

From: diana lejins <dianalejins@yahoo.com>
Subject: San Jose MMj Regs Jan 17, 2012
To: "Rae Gabelich" <district8@longbeach.gov>
Cc: "Diana Lejins" <dianalejins@yahoo.com>
Date: Saturday, February 11, 2012, 1:03 PM

City Raises White Flag on Medical Marijuana

Posted by Josh Koehn on Friday, January 27, 2012

Mayor Chuck Reed put out a memo Friday calling on the city to kill its medical marijuana ordinance in light of recent developments.

According to the memo, Reed recommends rescinding the city's ordinance for a year as the California Supreme Court reviews four cases that deal with the interpretation of state law relating to medical marijuana collectives. Reed told San Jose Inside that the court's decision as well as a potential ballot initiative that could go before voters in November made it clear that he and city officials should devote the next 10 months to other issues.

"We're just in a position where we can't fix this without some clarification on this unsettled area of the law," Reed said. "It's just impossible for local government to do. So, we're just going to have to wait."

Since November, when collectives and medical marijuana supporters succeeded in collecting enough signatures for putting a referendum on the ballot, city officials have been working on a compromise with the pot clubs. Those talks aren't expected to continue now.

"Having spent a month or so working with industry representatives and my staff trying to come up with an ordinance that would be significantly different than the ordinance we approved—because we have this referendum and you can't just pass the same thing again—I think it's impossible for local government to craft an ordinance that complies with state law and meets the needs of the business model of the industry," Reed said. "I don't think it can be done. We're just going to have to wait until somebody changes the rules. Either it's the Supreme Court that tells us some of the cases need to be interpreted differently or the Legislature does something or we get a statewide ballot measure."

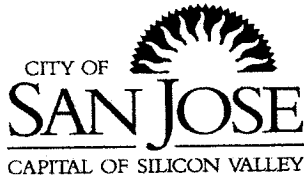
The city will continue to collect taxes on collectives, but it will not raise the rate on gross receipts from 7 to 10 percent. According to Reed's memo, "the City's enforcement efforts should be based on tax compliance, proximity to schools, residential areas or other sensitive areas, and nuisance activities."

[Click Here to Read the Mayor's Memo on Medical Marijuana.](#)

Posted by Josh Koehn on Friday, January 27, 2012 at 11:12 AM

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diana



Memorandum

TO: RULES AND OPEN
GOVERNMENT COMMITTEE

FROM: Mayor Chuck Reed

SUBJECT: MEDICAL MARIJUANA
ORDINANCE

DATE: January 27, 2012

Approved

Chuck Reed

Date

1/27/12

RECOMMENDATION

Agendize for Council action on February 14, 2012:

1. Rescind the municipal code provisions in Title 6 dealing with medicinal marijuana;
2. Establish enforcement priorities for city actions against medical marijuana collectives to guide staff until the Council adopts a regulatory ordinance or the State of California establishes a regulatory system;
3. Direct staff to produce quarterly reports on tax compliance and complaint data by locations; and
4. Defer consideration of a tax increase to cover the cost of an election.

BACKGROUND

As a result of the successful referendum signature-gathering efforts, the Council must either rescind the medical marijuana ordinance for at least a year, or place it on the June ballot for voter approval. The Council could also rescind the ordinance and adopt a new ordinance that is significantly different than the current ordinance. However, efforts to devise a significantly different ordinance have been unsuccessful due to the limitations of California law.

The California Attorney General has reached a similar conclusion, and she has recently ceased work on a revision of medical marijuana guidelines until the Legislature makes some statutory changes:

“We cannot protect the will of the voters, or the ability of seriously ill patients to access their medicine, until statutory changes are made that define the scope of the group cultivation right, whether dispensaries and edible marijuana products are permissible, and how marijuana grown for medical use may lawfully be transported.”

January 27, 2012

Subject: Medical Marijuana Ordinance

Page 2

In addition, the California Supreme Court has agreed to review four cases from the Courts of Appeal that have interpreted the Compassionate Use Act. The Court's decision is likely to clarify some areas of the law.

These actions underline the difficulty for local governments in crafting regulations in this complex area. If state law is modified by the legislature, the courts, or by ballot initiative (several are being processed), the City should reconsider an ordinance at that time.

Many parties have made a significant good-faith effort to find a solution to revise our ordinance, and I appreciate the time and resources they have invested. Unfortunately, the law is simply unclear and unsettled. I agree with the Attorney General that this needs legislative action.

Until then, the City's enforcement efforts should be based on tax compliance, proximity to schools, residential areas or other sensitive areas, and nuisance activities.

Fw: I have a Dream - Medical Marijuana Accessibility Feb 14, 2012

diana lejins

to:

Suja Lowenthal, Patrick O'Donnell, Gerrie Schipske, Dee Andrews, James Johnson, Rae Gabelich, Steve Neal, Gary DeLong, Bob Foster, Robert Garcia

02/14/2012 12:25 PM

Cc:

Nancy Muth, Diana Lejins

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UB-7

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RE: Discrimination Against People with Disabilities

This past month was a celebration of the prophet, the peace-maker, and Nobel award recipient Martin Luther King Jr. It was a commemoration of his great speeches and of the advancements he accomplished in the name of civil rights. It was a memorial to the man who led a peaceful 250,000-strong march on Washington D.C. and emblazoned upon the memory of this nation that he had a Dream. His was a Dream that included all peoples, especially those who might be considered "different."

This Dream illuminated the considerable bigotry and prejudice at the time; and yet King found a way to focus on a positive path for this country to follow.

In a revolutionary move, the Civil Rights Act was promoted by John F. Kennedy and finally enacted in 1964. The Americans with Disabilities Act (ADA) passed in 1990 and California State Unruh Act legislated in 1959 were designed to eliminate discrimination against people with disabilities and provide an avenue for them to have equal/comparable access.

Proposition 215, called The 1996 Compassionate Use Act, allowed for qualified medical marijuana patients to legally partake of their medicine. In 2003, CA Senate Bill 420 clarified many aspects of Prop 215.

Change did not happen overnight, but over the years the vast citizenry has become much more aware and accepting of those who are distinctive.

The City of Long Beach's motto is "Working Together to Serve"—meant to serve ALL citizens. On the City's web page, it states, "The City of Long Beach is committed to complying with both the intent and the spirit of the Americans with Disabilities Act." That means that medical cannabis patients should have equivalent access to their physician-recommended medicine as others have to prescribed pharmaceuticals.

And, I have a Dream that even in Long Beach all people with disabilities and/or who are ill will be treated with the respect they deserve and judged by the content of their character, not by whatever medicine they need to ease their suffering.


Yours truly, Diana Lejins

Advocates for Disability Rights

POB 15027

LB, CA 90815

Working to make the World a better place,

diana 

--- On Fri, 1/13/12, diana lejins <dianalejins@yahoo.com> wrote:

From: diana lejins <dianalejins@yahoo.com>
Subject: Ban all the pharmacies.....
To: "Jim McDonnell" <Jim.McDonnell@longbeach.gov>
Cc: "Diana Lejins" <dianalejins@yahoo.com>
Date: Friday, January 13, 2012, 4:22 PM

Couldn't remember if I sent this already??

Beachcomber

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Marijuana Dispensaries

Banning all medical marijuana dispensaries in Long Beach would be tantamount to closing all of the pharmacies and drug stores because of prescription drug abuse.

As a nation, we seem readily able to tolerate the ever-growing misuse of physician prescribed medications but vilify a much safer herbal compound. Meds issued by pharmacies are estimated to kill over 700,000 Americans every year, yet there has not been one documented death from medical cannabis.

One of the myths touted as a reason to close these clinics is that they create crime. In fact, a recent independent Rand study handily proved otherwise. The report was so profound that political forces who have a vested monetary interest in perpetuating this myth put pressure on Rand to squash it. The reality is that should a ban be enacted, the juvenile gangs will be more than happy to step up to the plate with regulation becoming an impossibility.

I often hear naive suggestions that the patients should grow their medicine, in their own backyards. Imagine yourself one day receiving the news from your doctor that you have cancer and may only have a few months to live--you must begin chemotherapy in a week. How will you have the resources, expertise, energy and time to grow the medicine that you will need? What if you live in an apartment? What if you are just too sick or disabled? How can you force a plant to grow to maturity in a week? The whole concept is absurd.

Until the Long Beach City Council is ready to close all of the pharmacies and drug stores, the bars and liquor stores, the tobacco and convenience stores that sell alcohol and tobacco, it is ludicrous for them to ban the medical marijuana dispensaries. For the patients who are ill and/or disabled, it would be cruel and inhumane.

Instead, the Council needs to work with the clinics and citizens to find a rational solution and reasonable regulations. In addition, they must petition the state of California to fulfill their obligation in this arena—"to implement a plan to provide for the safe and affordable distribution of marijuana to all patients in medical need of marijuana," as declared in the Compassionate Use Act of 1996.

Diana Lejins

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diana

2-14-12

UB-7

D. Lejins

From: Stephen Downing <stephen@leap.cc>
Subject: Help LEAP Fight for Families
To: District2@longbeach.gov
Date: Tuesday, February 14, 2012, 12:40 PM

Honorable Council Members:

I forward you this Valentines message from the Executive Director of LEAP (Law Enforcement Against Prohibition) so that you may consider these horrifying statistics in your deliberations this evening. Any part you can play in helping to end the war on drugs will be an important contribution to humankind. Banning medical marijuana in Long Beach would be just one more step backward.

Please, let the prohibitionists know how callous and destructive they have been in their continuing assault upon the sick and infirm. Say, "enough" to 40 years of failed drug policy. Let them know how that now is the time for change. Now is the time to support the people's will in California.

Sincerely;

Stephen Downing

152 La Verne Avenue

Long Beach, CA. 90803

562 433 4043

Begin forwarded message:

From: "Neill Franklin, Law Enforcement Against Prohibition"
<leap@mail.democracyinaction.org>

Subject: Help LEAP Fight for Families

Date: February 14, 2012 12:03:35 PM PST

To: Stephen.Downing@sonarnetworks.com

Reply-To: leap@mail.democracyinaction.org

Stephen Downing

Deputy Chief, LAPD (ret.)

Executive Board Member

Law Enforcement Against Prohibition

<http://www.leap.cc>

Co-author and Executive Committee: Regulate Marijuana Like Wine

<http://www.regulatemarijuanalikewine.com>

Dear Supporter:

Help LEAP fight
for legalization

Donate Now

As we celebrate Valentine's Day and the bonds that bring people together, let us not forget the policies that tear them apart. The drug warriors have taken millions of nonviolent drug offender parents from their families for crimes no more morally offensive than those of the rum runners who managed to make ends meet during the last prohibition.

Between 1986 and 1999, the incarceration rate for women grew by 888%! From 1986 to 1996, the number of women in federal prison for drug "crimes" increased tenfold, from 2,400 to 24,000, and the number continues to increase. Many leave children behind. Today, more than 2.7 million American children have lost a parent to a prison sentence, and two thirds of those parents are nonviolent offenders.

In the name of the children, in the name of the family, the prohibitionists destroy both.

LEAP recently addressed the issue of legalization in YouTube's annual online town hall meeting with President Obama. Although our question to the president received the highest number of votes among the video entries, it was not aired during the forum, leaving many wondering why the number one question would be passed over in favor of less pressing issues like favorite late night snacks or tennis. While the president may not be comfortable following up on last year's YouTube question from LEAP, we will keep pushing decision makers to address this issue no matter how many times they avoid it or talk around it, because children of nonviolent drug offenders are getting left behind.

In 1980, one out of every 125 children had a parent behind bars. By 2008, that number had grown to 1 in every 28. Think of the average kindergarten class. Think of the child whose parent is missing. Connect the dots to the rest of that child's life.

As current and former law enforcers, we know how damaging our drug policies have been to families. Under the guise of 'public safety,' we have been charged with the impossible task of upholding these failed and devastating drug laws. Meanwhile, the public is no safer or more protected, and immeasurable harm has been done to the family unit through punitive incarceration and the social stigmas that prevent many parents from seeking help for drug abuse or addiction.

The Drug War destroys everything it touches. Please help LEAP reverse the Drug War's assault on the American family before it claims another victim. Donate now, and support our speakers in calling for an end to the Drug War.

Thank you,
Major Neill Franklin (Ret.)
Executive Director

Medical Marijuana Dispensaries - Green Ribbon Task Force

2-14-12

UB-7

diana lejins

to:

Suja Lowenthal, Patrick O'Donnell, Gerrie Schipske, Dee Andrews, James Johnson, Rae Gabelich, Steve Neal, Gary DeLong, Bob Foster, Robert Garcia

02/14/2012 01:33 PM

Cc:

Nancy Muth, Diana Lejins

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Dear Long Beach Mayor and City Council,

RE: MEDICAL MARIJUANA DISPENSARIES – Green Ribbon Task Force

Like it or not, the tide has turned dramatically on the use of marijuana—medical or otherwise. Credible news outlets and internet sources are exposing the despotic governmental suppression of scientific studies that have heartening promise in hemp and cannabis-based applications. As the citizenry becomes better educated, their enlightenment defines itself at the polls.

In the last election, California Prop 19 legalizing marijuana lost by a slim margin. This was in large part because of the intense propagandizing and fear mongering of the pharmaceuticals, prison guard unions (vested in jobs) and tobacco companies—just follow the \$\$\$\$\$. In Long Beach City, it handily won. Presidential candidate Ron Paul's approval rate is gaining exponentially due to his irresistible stance on lessening governmental interference on private lives.

As we speak, several initiatives are gathering momentum and signatures to legalize marijuana. They have gained popularity especially in the light of city officials, police, prosecutors, and even judges ignoring the will of the people as in California Proposition 215. Called the Compassionate Use Act, Prop 215 sought to facilitate people who need marijuana as medicine. According to its provisions, the State should have stepped up to the plate in providing patients with the herbal medicine that eases their suffering.

The dispensaries have filled in where the State has negligently and sorrowfully failed. In many cases, it is not practical or possible for sick/disabled people to grow their own. More than likely, a ban on dispensaries would only drive these vulnerable citizens to the streets and put them at extreme risk buying from drug dealers. The product may be laced with an addictive substance or may be tainted with deadly molds or other pathogens that would be especially devastating to those with immune-compromised illnesses such as AIDS.

Forcing them to buy from gang-affiliated dispensers would only fund and enable larger and more powerful cartels. This predictably results in more crime and turf wars where innocent bystanders may be gunned down. With an already-drained police department and a dramatic spike in shootings over the past few months, is empowering gangs/cartels a wise path to follow?

It is imperative that this City Council find a viable alternative to outright banning of medical marijuana dispensaries, not only for the patients that use this medicine now but for all citizens that may one day need it to treat their pain and/or medical condition. Death is a certainty of life; suffering is often a choice. While the Americans with Disabilities Act (ADA) stance on this subject is pending, the spirit of the ADA should not be undermined by draconian political decisions.

This is a golden opportunity for the Council to appoint a community-based “Green-Ribbon” Task Force to create a more democratically-generated solution. This committee should include representatives from the City and the citizenry. The purpose/mission of this assemblage should be to craft a more equitable ordinance that sensibly regulates medical marijuana dispensaries and allows reasonable access/accommodation to the sick and disabled.

This committee should include a representative from the Health Department (Michael Johnson?)--where this matter belongs, Police Department (Commander Josef Levy?), City Attorney (Michael Mais?), Prosecutor, Finance Department (not Eric Sund), patient advocates (Diana Lejins, Advocates for Disability Rights/Bill Britt, Association of Patient Advocates?), dispensary representatives (Carl Kemp/Rich Brizendine?), Science/Environment/Neighborhoods (Joan Greenwood?), and whatever affiliates that the Council deems appropriate. While I believe that the above names would be beneficial because of their experience/expertise, they are only suggestions. A time period of 90 days would be reasonable.

In the interim, a partial ban that would only apply to new dispensaries might be more sensible course of action. Those dispensaries already in existence would be well advised to adhere as much as possible to the regulations set forth in previous legislation until Council has taken action on a newer, compliant and enforceable ordinance.

Respectfully submitted,
Advocates for Disability Rights / Past Chair LB Citizens Advisory Commission on Disabilities
90815

Diana Lejins

POB 15027, LB

Working to make the World a better place,

diana x