

Judge: Concentrated cannabis qualifies as medical pot

By Denny Walsh, Sacramento Bee

A state appellate court in Sacramento has ruled that “concentrated cannabis” qualifies as marijuana for purposes of medical use.

A unanimous three-justice panel of the 3rd District Court of Appeal disagreed this week with an earlier ruling by El Dorado Superior Court Judge James R. Wagoner and reversed the judge’s decision that a medical marijuana patient violated probation by possessing concentrated cannabis.

Sean Patrick Mulcrevy of Cameron Park was charged in 2013 with unlawful possession of concentrated cannabis, a misdemeanor, and was alleged to have violated his probation because of his failure “to obey all laws.”

Wagoner reviewed the existing legal authority indicating that concentrated cannabis is covered by California’s Compassionate Use Act, or CUA, the 1996 voter initiative approving medical use of marijuana with a doctor’s recommendation. But Wagoner rejected the authority as “unsound” and ruled that “the (CUA) does not apply to concentrated cannabis” because the act does not define marijuana, refer to concentrated cannabis or incorporate statutory definitions of either term.

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