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E-MAIL ONLY

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Mr. Gerry Miller  
Chief Legislative Analyst  
City of Los Angeles  
Room 255, City Hall  
200 North Spring St.  
Los Angeles, CA 90012

RE: The Medical Marijuana Regulation and Control Act ("Medical Marijuana Collectives. Initiative Ordinance")

Dear Ms. Usher & Mr. Miller:

This law firm represents the Committee to Protect Patients and Neighborhoods and the five proponents (the "Committee") in connection with the above referenced medical marijuana ballot initiative. We are writing to explain the definition of "medical marijuana collective," and to memorialize the Committee's intent that the definition of "medical marijuana collective" includes all associations of six or more qualified individuals that cooperatively or collectively cultivate, process, distribute, deliver, or give away marijuana to its members for medical purposes, in accordance with California Health and Safety Code sections 11362.5 et seq.

Definition of "Medical Marijuana Collective"

The Committee's ballot initiative regulates "medical marijuana collectives." Section 45.19.6.1.A.1 defines that term as follows:

An association of six (6) or more qualified patients, persons with identification cards, or primary caregivers, who gather in a location collectively or cooperatively to cultivate, process, distribute, deliver or give away marijuana to its members for

Ms. Jane Ellison Usher  
Mr. Gerry Miller  
January 17, 2013  
Page 2

medical purposes, in accordance with California Health and Safety Code sections 11362.5 et seq.

Based on that language, an entity qualifies as a “medical marijuana collective” under § 45.19.6.1.A.1 of the ballot initiative if the entity is: (1) an association of six or more qualified members; (2) the members gather collectively or cooperatively in a location; and (3) the members cultivate, process, distribute, deliver, or give away marijuana to the association’s members for medical purposes. Excluded from the definition are patient associations of five or fewer qualified patients, persons with identification cards, or primary caregivers, as well as other specifically enumerated groups and individuals. See § 45.19.6.1.A.3.

#### The Committee’s Legislative Intent

By this letter, the Committee hereby memorializes its intent that a “medical marijuana collective,” as that term is defined in § 45.19.6.1.A.1 of the ballot initiative, includes all associations of six or more qualified patients, persons with an identification card, and caregivers that collectively or cooperatively cultivate, process, distribute, deliver, or give away marijuana to its members for medical purposes, in accordance with California Health and Safety Code sections 11362.5 et seq.” It should be noted that the Committee does not construe the term “medical marijuana collective” to provide that an association must have six or more qualified members “actually gathered” in the association’s location. The words in the definition “who gather” focus not on any specific point in time, or on any minimum number of members that must be gathered, but rather on the ongoing purpose of the association and its members generally.

The Committee stresses emphatically that the term “medical marijuana collective” should not be construed to provide that an association must have six or more qualified members gathered in the association’s location in order to subject that entity to the initiative’s restrictions. Such an interpretation could have the effect of unintentionally exempting from regulation entities that are not specifically enumerated in the exemption provision, § 45.19.6.1.A.3. By specifically listing under what circumstances an entity or individual is exempted from the definition of “medical marijuana collective,” the Committee intended

Ms. Jane Ellison Usher  
Mr. Gerry Miller  
January 17, 2013  
Page 3

that the term “medical marijuana collective” would be interpreted broadly and not in a manner that would create additional classes of exempt entities.

Sincerely,



Bradley Hertz

cc: The Honorable Herb J. Wesson, President, Los Angeles City Council  
(for the Council file)

BWH/lc  
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