



FOR IMMEDIATE RELEASE

Wednesday, November 19, 2008

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**Councilmembers Zine, Rosendahl, and Hahn Call on City Attorney
to Draft New Medical Marijuana Ordinance**

(Los Angeles) – On Tuesday, November 18th, Councilmembers Dennis P. Zine, Bill Rosendahl, and Janice Hahn sent a letter to the City Attorney's Office requesting that he revisit the draft medical marijuana ordinance submitted in April with the goal of developing an alternative that more closely resembles the Los Angeles County ordinance, and reflects both the input of the Medical Cannabis Working Group and the California Attorney General's guidelines.

In September 2007, the City Council imposed a moratorium on medical marijuana facilities stating that no other dispensaries could open until an ordinance was drafted to place regulations on the operating facilities already in existence or those that may open in the future. A working group was convened by the Planning Department for the purpose of making recommendations regarding sensible regulations for the facilities already operating in Los Angeles, and those that may be established in the City. The City Attorney submitted a draft ordinance in April that the Councilmembers believe did not adequately reflect the concerns of the working group.

"I am urging the City Attorney to revamp the Medical Marijuana Ordinance so that we can get regulations in place as quickly as possible," said Councilman Dennis P. Zine. "Regulations are critical to provide safe access to the patients while assuring that the surrounding neighborhoods and businesses are also protected. We also need to ensure that public safety personnel are given enforceable guidelines."

"Patients rely on cannabis collectives for safe access to medication which significantly improves their lives. The state relies on tax revenues topping \$100 million a year generated from the sales of prescribed cannabis. Now we policy makers are relying on the City Attorney to re-draft an ordinance to safeguard the rights of patients, caregivers and the community," said Councilmember Bill Rosendahl.

"The City needs a better way to regulate medical cannabis that will keep it legal and accessible for those who are in need," said Councilwoman Janice Hahn. "People who are sick, many of whom are dying, deserve to receive the treatment and medication prescribed by their doctors."

The Councilmembers have requested that the City Attorney return a document that more fully implements the intent of the Working Group with regards to regulations for medical cannabis collective and cooperatives in Los Angeles, or present to the Planning and Land Use Committee the reasons why the County model and the Working Group recommendations are not appropriate.

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LOS ANGELES CITY COUNCIL

November 18, 2008

Honorable Rockard Delgadillo
City Attorney
200 North Main Street
Los Angeles, CA 90012

Dear Mr. Delgadillo:

The Los Angeles City Attorney's office has presented a draft ordinance regulating medical cannabis (marijuana) provision in Los Angeles to the Planning and Land Use Management (PLUM) Committee in response to the Zine-Reyes motion in 2005. In reviewing the document you have submitted, we are deeply concerned with a few of the provisions that impose a policy decision not yet taken by the Council.

Our primary concern is that the draft ordinance does not reflect the input of the Medical Cannabis Working Group convened by the Planning Department last year for the purpose of making recommendations regarding sensible regulations for the facilities already operating in Los Angeles, and those that may open in the future. These regulations are important to provide adequate protections to the patients, and caregivers, as well as surrounding neighborhoods and businesses. It is also important to produce enforceable guidelines for public safety personnel.

The Working Group included representatives from the Planning Department, the Los Angeles Police Department, Building and Safety, Council Offices, patient care advocacy groups, and your office, among others.

The Working Group based its recommendations on the existing medical cannabis ordinance adopted by the Los Angeles County Board of Supervisors in 2006. That ordinance recognizes the fact that most legal patients rely on medical cannabis dispensing collectives or cooperatives to provide safe access to medicine, often from storefront facilities. Your draft ordinance departs from the Los Angeles County model and the working group's input, by ignoring these facilities.

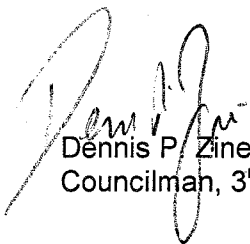
California Attorney General Jerry Brown recently published guidelines for medical cannabis patients, providers, and law enforcement in August 2008. Section IV(C)(1) of the guidelines states "a properly organized and operated collective or cooperative that dispenses medical marijuana through a storefront may be lawful under California law," provided that the organization substantially complies with the new guidelines. Dozens of cities and counties in California have already adopted ordinances regulating medical cannabis collectives and cooperatives, a trend that is likely to continue in light of explicit instruction from the Attorney General.

In creating a new ordinance, consider that The California Board of Equalization (BOE) determined that medical cannabis sales in collectives and cooperatives are subject to sales tax in 2005. Advocates estimate that these facilities collected and paid \$100 million in revenue statewide last year. It is difficult and imprudent to regard transactions subject to sales tax as unauthorized under state law. Indeed, the terms of our Interim Control Ordinance (Section 45.19.6) serve to facilitate the application of sales tax to medical cannabis by requiring that collectives and cooperatives obtain Seller's Permits from the BOE.

It is important that the new ordinance respect the privacy of medical cannabis patients, who still face legal risks under federal law (*Gonzales v. Raich*, 2005), employment discrimination under state law (*Ross v. Ragingwire Telecommunications*, 2008), and widespread bias. Our final ordinance should not require individual members of collectives and cooperatives to register with the city or otherwise disclose medical information. The Los Angeles County Health Department now issues Medical Marijuana ID cards authorized under California Health and Safety Code Section 11362.7. These voluntary ID cards assist law enforcement and dispensaries in determining who is a legal medical cannabis patient. While not used universally by legal patients and caregivers, the ID cards and verification process on which they rely point to an alternative patient verification option that does not involve the City of Los Angeles.

We urge you to revisit the medical cannabis ordinance with the goal of developing an alternative that more closely resembles the Los Angeles County ordinance, and reflects both the input of the Medical Cannabis Working Group and the California Attorney General's guidelines. It is our hope that you can return a document that more fully implements the intent of the Working Group with regards to regulations for medical cannabis collective and cooperatives in Los Angeles, or present to the Planning and Land Use Committee the reasons why the County model and the Working Group recommendations are not appropriate.

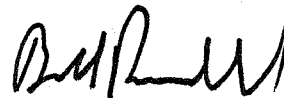
Thank you,



Dennis P. Zine
Councilman, 3rd District



Janice Hahn
Councilmember, 15th District



Bill Rosendahl
Councilmember, 11th District

cc Councilman Ed Reyes, Chair
Planning and Land Use Committee

cc Karen Kalfayan, City Clerk
CF 05-0872 / CF 08-0923