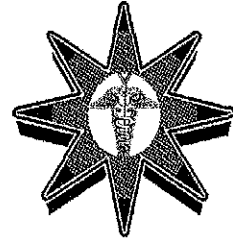


Patient ID Center
470 S San Vicente Blvd
Los Angeles, CA 90048

Date: 9-22-09
Submitted in PLUM Committee
Council File No: 08-0923
Item No.: 3
Deputy: P. Laffinore



Compassion

Hello PLUM Committee,

I would like to first congratulate the Planning and Land Use Management Committee in taking up the review of the Los Angeles medical cannabis ordinance. I hope during this process you will hear from the patients who are directly affected, living as part of our community, and help to represent the many parts of this diverse city.

I have included in this email a current version of Sebastopol, CA ordinance that includes some provisions that are patient friendly, and still allow for regulation and controls, by the City, for the patient collectives. I have also included a page from California AG guidelines from Aug 2008 that clearly shows on page 7 that "non-state Patient Identification Cards or written (or verbal) recommendation from California licensed physician are allowable for Law Enforcement to use for validating patient status.

I would encourage you to utilize the language below to replace Sec. 46.64. (b) (3) part (d) and how it might impact section (l) of this same part. It is more friendly to patients, and allows for secure alternative options for patients to get verified when Doctors are not in their office.

(F) Dispensing Operations.

(1) A dispensary shall dispense medical cannabis to meet monthly medication needs of qualified patients, similar to typical pharmacy operations. The dispensary shall strongly discourage and avoid daily or weekly visits by patients as a routine practice.

(2) A dispensary shall only dispense to qualified patients or caregivers with:

(a) a currently valid physicians approval or recommendation in compliance with the criteria in California Health and Safety Code Section 11362.5 et seq. and valid official identification, such as a Department of Motor Vehicles driver's license or State Identification Card, or

(b) a currently valid California Medical Marijuana Identification Card or a Patient ID Center Identification Card.

(3) For qualified patients or caregivers without a California Medical Marijuana Identification Card or a Patient ID Center Identification Card, prior to dispensing medical cannabis, the dispensary shall obtain verbal, online, or signed verification from the recommending physician's office personnel that the individual requesting medical cannabis is a qualified patient.

(4) A dispensary shall not have a physician on-site to evaluate patients and provide a recommendation for medical cannabis.

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(5) Patient records shall be maintained and verified as needed, and at least annually verified with the qualifying patient's medical doctor or doctor of osteopathy unless the patient has provided a California Medical Marijuana Identification Card or a Patient ID Center Identification Card.

(6) Information on prior year's operations shall be provided annually, as required in this chapter. The operator shall adjust the operations as necessary to address issues.

The Patient ID Center southern branch was located in Los Angeles since 2007, has thousands of members locally in Los Angeles and state wide over 100,000 in California since 1996. My concern is that you make good law that is patient friendly and regulates the needed issue's that are before the City of Los Angeles. Please let me know if there is anything I can do to assist in making this new Ordinance for Los Angeles one of the best in the State.

I will be coming today to attend the hearing before your committee.

Sincerely,



Jeff Jones
Executive Director
Patient ID Center

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has reasonable cause to believe that the information contained in the card is false or fraudulent, or the card is being used fraudulently.” (§ 11362.78.)

5. **Non-Cardholders:** When a person claims protection under Proposition 215 or the MMP and only has a locally-issued (i.e., non-state) patient identification card, or a written (or verbal) recommendation from a licensed physician, officers should use their sound professional judgment to assess the validity of the person’s medical-use claim:

a) Officers need not abandon their search or investigation. The standard search and seizure rules apply to the enforcement of marijuana-related violations. Reasonable suspicion is required for detention, while probable cause is required for search, seizure, and arrest.

b) Officers should review any written documentation for validity. It may contain the physician’s name, telephone number, address, and license number.

c) If the officer reasonably believes that the medical-use claim is valid based upon the totality of the circumstances (including the quantity of marijuana, packaging for sale, the presence of weapons, illicit drugs, or large amounts of cash), and the person is within the state or local possession guidelines or has an amount consistent with their current medical needs, the person should be released and the marijuana should not be seized.

d) Alternatively, if the officer has probable cause to doubt the validity of a person’s medical marijuana claim based upon the facts and circumstances, the person may be arrested and the marijuana may be seized. It will then be up to the person to establish his or her medical marijuana defense in court.

e) Officers are not obligated to accept a person’s claim of having a verbal physician’s recommendation that cannot be readily verified with the physician at the time of detention.

6. **Exceeding Possession Guidelines:** If a person has what appears to be valid medical marijuana documentation, but exceeds the applicable possession guidelines identified above, all marijuana may be seized.

7. **Return of Seized Medical Marijuana:** If a person whose marijuana is seized by law enforcement successfully establishes a medical marijuana defense in court, or the case is not prosecuted, he or she may file a motion for return of the marijuana. If a court grants the motion and orders the return of marijuana seized incident to an arrest, the individual or entity subject to the order must return the property. State law enforcement officers who handle controlled substances in the course of their official duties are immune from liability under the CSA. (21 U.S.C. § 885(d).) Once the marijuana is returned, federal authorities are free to exercise jurisdiction over it. (21 U.S.C. §§ 812(c)(10), 844(a); *City of Garden Grove v. Superior Court (Kha)* (2007) 157 Cal.App.4th 355, 369, 386, 391.)