliance
- Public safety

Treatment courts may request provider input or participation in review hearings when medication-related concerns arise.

## **ADA Considerations**

The U.S. Department of Justice (DOJ) has successfully enforced the Americans with Disabilities Act (ADA) against courts that impose blanket bans on lawfully prescribed medications, particularly medication for opioid use disorder (MOUD).[1]

The DOJ has made clear that courts may not exclude or sanction participants based solely on prescribed medication use and may not substitute judicial judgment for medical decision-making. Because Michigan treatment courts are subject to Title II of the ADA, prescribed medications, including MOUD and medical marijuana authorized under Michigan law, must be addressed through individualized, case-by-case review rather than categorical prohibition.

[1] See for example: US v. City of Baltimore, 845 F. Supp. 2d 640 (2012); Pennsylvania Dep't of Corr. v. Yesky, 524 U.S. 206 (1999); Strickland v. Delaware County, Dist. Court, ED Pennsylvania (2022); and No. 2:22-cv-00709-MSG, PA Settlement Agreement.

## **Conclusion**

Courts are not medical providers. Decisions about whether a participant should begin, continue, or adjust medication belong to licensed physicians, not the court. Michigan treatment courts should not have automatic bans on prescribed medications. Treatment Courts should rely on individualized assessments grounded in clinical expertise, statutory requirements, and the participant's recovery needs.