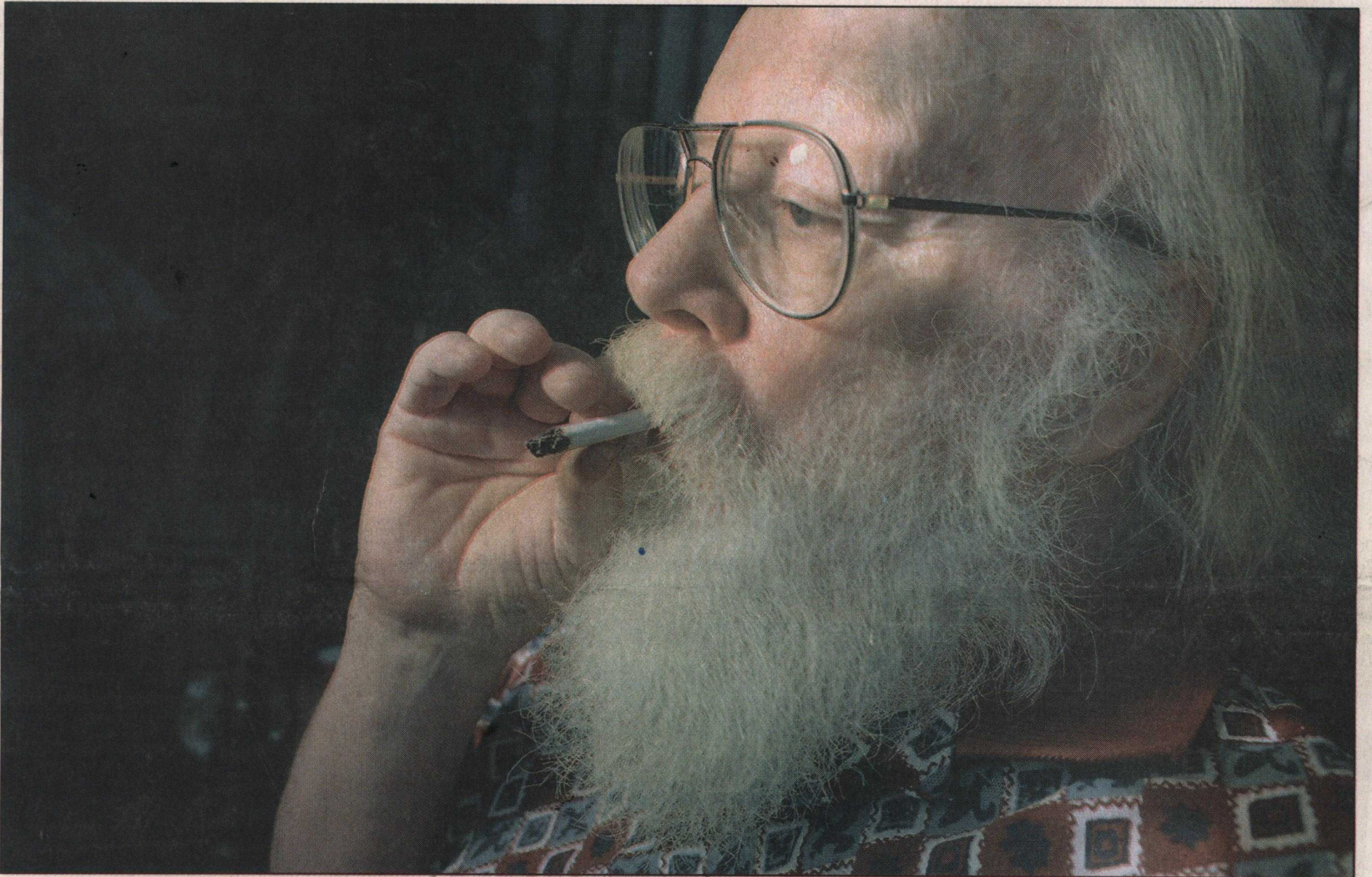


Free to inhale

Medical marijuana advocates caution users not to abuse the privilege



Bill Lovejoy/Sentinel

Five to 10 pot associations expected to form in coming months

By **DARREL W. COLE**
Sentinel staff writer

Drugs
✓ **SANTA CRUZ** — The two men toked on a joint, laughed and talked casually on a sidewalk near City Hall, not seeming to care or notice the people walking by them.

Smoking pot might not be unusual in Santa Cruz, but it was a strange scene considering one of the men had just told the Santa Cruz City Council he only needed the drug to help him fight the effects of HIV.

Earlier, the council, facing a crowd of supporters, passed a new ordinance allowing marijuana use for medical purposes.

But that a legitimate user would smoke in public incensed medical-marijuana supporters, when told of the incident, and elicited a word of caution from law enforcement officials. Both agree that the pending statute isn't meant to allow casual smoking on public streets.

"Be discreet because if they flaunt it, it will be counterproductive to everyone involved," said Santa Cruz Deputy Police Chief Jeffrey Locke, who helped craft the ordinance.

Valerie Corral, director of the Santa Cruz Wo/Men's Alliance for Medical Marijuana, said the privilege must not be abused. The ordinance was modeled after rules Corral's group has established.

"It really bothers me ... someone who does something stupid for two seconds hurts us all," she said, noting that legitimate users are told to be discreet.

Locke stressed that recreational marijuana use and possession remains illegal unless for a medical condition.

Proposition 215, passed by state voters in 1996, allows the use of marijuana for the treatment of cancer, anorexia and other illnesses. Nevertheless, the federal government continued to target users, including marijuana clubs that acted as

distributors.

Last week, the Santa Cruz City Council passed the first reading of a medical marijuana ordinance that generally follows the proposition's guidelines. Final adoption with minor changes is expected this month, and it could become city law by May.

The ordinance would allow city-recognized medical marijuana associations to provide the drug to qualified patients. Those patients must be under the care of a physician for a variety of illnesses, including HIV, cancer and migraines, or must have a written recommendation from a physician.

"There will be a trial period with this," Locke said. "But we have been operating under the spirit of state law ever since it came down, and this is an extension of that."

The ordinance received the OK from the Police

4-3-2000
Fred Seike, who registered his new medical marijuana association with the city Friday, said the ordinance is fair and should work. However, he is still concerned about federal intervention.

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Marijuana

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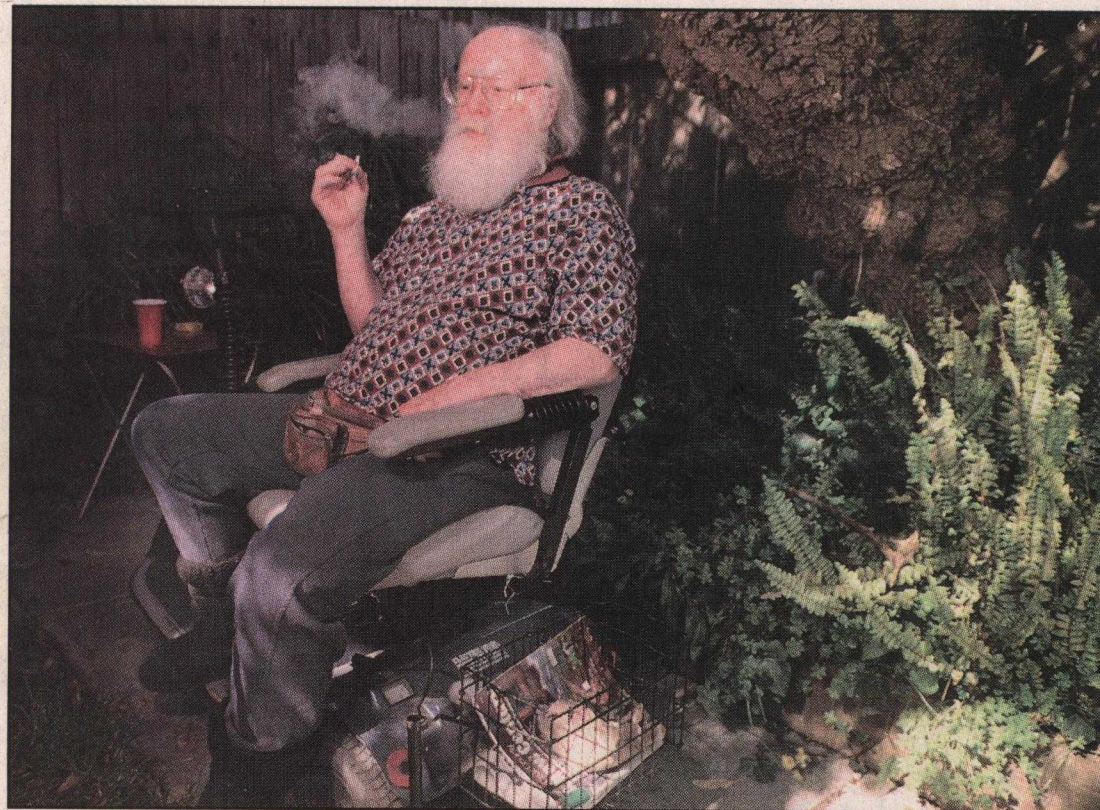
Department because clear guidelines are established, Locke said.

The medical marijuana associations are subject to restrictions, including:

- Marijuana can be cultivated for patient use only;
- The sales price can include production costs only;
- People under 18 can only participate with written consent from a parent or physician;
- Patients cannot sell or distribute marijuana they receive from the association;
- Attendance at medical marijuana sites is limited to patients, caregivers, cultivators or other associations;
- Cultivators must be able to prove that all marijuana grown is used by patients;
- A 24-hour contact number must be set up so law enforcement can verify patient status if needed.

Qualified patients or primary caregivers and cultivators will be given an identification card from the association to verify membership. Patients who also grow marijuana for personal use must get growing certificates from the association and growing must not exceed use.

Corral and Locke said they are confident the ordinance will not be an enforcement problem for officers because there is rarely a problem between medical marijuana



Fred Seike smokes some medical marijuana.

Bill Lovejoy/Sentinel

users and police now.

If a possession question arises, the ordinance requires officers to call a 24-hour hotline set up by the association. That number will be answered by an association official who can tell police if the person is a patient. In addition, police will take "all reasonable efforts" to investigate the situation before seizing product or arresting anyone.

"I predict this will be a non-issue," Locke said. "There may

be some coordinating work to be done with multiple organizations coming on line, but if everyone is reasonable we could have a real successful program."

Santa Cruz County Sheriff Mark Tracy said he was forwarded copies of the ordinance and has discussed it with the city and Corral. He said his office's past practice has been similar to that of the ordinance.

"Proposition 215 has been in

effect for several years already and if there is a medical need it's within the guidelines," he said. "We try to resolve the matter and let the person go on their way. I don't think the ordinance is inconsistent with our past practice already."

Corral said she hopes to encourage the county to adopt a similar ordinance, but Tracy said he has not been approached.

Fred Seike, who registered

his new medical marijuana association with the city Friday, said the ordinance is fair and should work. He is still concerned about federal intervention, though city officials say they don't think that will happen.

Seike said time will tell if police are understanding.

"It is a concern because every time a police officer comes in contact, he's on his own," said Seike, who operates the Santa Cruz Citizens' Medical Marijuana Provider Association.

Seike and association partner Basile Gabriel were involved with the Santa Cruz Citizens for Medical Marijuana, which closed down about two years ago.

Corral said the clear guidelines are needed and the responsibility for complying falls solely on the shoulders of the medical marijuana users and associations.

One concern Locke has is that several associations — like Seike's and Santa Cruz Cannabis Pharmaceuticals — want to be recognized, and that more are expected to form.

"It makes things more complicated ... to manage and verify so many associations," he said.

Corral said she expects between five and 10 associations to form in the coming months.

Santa Cruz police have not been officially notified of the proposed ordinance but Locke said some training will be done so officers know what to do when they discover someone with marijuana.