

09-0002-0148

RESOLUTION RULES & GOVERNMENT

JUL 15 2009

WHEREAS, any official position of the City of Los Angeles with respect to legislation, rules, regulation or policies proposed to or pending before a local, state or federal governmental body or agency must have first been adopted in the form of a Resolution by the City Council with the concurrence of the Mayor; and

WHEREAS, currently pending in Congress is a bill, H.R. 2835 (Frank, D-Massachusetts), the *Medical Marijuana Patient Protection Act*, which seeks to provide for the medical use of marijuana in accordance with the laws of the various States; and

WHEREAS, H.R. 2835 proposes that no provision of the *Controlled Substances Act and the Federal Food, Drug, and Cosmetic Act* shall prohibit or otherwise restrict in a State in which marijuana may be prescribed or recommended by a physician for medical use under applicable State law, the following medical marijuana regulatory controls:

- (1) the prescription or recommendation of marijuana by a physician for medical use;
- (2) an individual from obtaining, possessing, or transporting within their State, manufacturing or using marijuana in accordance with a prescription or recommendation of marijuana by a physician for medical use by such individual hereinafter in this section referred to as "an authorized patient";
- (3) an individual authorized under State law to obtain, possess, transport within their State, or manufacture marijuana from obtaining, possessing, transporting within their State, or manufacturing marijuana on an authorized patient's behalf; or
- (4) a pharmacy or other entity authorized under local or State law to distribute medical marijuana to authorized patients from obtaining, possessing or distributing marijuana to such authorized patients; and

WHEREAS, H.R. 2835, proposes that no provision of the *Controlled Substances Act and Federal Food, Drug, and Cosmetic Act* shall prohibit or otherwise restrict an entity authorized by a State or local government, in which marijuana may be prescribed or recommended by a physician for medical use, for the purpose of producing marijuana for prescription or recommendation by a physician for medical use from producing, processing, or distributing marijuana for such purposes; and

WHEREAS, H.R. 2835 proposes that the intent of the legislation is that it will not affect any Federal, State, or local law regulating or prohibiting smoking in public; and

WHEREAS, enactment into law of H.R. 2835 would further the public policy goals of the State of California, which in 1996 voters approved Proposition 215 (The Compassionate Use Act), which legalized the use of marijuana for medical purposes and allows persons to grow or possess marijuana based on the recommendation of a licensed physician, and the City of Los Angeles' support of Proposition 215, and its current efforts to enact a Medical Marijuana Dispensaries Ordinance;

NOW, THEREFORE, BE IT RESOLVED, with the concurrence of the Mayor, that by the adoption of this Resolution, the City of Los Angeles hereby includes in its 2009-2010 Federal Legislative Program SUPPORT to H.R. 2835 (Frank, D-Massachusetts), the *Medical Marijuana Patient Protection Act*, to provide for the medical use of marijuana in accordance with the laws of the various states.

PRESENTED BY Dennis P. Zine
DENNIS P. ZINE
Councilmember, 3RD District

Janice Hahn
JANICE HAHN
Councilwoman, 15th District

SECONDED BY Paul Krutz

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