



Candy Rosales <candy.rosales@lacity.org>

Please Support the Koretz/Wesson Motion for A Limited Immunity Cannabis Ordinance - Vote is Wednesday

1 message

Sarah Armstrong <resipsa2005@gmail.com>

Mon, May 14, 2012 at 3:03 PM

Bcc: candy.rosales@lacity.org

Please find below letters that the President of the Greater Los Angeles Collective Alliance (GLACA) has written to Councilmen Koretz and Wesson in support of their motion asking the City Attorney to draft a Medical Cannabis Limited Immunity Ordinance. (Council File No. 08-0923-S17) This motion still allows a ban, it is just a way for the Council to see what their other options are. We would deeply appreciate it if the Council and their staff would support this motion. It will be voted on this Wednesday, May 16th. Thank you for your support

Sarah Armstrong
Legal Liaison
The Greater Los Angeles Collective Alliance

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VIA FACSIMILE (213) 978-2250 AND E-MAIL

May 13, 2012

The Honorable Paul Koretz
Los Angeles City Council
200 N Main Street
Los Angeles, California

RE: Council File No. 08-0923-S17 – Motion of May 9, 2012 Requesting an Alternative to a Medical Cannabis Ban

Dear Paul:

Thank you for your motion asking that the City Attorney’s Office report back on the feasibility of a limited immunity approach instead of a “Gentle Ban”. When the history of Medical Cannabis in Los Angeles is written, your motion will be seen as the brave and

compassionate thing it is. Thank you for coming to our aid.

This report back motion simply asks the City Attorney’s Office to examine feasibility; it does not replace the “Gentle Ban” but rather gives your legal advisors the opportunity to compare the two options. Obviously, we would like the opportunity to meet with you as well as the rest of the Council on this issue. But, for now, I will simply enclose an editorial I composed for the Los Angeles Times. It explains why a “Gentle Ban” won’t work.

A limited immunity ordinance would allow the older, trouble-free collectives to continue to operate, end existing litigation, and prevent new litigation. It would save the City millions, and generate badly needed revenue. And, as our friends at UFCW 770 point out, it preserves jobs in the midst of the worst depression since the 1930’s.

Thank you again for your motion, our organization will be there to support it on Wednesday.

Sincerely,
Yamileth Bolanos
President and Founder
The Greater Los Angeles Collective Alliance

Cc: The Los Angeles City Council
Encl: (1) Proposed Editorial for the Los Angeles Times

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VIA FACSIMILE (213) 485-9829 AND E-MAIL

May 13, 2012

The Honorable Herb Wesson, Jr.
President
Los Angeles City Council
200 N Main Street
Los Angeles, California

RE: Council File No. 08-0923-S17 – Motion of May 9, 2012 Requesting an Alternative to a Medical Cannabis Ban
Dear Councilman Wesson:

Thank you for your second to Councilman Koretz's motion asking that the City Attorney's Office report back on the feasibility of a limited immunity approach instead of a "Gentle Ban". When the history of Medical Cannabis in Los Angeles is written, your support of this issue will be seen as the brave and compassionate thing it is. Your help in this matter is deeply appreciated.

This report back motion simply asks the City Attorney's Office to examine feasibility; it does not replace the "Gentle Ban" but rather gives your legal advisors the opportunity to compare the two options. Obviously, we would like the opportunity to meet with you as well as the rest of the Council on this issue. But, for now, I will simply enclose an editorial I composed for the Los Angeles Times. It explains why a "Gentle Ban" won't work.

A limited immunity ordinance would allow the older, trouble-free collectives to continue to operate, end litigation, and prevent new litigation. It would save the City millions, and generate badly needed revenue. And, as our friends at UFCW 770 point out, it preserves jobs in the midst of the worst depression since the 1930's.

Thank you again for your motion, our organization will be there to support it on Wednesday.

Sincerely,
Yamileth Bolanos
President and Founder
The Greater Los Angeles Collective Alliance

Cc: The Los Angeles City Council
Encl: (1) Proposed Editorial for the Los Angeles Times

WHY A BAN, GENTLE OR OTHERWISE, WON'T WORK

From a proposed Op Ed Piece for the Los Angeles Times, written by GLACA Founder and President, Yamileth Bolanos:

By Yamileth Bolanos

As the motions to ban all medical cannabis collectives moves closer to a vote, Los Angeles City Council Members have repeatedly asked the City Attorney's Office how the sick and dying will obtain access to medical cannabis if all collectives in the City are shuttered.

Speaking at a Safety Committee Meeting, Jane Usher maintained that Councilman Huizar's Ban was a "Gentle Ban" because state law allowed patients or their qualified caregivers to grow six plants to maturity for their own use. Councilman Huizar felt this would give the sick and dying the access they needed to medical cannabis.

Unfortunately, it was not the legislative intent of this law to serve as a back-up plan if large cities decided to ban hundreds of cannabis facilities. Rather, it allowed patients who were able bodied enough to do so, the right to grow small amounts for medical use, by immunizing them from prosecution.

To suggest that this modest piece of state law will solve the problem of safe access for the 250,000 Medical Cannabis Patients who currently use the collective system in Los Angeles is misleading. It will be a disaster if it is implemented for the following reasons:

Two hundred and fifty thousand patients setting up marijuana gardens all over the city is not a good idea. Most of these would be indoor grows set up by people who had previously been part of a cooperative effort and who may have insufficient experience in some key areas. This could lead to fires, pungent odors, apartment flooding, theft and other problems.

A marijuana garden takes at least three months or more to grow and approximately another month for curing. What are patients supposed to do while they wait for the plants to grow? Go without? That is not what state law intended. In fact it states the opposite, that patients should be given safe access to their medicine.

Patients would need cuttings and seed to grow. These are available to patients at their collectives. Once collectives are closed patients will have no access to these things. They can order from a seed company here, or from overseas, but this means sending things through the mail or private carrier, and the federal government finds this to be an illegal activity.

The terminally ill may be unable to smoke marijuana, but depend on edibles to stimulate their appetite and/or help them sleep. Patients in the throes of Chemo may need edibles to calm their raging nausea. A collective can provide edibles, but once collectives are banned, a terminally ill person would not only have to grow marijuana but then turn it into Cannabutter and bake brownies. Someone so ill from chemo that they can barely stand, are not going to be able to manage this. Councilman Huizar, speaking at the same safety committee meeting that Ms. Usher had, indicated that in such an instance "they can be provided by their caretaker."

Under current law, per the Mentch Case, caregivers cannot be a well meaning neighbor who grows some cannabis for you, but rather someone who assumes responsibility for most of your care, typically a spouse or an adult child.

As anyone who has ever done this will tell you, the work of taking care of someone who is terminally or chronically ill is such that a caregiver does not have the money, time or energy to learn to grow marijuana, much less turn it into brownies once they've finished growing it.

A caregiver may not want to take the attendant risks inherent in growing. Thieves who may be armed, insects bringing infection, police interference, eviction once the landlord discovered the plants, all of these things would endanger the ability of a caregiver to continue to take care of their loved one. Rather than risk the interruption of care, a spouse or adult child might well forego these dangers and simply choose not to grow marijuana.


Councilman Huizar's assertion that a "caretaker" is simply going to appear and immediately begin producing Medicinal Grade Marijuana, is magical thinking at its finest. It's also, given the realities described above, obviously a panacea that is unworkable. To insist that it be the solution is cynical and cruel.

Sick people who are also poor often live in federally subsidized housing. You cannot grow marijuana in federally subsidized housing, you would be evicted for doing so.

Additionally, the terminally ill may be too debilitated to organize and maintain a marijuana garden. That's why they join collectives in the first place, to combine with others to do what they are now too weak to do alone.

The proposed "gentle ban" does not address the above issues, which means it doesn't address in a real way how the sick and dying can still obtain medical marijuana if the city enacts a ban. State law mandates that they have access, and the "gentle ban" does not achieve this goal

I do not believe it is the intention of the Los Angeles City Council, to injure the truly sick and those facing imminent death. Councilman Huizar's proposed strategy, falling back on a state law which was never meant to be the solution in the first place, is not a compassionate or workable idea. The Council needs to reject the idea of a ban, and enact sensible regulations instead.

 Koretz Wesson Motion.pdf
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PLANNING & LAND USE MANAGEMENT

MOTION

The City is in the process of complying with various court rulings controlling its regulation of medical marijuana. On January 26, 2012 the City Planning Commission discussed the matter and moved forward in recommending a "gentle ban" to the City Council until such time as the California Supreme Court issues clearer guidance to cities.

The City has strived for more than seven years to strike a balance between carefully regulating medical marijuana facilities and assuring patient access to medication. The "gentle ban" would eliminate all medical marijuana dispensaries while still providing for distribution by licensed health care facilities and for home-based cultivation by patients and care-givers. This approach may result in a hardship for seriously ill patients who cannot cultivate at home and who lack access to a licensed health care provider or a care-giver who will cultivate for them.

A second more reasonable approach to compliance could include a limited immunity approach whereby the City proceeds forward with a ban on dispensaries but uses its prosecutorial discretion to abstain from any enforcement action against the limited number of dispensaries that do not violate a set of City Council imposed restrictions. This approach would protect neighborhoods while still assuring limited safe access for patients within the confines of ever evolving case law.

I THEREFORE MOVE that the City Attorney report to the Council regarding the gentle ban with limited immunity approach and that an ordinance implementing that approach be presented to the Council as an alternate to the ban approved by the City Planning Commission.

ORIGINAL

PRESENTED BY



PAUL KORETZ
Councilmember, 5th District


MAY 9 2012

SECONDED BY

