

Pot without the prescription?

Drugs

Santa Cruz proposal allows growth and use as medicine

By **ROBIN MUSITELLI**
Sentinel staff writer

SANTA CRUZ — Santa Cruz is poised to tread into the political minefield of medical marijuana because of a proposed ordinance that would allow marijuana to be grown and used under city protection.

If approved by the Santa Cruz City Council tonight, the ordinance

would allow city-approved marijuana collectives to grow and provide marijuana to patients with certain illnesses. A key feature is that they would not need a prescription from a physician.

The statute would put Santa Cruz among a handful of California cities attempting to implement Proposition 215, the medical marijuana initiative approved by state voters in



Rotkin

Drafted pot-use ordinance

that the courts will uphold," said City Councilman Mike Rotkin, who

1996.

But it also would put the coastal city in the headlights of the federal government which has insisted that it will continue to enforce its contradictory laws.

"I feel pretty confident that this is a sustainable ordinance

helped draft the ordinance.

As proposed, the ordinance would authorize use of marijuana by people who are being treated for cancer, anorexia, AIDs, chronic pain, spasticity, glaucoma, arthritis, migraine headaches "or any other illness for which marijuana provides relief."

The patient would need to be under a doctor's care for those ailments, said Rotkin. But the ordinance would not require the physician to actually prescribe marijuana. That would protect physicians, who have been at risk of losing their medical licenses if successful-

ly prosecuted by the federal government for prescribing marijuana, Rotkin said.

"Basically what we've done is say that if people have a diagnosis from a doctor for things that are commonly felt to be treated by medical marijuana, it makes that legitimate," Rotkin said.

"This is not an attempt to basically legalize marijuana. That's not what this is about. This is strictly about medical marijuana," Rotkin said.

The ordinance should also help clear up the legal quandary of contradictory statutes left on the books

3-28-2000
■ Council pushed to adopt living-wage ordinance — Page A2

by Proposition 215, said Deputy Police Chief Jeff Locke.

In the three years since Proposition 215's introduction, Santa Cruz police have adopted a series of questions to determine how to handle medical marijuana cases. The goal has been to "follow the spirit of the state law as much as possible," Locke said.

Please see POT PLAN — BACK PAGE

A-14 — Tuesday, March 28, 2000 — Sentinel

Pot plan

Continued from Page A1

"Hopefully this ordinance will clarify those ambiguities," he said.

Locke said the Police Department is not opposed to the pending proposal.

"I think we have all come together and agreed on a compromise," he said.

The proposed ordinance is similar to one enacted in Oakland, and was reviewed by lawyers who successfully defended Oakland's statute in a lawsuit brought by the federal government, Rotkin said.

However, it differs in a significant aspect: The Santa Cruz proposal would allow only "medical marijuana provider associations" that meet guidelines and are approved by the City Council.

"Buyer's clubs," which are akin to storefront pharmacy operations where members buy packaged marijuana, are not allowed, Rotkin said.

The Santa Cruz ordinance also would prohibit anyone to profit from the sale of marijuana.

The marijuana associations or collectives would issue membership cards, and grower certificates. Unlike buyer's clubs, membership would be based on a physician's recommendation or approval, not the on the members' ability to pay for marijuana.

Rotkin said he helped draft the ordinance with the Santa Cruz Wo/Men's Alliance for Medical Marijuana in mind.