



● **McQUISTON ASSOCIATES**

6212 Yucca St, Los Angeles, CA 90028-5223

(323) 464-6792 FAX same

consultants to technical management

November 23, 2009

ITEM 10, COUNCIL 11/24/09

CF08-0923

M. Kostrencich

**STATEMENT of J.H. McQUISTON on
ESTABLISHMENT of MARIJUANA PHARMACIES**

Honorable President and Members of the Council:

A collective act to contravene a Statute constitutes a conspiracy, which is classed as a felony.

The Council has been forewarned by both the City Attorney and the District Attorney that the enactment of the Marijuana Pharmacy Sales Process is unlawful, **so enactment constitutes conspiracy as a result.** I would be upset if our distinguished Councilmembers elect to engage in a conspiracy and thereafter they are indicted for that election.

I suggest an alternative tactic:

Marijuana use as a therapeutic classifies it as a "drug", and by law users are required to possess a "prescription" issued by a licensed medical professional.

Pharmacies dispense prescription drugs. A licensed pharmacist must examine the prescription and issue the drugs. There are already enough pharmacies in Los Angeles to satisfy the overwhelming demand for drugs, including marijuana.

However, State law prohibits pharmacists from "selling" marijuana drugs for therapy.

If established pharmacies may not "sell" marijuana drugs, it is clear that no one may "sell" marijuana drugs. That is the point of the City Attorney's and District Attorney's statements to you.

However, the City could enable pharmacies to "deliver" marijuana drugs, **using the process that already is used for all other drugs.** But, they must be organized as "not for profit collectives" **with respect only to their marijuana deliveries.**

And, dispensers must be required to be licensed pharmacists and comply with pharmaceutical law.

Such process will comply with State law. It also is easily administered.

As an associate of Stanley Fleishman, who acted as counsel for "porno houses" and who defeated various cities' attempts to enforce laws like the Council is considering here, I do not want this City to expend resources on foolish and unenforceable legislation like that proposed in this Item.

Please consider another option which is enforceable, practical, economical for all, and humane. The Committee Report and various Motions are repugnant and threaten your persons.

Respectfully submitted,

J. H. McQuiston

c: Interested parties