

Opinion: Marijuana cultivation ordinance goes up in smoke

By Steve Kubby

The City Council rejected a proposed new medical marijuana cultivation ordinance with reduced penalties and improved security for patients from ripoffs and raids. Instead, the fine for noncompliance, which was reduced by the city manager and attorney to \$100, was increased back to \$1,000 per day.

Even more disturbing, the City Council opted to add a clause that would make public the names of patient growers who are alleged to not be in compliance with the city ordinance, a terrible policy that will be abused by burglars and rogue federal drug agents to harm sick people.



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The version of the ordinance that was sent to the City Council was a model of tolerance and safety, thanks to efforts by local dispensary operators Gino DiMatteo, Cody Bass and Matt Triglia, as well as the extraordinary cooperation of the city manager and attorney. However, the City Council chose to reject a marijuana cultivation ordinance that could have set an example for cities and counties across the country.

City Council members apparently refuse to recognize that many

patients who grow are struggling just to get through each day. Instead, the City Council wants to force sick, disabled and dying patients to jump through hoops that carry severe financial penalties for anyone who messes up. It's a misguided and dangerous effort to micromanage sick people who they suspect of breaking laws, when those who deliberately or criminally abuse the law or trash homes can still be charged for serious crimes, based upon illegal activities and/or property damage.

The City Council is trying to fix something that isn't broken, based upon an obsolete legal view of cannabis. Considering that California physicians have safely supervised hundreds of thousands of medical marijuana patients, since the passage of Proposition 215 nearly 15 years ago, it should be clear that marijuana no longer qualifies as an illegal, schedule 1 substance and should be treated just like any other medicinal herb.

Despite threats and fraudulent assertions by the DEA and U.S. attorney, the courts have determined that "currently accepted medical use" does not require FDA approval or more than one state to recognize the medical use of cannabis. Once California passed Prop. 215, cannabis should have been immediately rescheduled. Instead, government at every level perpetuated this fraud and continued to arrest, prosecute and incarcerate citizens based upon a classification that was obsolete and kept in place to target and punish a particular group within society.

The South Lake Tahoe City Council has refused to make a serious commitment to protect the health and safety of our patients, opting to create a Big Brother approach instead. That raises an even bigger question: Why does the City Council seem overly preoccupied with smokescreen issues like pot, instead of real issues like the explosion of pot holes in this town?

Frankly, these and other misdirected actions by the City Council looks suspiciously like a hidden agenda to attack medical marijuana, TRPA, League to Save Lake Tahoe, Gov. (Jerry) Brown and anything, but the real problems facing the city.

What are the priorities of the new City Council? Does the City Council believe it is their job to micromanage everyone, but themselves? What good is a City Council that just adds another layer of bureaucracy and expensive fines, instead of actually doing stuff to make our lives easier or better?

We haven't heard a word about The Crater (I refuse to call anything that big a Hole), or how to deal with the \$300 million repair bill for our streets, or how to pay the \$200 million redevelopment debt, or how to overcome the structural deficit of \$1 million per year in the budget.

No, instead the City Council is busily adding a \$1,000 a day fine to some poor patient who is struggling to make it through each day. Instead of inspecting pot holes and broken streets, the City Council is marshaling our severely limited resources to inspect every cannabis garden in the city.

Getting tough with sick people who grow their own medicine may play well with constituents, but it is a cruel fraud and shameful disservice to the people and businesses of South Lake Tahoe. At this point, the only credible path for the City Council is to suspend any further discussion of pot, until something has been done about real problems like pot holes and broken streets.

Steve Kubby played a key role in the drafting and passage of Proposition 215. He has written two books on drug policy reform and serves as executive director of the American Medical Marijuana Association.