

Opinion: Advice for SLT council regarding medical marijuana

By Steve Kubby

How safe are medical marijuana patients in South Lake Tahoe? What will the proposed new cultivation ordinance by the City Council mean for patients? What can the City Council do to actually help patients live without the fear of a violent home invasion by drug police? These are unanswered questions that are of enormous concern and critical importance to the medical marijuana community.

It's been nearly 15 years since the people of California wrote and passed Prop. 215, the Compassionate Use Act. You'd think that by now the medical marijuana community would feel safe, but nothing could be farther from the truth. Fifteen years after voters approved the medical use of marijuana, patients are still living in fear. Sadly, sick, disabled and dying patients are still under assault from hostile police and intrusive agencies such as the DEA and Child Protective Services.

Just the other day I helped a mother who was raided by police for growing 15 cannabis plants, which is over the California state limit. The police not only took all her plants and medicine, they reported her to CPS who took both of her children. Apparently, nobody told the police or CPS that the courts have ruled the state limit is unconstitutional and no longer in effect. Fortunately we found her an attorney and plan to raise money for her.

We worry about police who engage in juvenile and mean-spirited attacks on those who use medical marijuana. When officers are in positions of authority in law enforcement, we expect them

to set aside any personal bias and exercise fairness and restraint while interacting with members of the public.

We worry about a proposed cultivation ordinance that requires patients to publicly reveal their activities and location, thereby exposing themselves to home invasions by drug police or burglars. Patients have the legal right not to disclose that they use or cultivate cannabis and the City needs to respect their privacy.

We worry about a City Council that wants to force patients to jump through regulatory hoops and pay arbitrary fees, but won't provide patients with any actual protection in return. It's time for the City Council to look at what actually needs to be done to protect patients, instead of focusing entirely on regulating them.

For example, the council should consider doing the following:

1. Pass an ordinance that no city officials or police may cooperate or assist in any investigation involving the medical use of marijuana, unless factual evidence has been obtained showing non-medical diversion.
2. Notify the El Dorado County sheriff that we do not want DEA agents receiving any local police support for medical marijuana related investigations or raids.
3. Pass an ordinance that before any raid takes place, the police must confirm the person they are raiding is not a patient. If a raid is authorized and the person being raided can produce a letter from a physician which authorizes the use of medical marijuana, then that raid should be immediately terminated and investigated.
4. Pass an ordinance that protects bona fide patients from having their children taken from them by Child Protective Services, solely on the basis that cannabis is being consumed or cultivated in the home.

5. Request that the district attorney treat the shooting of a family pet by drug police with the same gravity as if the police had shot a human member of the family.

6. Notify the South Lake Tahoe police chief that the city wants medical marijuana to be handled by the Health Department, not the police. Since the Compassionate Use Act is codified as 11362.5 of the Health and Safety Code, not the Criminal Code, it only makes sense to have the Health Department replace the police. Thankfully, the South Lake Tahoe Police Department has done an outstanding job of respecting the rights of medical marijuana patients and dispensaries. However, we have a new Chief and the City needs to be sure to encourage him to follow the current policy.

7. If a patient is suspected of being in violation then the city should ensure that the first response will be a letter, then a visit, and if no response, a citation. The City should have a clear policy that the first response NEVER includes a SWAT team kicking down your door in the middle of the night and tossing a concussion grenade into your living room..

The City Council must take these issues seriously and understand the gravity of the situation faced by medical marijuana patients who must rely upon a medicine that inevitably brings them into conflict with misguided and hostile members of law enforcement.

See for yourself what these raids are about and why patients live in such fear of the police. Here's the video: <http://www.youtube.com/watch?v=RbwSwvUaRq>.

Steve Kubby is a South Lake Tahoe resident who helped write Proposition 215.