

Calif. keeps tweaking pot policies

By Peter Hecht, Sacramento Bee

Colorado has the nation's most meticulously regulated medical marijuana industry. Washington has the first-ever blood-level standard for driving while high.

But in the birthplace of America's medical cannabis movement and home of the most robust pot economy, California lawmakers can't seem to figure out what they want to do about marijuana.

The governance of marijuana in California remains hazy as many legislators are skittish over California's medical cannabis industry, over an unfolding federal crackdown and over risking disapproval of law enforcement interests.

An Assembly committee this month advanced a bill to have the state agency that regulates bars and liquor stores oversee medical cannabis dispensaries.

The bill's author argued that state regulation could discourage ongoing federal raids on California marijuana businesses. But law enforcement hates the proposal, and marijuana advocates are divided.

A cop-driven bill in the Senate faces furious resistance from cannabis advocates who complain that it will criminalize sick people relying on marijuana. The bill would punish drivers for any detectable level of nonprescription drugs, including marijuana.

Though voters made California the first state to legalize marijuana for medical use by passing Proposition 215 in 1996, California lags behind in setting the rules.

"Proposition 215 called for the Legislature to come up with

regulations and they never have,” said Sacramento lawyer George Mull, whose California Cannabis Industry Association last year pushed for a licensing bill for marijuana businesses and is trying again this year.

State Senate leader Darrell Steinberg said it may take two years for the Legislature to agree on how – or whether – to license hundreds of dispensaries and govern an industry providing marijuana to as many as a million Californians with physicians’ recommendations for cannabis.

Steinberg, a Sacramento Democrat, has co-sponsored a regulatory bill in the Senate that he says will be heavily rewritten before getting a vote. He said he is troubled by pot stores that sprouted long after Proposition 215 legalized use for people with ailments such as AIDS or cancer or “any other illnesses for which marijuana provides relief.”

“I don’t think there is any secret that, with the dispensary system, there has been a lot of license taken and there is very little distinction between those who suffer from serious illnesses ... and those who can easily get a piece of paper to get the marijuana,” Steinberg said.

Steinberg said he wants to regulate pot businesses and protect access by sick people to marijuana. But he said, “I do not support the legalization of marijuana.”

In Colorado, where voters approved marijuana for medical use in 2000, a for-profit industry thrives under 2010 legislation that licenses marijuana stores and commercial cultivation. The law requires video surveillance of operations and state registration and background checks for medical marijuana workers.

Last year, voters in Colorado and Washington legalized marijuana for recreational use. While California advocates plan a similar measure in 2016, they’re still struggling to persuade lawmakers to deal with medical marijuana.

A California cannabis industry, once valued at \$1.5 billion, hangs on a nebulous 2003 state bill that says people with diagnosed illnesses have legal protection “to cooperatively and collectively cultivate marijuana for medical purposes.”

Police and prosecutors in some jurisdictions argue that retail-style dispensaries are not legal under California law, and state courts have issued conflicting rulings. The state Supreme Court is weighing whether cities can ban pot outlets or be forced to accept them.

Amid the ambiguity, federal prosecutors have brought criminal charges against California marijuana businesses, asserting that pot profiteers are operating in “an unregulated free-for-all.”

Colorado’s regulated marijuana industry has seen far less federal enforcement. With that in mind, the Assembly public safety committee Tuesday passed a bill to set a California licensing and oversight program for businesses selling, growing, baking, transporting or lab-testing medical marijuana.

“We have a state of urgency on this issue,” said Assemblyman Tom Ammiano, D-San Francisco, the bill sponsor and committee chair. “People who are obeying the law are currently being heavily prosecuted and having their bank accounts seized. ... It’s crying out for regulation.”

Ammiano’s Assembly Bill 473 was blasted by law enforcement interests, signaling a difficult road ahead.

“What this bill does is go beyond Proposition 215 and authorize dispensaries throughout California,” said John Lovell, a lobbyist for the California Narcotic Officers’ and California Police Chiefs associations. “Dispensaries are a blight on communities.”

Mull said many lawmakers are intimidated by police lobbying

against perceived pro-pot legislation. He said fears of more federal raids in California, even if legislators act, are another reason “for the lack of energy” on marijuana.

Last year, the Assembly passed an Ammiano bill that would have created a medical marijuana policing division in the state Department of Consumer Affairs, overseen by a committee laden with cannabis business interests and advocates. It stalled in the state Senate.

Don Duncan, California director of the medical cannabis advocacy group Americans for Safe Access, supports Ammiano’s new bill. But he is uncomfortable with the agency picked to oversee dispensaries – the state Department of Alcoholic Beverage Control.

“ABC is better than not moving forward,” Duncan said. “But I really do find it an inappropriate place for regulating medicine.”

Medical marijuana advocates are out to kill separate legislation – Senate Bill 289 by Sen. Lou Correa, D-Anaheim. Backed by law enforcement as “zero tolerance” for “drugged driving,” it would make it illegal to drive with any detectable level of narcotics.

While SB289 exempts prescription medications, the legislation provides no waiver for people with a physician’s recommendation for marijuana.

The bill, to be heard Tuesday, contrasts with the nation’s first-ever driving under the influence standard for marijuana in Washington. Passed by voters as part of that state’s 2012 pot legalization initiative, it sets a blood-level standard for impaired driving based on a specific measurement of pot’s psychoactive component, THC.

The California State Sheriffs’ Association said in a letter that the “any detectable amount” standard in the Correa bill

“would provide law enforcement the necessary tools to prosecute drugged drivers.”

“This bill was designed to placate lobbyists for law enforcement,” protested Duncan. “It’s not OK to pass a law that jeopardizes legal medical cannabis patients.”