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**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