

Opinion: State legislation threatens cannabis dispensaries

By Steve Kubby

A new law and court decision are about to wreak havoc upon nearly all medical cannabis dispensaries or MCDs in California. Unfortunately for the MCDs, they are about to face legal challenges they cannot win.

Worst of all, there is nothing under state law to protect MCDs at this point and it seems only a matter of time before most MCDs are forced to close.



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The new law, AB1300, signed last month by Gov. Jerry Brown, clearly gives cities the right to ban the "... establishment of a medical marijuana cooperative or collective."

Even worse, it authorizes local jurisdictions to enact new criminal penalties against MCDs and patient collectives.

Legal expert William McPike, who has won over 150 medical marijuana cases and represents a large number of MCDs, is advising his clients that 80 percent of MCDs statewide will face closure.

Lanny Swerdlow, a registered nurse, MCD expert and a well

known activist, is even more pessimistic: "Come Jan. 1 with the new right under AB1300 to criminalize code violations and the expected opinion by the 4th District Court that cities can ban collectives under their zoning ordinances, we will see 99 percent of the collectives closed long before November 2012," he predicted.

John D. Higginbotham, a Southern California attorney for the law firm of Best Best & Krieger, believes MCDs are about to become history. "The era of storefront retail marijuana businesses is nearing an end, at least in the cities we represent," he said. "The wheels of justice sometimes grind slowly, but you can only flaunt the law for so long before it catches up with you."

Steve Kubby is CEO of Strategic Campaigns LLC and currently serves as chief officer and campaign chairman for a new California voter initiative to Regulate Marijuana Like Wine.