

Cover Letter (received as email) from Los Angeles City Attorney's office regarding the proposed new ordinance regulating medical marijuana in the City of Los Angeles.

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Dear Neighbors --

We are writing to provide you with an update regarding medical marijuana in this City. There is considerable misinformation circulating on this topic. We hope to inform you and to encourage you to share your views in this matter with the City Council. We do not have a City Council hearing date, but will write again once the day and time are known. Our proposed medical marijuana ordinance is attached.

1. What is the law? Both state and federal law ban and criminalize the sale of marijuana. California voters created an exception for the seriously ill in our 1996 Compassionate Use Act. This Act and its implementing state legislation immunize "qualified patients" and their "primary caregivers" from criminal prosecution if their only conduct is the collective cultivation of medical marijuana for personal use to treat specific serious illnesses. The Compassionate Use Act ballot argument stated that the Act would not allow the sale of marijuana. The California Supreme Court has confirmed that this is our law. On Monday, the Obama administration also advised us that the federal government will honor California law.

2. What has happened in Los Angeles? California cities are authorized to write their own local regulations governing access to medical marijuana, consistent with state law. Los Angeles has yet to take this step. As Los Angeles Superior Court Judge Chalfant ruled this week, our temporary rules have expired. Even so, to date, they were not being enforced. In this vacuum, as many as 1,000 marijuana dispensaries have opened in Los Angeles for the commercial sale of marijuana. No one knows the sources for the vast citywide quantity of marijuana, but it is apparently not the result of cultivation by patients and caregivers. Unlike for every other product that we consume or ingest, there is no local, state, or federal agency that oversees the quality, content, and potential threat of chemical or foreign matter contamination. Moreover, the increased crime at and around the pot shops is taxing our police force and our neighborhoods.

3. What is the next step? Los Angeles needs to adopt regulations about where and how true medical marijuana collectives can operate. The City Attorney transmitted this office's draft ordinance to the City Council yesterday. The draft enables collective cultivation for compassionate use, but does not allow the outright sales that Los Angeles is currently experiencing. Once the City adopts a permanent ordinance, we can begin to close shops operating illegally and monitor legitimate collectives that lawfully provide medical marijuana to residents in need.

4. How can you help? Marijuana advocates who want to legalize retail sales turn out in force for the City Council hearings on this topic. While it is also common for the hearings to include a handful of chronically ill patients who rightfully deserve access to medicinal marijuana, most speakers appear to be profiteers, with little compassion for patients and much concern for their personal pocketbooks. These profiteers are well organized and are confident that they can ride roughshod over this City. Who is missing from these hearings? Missing are the pot shop customers, ranging in age from 14 to 30, who are not in medical need of marijuana but, rather, are recreational users. More importantly, you are missing. It is critical that you and your neighbors be heard. The downside risk is too great that this City will continue to be the lawless Wild West for unregulated marijuana shops and their attendant crime and social ills.

Many thanks for reading. Please let the City Council know your views. Please write or email us back with your questions.

Jane Usher