

Santa Cruz weighs pot-club limits

Drugs
■ Scramble: Week before new city law takes effect, it may be delayed and modified.

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 Mercury News

Faced with public outcry over a medicinal marijuana club that opened half a block from an elementary school, Santa Cruz is considering adopting rules like those in San Jose restricting the locations of such outfits.

The move comes a week before a Santa Cruz law passed last month to sanction medicinal marijuana clubs takes effect. But city leaders Tuesday are expected to suspend the law until later this month, while they prepare additional regulations that will keep the clubs away from homes and schools and ensure they are legitimate.

"Once we've got these regulations in place,

we'll be able to assure everyone that this or that particular distributor is above board," Mayor Keith Sugar said. "That should take care of all the problems we've been experiencing."

The proposed regulations are like those enacted by Santa Cruz and other cities to limit bars and liquor stores in neighborhoods. But local efforts to accommodate medicinal marijuana are complicated by the fact that federal authorities still consider the drug illegal.

Just days after the city council unanimously adopted the law sanctioning medicinal marijuana clubs, one such outfit set up shop on Seabright Avenue half a block from an ele-

mentary school.

Outraged neighbors said that while they have no quarrel with letting sick people smoke pot, marijuana clubs shouldn't be allowed just anywhere, especially in residential areas and near schools.

Not everyone was up in arms over the new club. School officials took no position on it, and many neighbors spoke up in support.

Still, the controversy embarrassed city officials. When they adopted the law, only one medicinal marijuana collective was operating in the area. The Wo/Men's Alliance for Medical Marijuana, based in the Santa Cruz Mountains, had been running openly since 1996, when state voters passed Proposition 215 allowing sick people to smoke pot.

The collective, which distributes marijuana to some 200 members with cancer, AIDS and other ailments for free or at the cost of

production, served as a model for the city's new law.

But since then, at least two new clubs have surfaced, even though the law isn't set to take effect until May 11, raising concerns about how the city was going to oversee them.

At a meeting this week, city officials decided to consider rules like those adopted by San Jose, which in March 1997 became the first city in the state to attempt to regulate pot clubs in the wake of Proposition 215.

San Jose's regulations require the clubs to stay 500 feet from schools, child care centers and churches, and 150 feet from homes; the rules also restrict hours of operation.

Santa Clara County adopted similar rules two months later, and also restricted the clubs to commercial, industrial and rural areas. In 1998, the county added a requirement that county health officials would audit the

clubs.

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 Santa Cruz leaders are also considering such a requirement, in which the county health officer, a licensed physician, would oversee the clubs, Sugar said. The health officer, Dr. David McNutt, was unavailable for comment Tuesday.

The city council is expected to adopt the new rules May 23, at which time the original medicinal marijuana law also would take effect, City Attorney John Barisone said.

Until then, Santa Cruz Cannabis Pharmaceuticals, the club that opened on Seabright Avenue, will remain open. Because the proposed restrictions are still being drafted, it is unclear whether the club will be forced to move once they are adopted, Barisone said.

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