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ent; they just can't help themselves. We must be very, very wary and demand that they do their jobs, now.

We all have a limited amount of money to do what we need to live. The SHUSD should be no different. Voters held these bureaucrats' feet to the fire in the past. Apparently, they eventually elected to do the job they signed on for. What a revelation. This is the way it's supposed to work. They should all be ashamed.

"Government doesn't solve problems — it subsidizes them." — Ronald Reagan

Thank you.

Robert Berry  
Miranda

**Senior  
Legislature  
may lose  
staff member**

To the Editor:

The California Senior Legislature (CSL) is about to lose its one and only paid staff member because of Governor Schwarzenegger's mandatory furloughs, even though the salary of the staff member is being paid by voluntary donations made to the CSL.

The current Executive Secretary of the CSL, Sherry Jenkins, may be forced to leave her position in July because of the financial effects of the mandatory furlough. Jenkins is universally appreciated by the members of the Senior Legislature and is the glue that holds us together. Without an experienced staff person providing support, it will be difficult to impossible for the CSL to operate.

The members of the legislature are people over 60 who come from all parts of

Guest Opinion

**After pot,  
what?**

By Anna Hamilton

The legalization of marijuana will be the single most devastating economic event in the long boom and bust history of Northern California, impacting local businesses, non-profit organizations, the workforce and County tax revenues. The increased availability of marijuana after the passage of 215 decreased the street price for outdoor pot from \$4,000 a pound to \$1,600 over a period of ten years. It is a common assumption that pot prices could drop to as low as \$500 a pound after legalization.

The displacement of persons deriving supplemental income through clipping, gardening and distribution of marijuana dwarfs the number of growers who will lose their income entirely. Accurate estimates of the annual value of this crop are impossible to find, but one local economist guesses that at a minimum it is \$500,000,000 a year. Five hundred million in this County alone.

When marijuana is legalized, and its value drops, the divide between the counter culture and the straight community will be irrelevant; we will all face this economic catastrophe together. For the sake of our region it is time to begin planning for this upheaval now, together.

There is a wide misconception of who the marijuana grower is. A percentage certainly does fit the profile of the "greedy grower," but most are property owners with children in school, just making a good living. Their ages range from 17 to 75. Their hair is short and they pay taxes. In fact they are so thoroughly integrated into our society that they take part in every aspect of Northern California culture. They have built schools, fire departments, credit unions, radio stations, health clinics and hundreds of other legitimate businesses. If we are to be honest, we have to admit that their financial contributions of the past thirty years have been a welcome boon to our economy. It has been a live and let live arrangement. Them are us.

So, let me skip straight to the task of preparing for the economic trauma that is sure to follow legalization, and let those who understand begin to prepare for it now.

There are two measures proposing legalization in the works for this year; one is the people's initiative and the other is Assemblyman Tom Amiano's bill. The imminence

FRONT PAGE

# Afraid of being uprooted

With legalization of pot a possibility, Humboldt County ponders its future.

SAM QUINONES  
REPORTING FROM  
GARBERVILLE, CALIF.

In this region renowned for potent marijuana buds, many in Humboldt County long accepted that legalizing the weed was the right thing to do.

Now some folks aren't so sure.

A statewide initiative in November would allow cities to regulate pot possession and cultivation. Assemblyman Tom Ammiano (D-San Francisco) has proposed a broader legalization. Neither is certain to pass.

Yet as medical marijuana has spread and city and state budgets are being slashed, legalized marijuana is becoming more possible than ever. That has some people here thinking twice.

Wholesale prices have dropped in the last five years — from \$4,000 a pound to below \$3,000 for the best cannabis — as medical-marijuana dispensaries have attracted a slew of new growers statewide, Humboldt growers say.

Recently, "Keep Pot Illegal" bumper stickers have been seen on cars around the county. In chat rooms and on blogs, anonymous writers predict that tobacco

[See Marijuana, A12]

ventional wisdom here is that fully legal weed might fetch no more than a few hundred dollars a pound, as more people grow it and police no longer pull up millions of plants a year.

Illegal marijuana "is the government's best agricultural price-support program ever," said Gerald Myers, a retired engineer and former volunteer fire chief who moved to the county in 1970. "If they ever want to help the wheat farmers, make wheat illegal."

On the other hand, increased demand for legal pot might buoy its price.

"If it's regulated like cigarettes, you're going to have a massive increase in demand for it, I would believe," said Erick Eschker, economics professor at Humboldt State. Either way, though, talk of legalization raises a question: Is Humboldt's competitive advantage in growing pot, or in growing pot illegally?

Plantations divert water from streams and rivers. Some growers use huge diesel generators to power greenhouses on mountainsides — growing indoors in the outdoors. Occasional spills from these generators have devastated streams. Indoor growers, meanwhile, devour electricity. Officials estimate that 800 to 2,000 houses in Arcata are devoted partly or entirely to growing marijuana. Humboldt County is also known for its lax prosecution compared with other counties.

"That advantage, if you will, is going to be gone if it's legal," Eschker said.

Any well-designed legalization ought to ensure that "other people in the community won't have to pick up the tab for an industry cutting corners," said county Supervisor Mark Lovelace. "People would have to learn to turn this into a legit above-board business."

How many could do that is unclear.

At stake, many locals say, is more than a business; it's a way of life. The cannabis economy has spawned numerous nonprofits and community health and arts groups, which depend on growers for sustenance.

"It's morally right that marijuana be legal," said Kym Kemp, a journalist who blogs about life in southern Humboldt County. "But I know why they want to say, 'No, don't let this happen to us,' because we're going to

economic house of cards."

Once legal, marijuana cultivation might well lose its outlaw glamour, to be replaced by the daily grind and smaller profits that farmers all face. Growers would have to keep books, pay taxes and abide by pesticide regulations.

Grocery stores, car dealers, construction-supply outlets and other retailers would have to adjust. So, too, would thousands of residents, many with full-time jobs, who make ends meet by trimming marijuana at harvest season for \$25 an hour.

With so few voters, Humboldt is unlikely to influence what happens statewide. "We're better off trying to figure out what the pathway would be to a robust industry cluster with [marijuana] as its product," said Kathy Moxon of the Humboldt Area Foundation, a community nonprofit.

Radio host Hamilton has suggested new school curricula, urging that a community college satellite campus planned for Garberville offer more classes in accounting and business administration. Others have proposed classes in marijuana testing.

Moxon sees an opportunity to take business away from Oakland-based Oakland University, which offers classes in marijuana growing, the science of cannabis, new methods of ingestion, even the weed's history.

"We're the place where people should come to learn to grow," Moxon said. "Who wants to go to Oakland to learn to grow?"

Then there is the Napa Valley model, where vintners thrive by focusing on premium wines, branding and wine tourism. Appellation — the branding of the Humboldt name like Champagne or Bordeaux — is a route people here find promising.

But achieving a Napa Valley of marijuana might require the kind of collective action that Humboldt weed growers have found anathema. Remarkably, Hamilton's "What's After Pot?" meeting was the first time the topic was discussed so openly and thus stunned many locals. And no one seems to have investigated how a Humboldt appellation might be acquired.

Still, the idea resonates.

Said Hamilton: "It's appellation or Appalachia."





Anna Hamilton

Singer/Songwriter/MC  
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707-223-2500



SAM QUINONES Los Angeles Times

**FACING THE FUTURE:** Garberville radio host Anna Hamilton organized a community meeting addressing "What's After Pot?" It attracted more than 150 people, including a county supervisor and business owners.

# Pondering pot legalization

**[Marijuana, from A1]** companies will crush small farmers and take marijuana production to the Central Valley.

With legalization, if residents don't act, "we're going to be ruined," said Anna Hamilton, a radio host on KMUD-FM (91.1) in southern Humboldt County.

In March, Hamilton organized a community meeting in Garberville addressing the question "What's After Pot?" It attracted more than 150 people, including a county supervisor, economic development consultants and business owners.

All this was unimagineable to the hippies and student radicals who came here in the 1960s and '70s, escaping a conventional world they abhorred. As marijuana's price steadily rose, it funded their escape. In time, mom-and-pop growers became experts.

The plant thrived in the tolerant climate — cultural and geographic — of far Northern California. Small

plots got bigger. An Emerald Triangle of premium marijuana growers formed in Humboldt, Trinity and Mendocino counties until, virtually alone, they supported the economies.

Following Hamilton's lead, a meeting will be held in Ukiah, Mendocino's county seat, on April 24 to discuss "The Future of Cannabis in Northern California." Speakers include the director of the Ukiah Chamber of Commerce.

For years the plant was only a small part of the Humboldt economy, as logging and fishing provided most of the jobs.

Today, harvestable redwoods are mostly gone; so, too, the sawmills. Salmon beds are covered with silt. Marijuana stands as a major source of income, even for many whose grandparents worked the sawmills and 40 years ago railed at the pot-smoking hippies moving into their midst.

Humboldt State economists guess that marijuana

'We're the place where people should come to learn to grow' marijuana.

— KATHY MOXON,  
Humboldt Area Foundation

accounts for between \$500 million and \$700 million of the county's \$3.6 billion economy.

Though growing is widespread, particularly in southern Humboldt County, it remains illegal for those not connected to a medical marijuana collective. Every year growers are arrested and sent to prison. Some live in paranoid isolation, telling their children not to discuss their parents' work. Meanwhile, they've gotten used to selling a weed for thousands of dollars a pound.

Legalization could take many forms. But the con-

die. It already happened with the logging industry."

But others say legalization would create a more solid, independent economy in the long run for the county, which has a population of 129,000. Instead of depending on one crop, "the community would learn all over again about economic self-sufficiency" that the original hippies moved here to achieve, Myers said.

More houses and agricultural land might again find legal uses, the theory goes, thus making property more affordable. The county might actually be invigorated, said Cliff Clendenen, a Humboldt County supervisor and owner of an apple cider business in Fortuna.

"It saps some community energy when you have your best and brightest out in the hills growing and not contributing in the same way they would if they went off to college and came back to teach," he said. "Whenever you have 20-year-olds making six-figure incomes, it's an



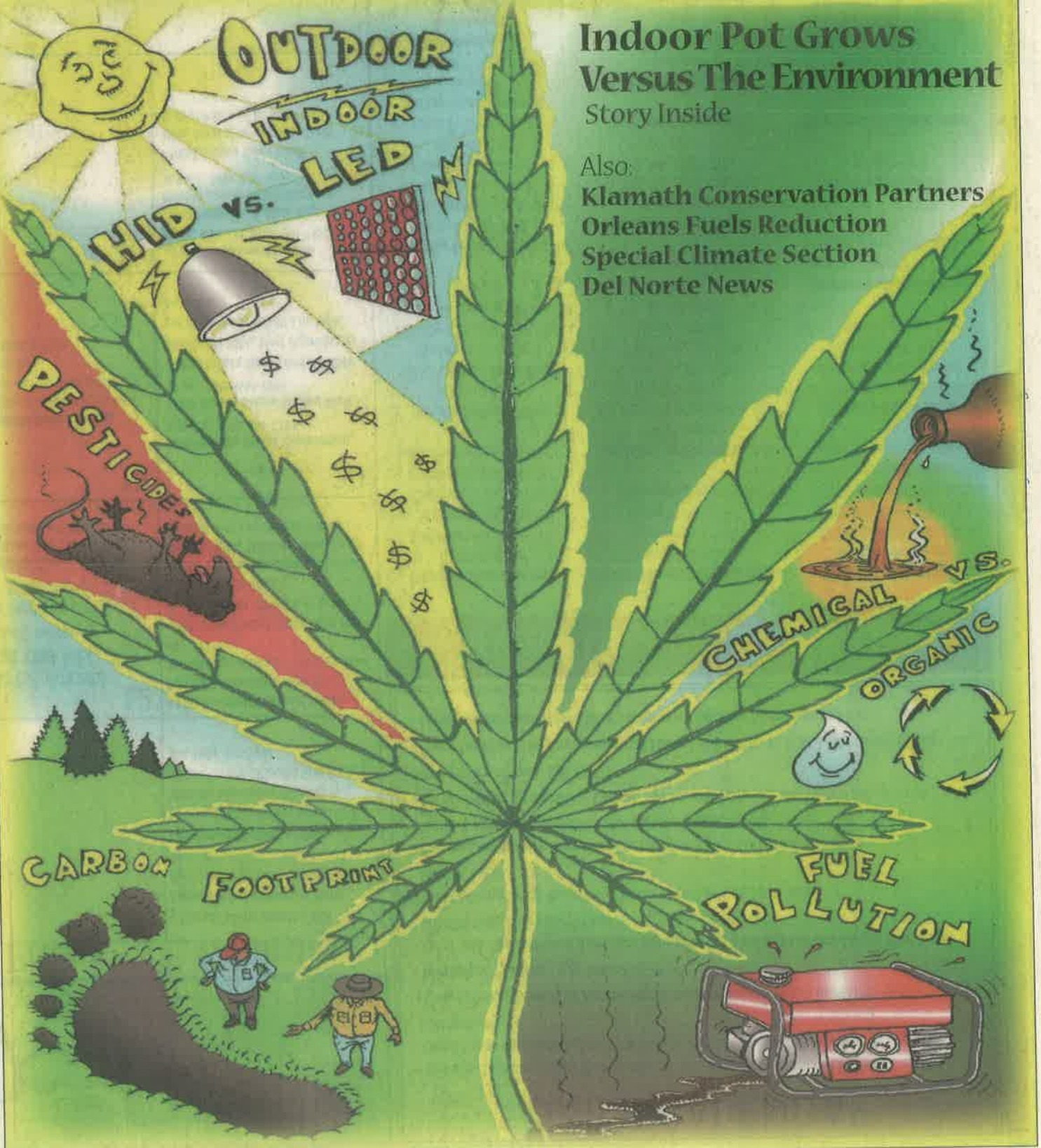


# ECONEWS

Informing The North Coast On Environmental Issues Since 1971

## Indoor Pot Grows Versus The Environment Story Inside

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# THE INDEPENDENT

TUESDAY, APRIL 27, 2010



BRIAN CLAWSON / THE INDEPENDENT

THE SETTING SUN is seen from Kettenpom on Earth Day, April 22.

## Medical Marijuana Group Forms for Humboldt

*HUMMAP Aims to Be Umbrella For Future Trade Associations*

BY CYNTHIA ELKINS  
INDEPENDENT STAFF WRITER

A meeting to discuss marijuana legalization in Redway last month sparked the formation of a new medical marijuana group for Humboldt County and movement towards establishing trade associations for those involved in the industry.

A group of residents met in Southern Humboldt last week and appointed a steering committee for the new group, which they are calling the Humboldt County Medical Marijuana Advisory Panel, or HUMMAP. Steering committee member Robert Suther-

land — better known as Man Who Walks in the Woods, or Woods — said the group is “the will of the community moving forward en masse.”

“This organization is intended to be the umbrella organization for the startup of trade associations and various other associated groups that will help make the transition to a possible legalized marijuana economy,” Woods said, adding, “or if those laws do not fall into place they will very legitimately deal with issues surrounding the medical marijuana situation in the county.”

Voters will decide whether or not to legalize marijuana for personal use in California in the November election. Medicinal marijuana was legalized in the state nearly 15 years ago, and many local people believe Humboldt

County has been slow in responding as compared to Mendocino County and other places.

A similar group, the Mendocino Medical Marijuana Advisory Board, formed in Mendocino County in 2006 to “research and recommend policy guidelines and goals, including new medical findings, current litigation and potential legislation,” according to the group’s website.

“I know that the Mendocino [group] has been functioning for quite a few years,” said Syreeta Lux, chairperson of the HUMMAP steering committee. “And I think it’s time for us to have an organization that can speak and cooperatively work with our county government and officials and agen-

CONTINUED ON PAGE 4

# Medical Marijuana Group Forms for Humboldt

CONTINUED FROM PAGE 1

cies to create effective and fair policy and regulations for the marijuana industry.”

Woods said he does not know much about the role the Mendocino organization has played, but he thinks HUMMAP will be “a little more expansive” with its actions.

“We aren’t dealing just with medical marijuana in the sense that we want to establish such things as ‘Humboldt’ as a brand name to take advantage of the reputation that our county has earned on this issue,” Woods said, adding, “We don’t want to lose any value out of that name and so we would like to act to protect it. And that has the potential of applying not merely to medical marijuana but also to legalized marijuana.”

Some who attended last week’s meeting said there was debate on whether or not indoor marijuana growers should be represented by HUMMAP. However, Lux believes an advisory panel “is there to represent everyone in the industry.”

Lux said the group has identified nine stakeholder groups within the

medical marijuana industry, “and we would like to represent all of the those people.”

“Each focus group needs to have its own representation,” Lux said, adding, “but then there needs to be a place where all those organizations can come together and say, ‘This is what we would like to say to the county,’ and have a body that the county accepts to interface with them.”

Lux also hopes HUMMAP can help solve environmental problems associated with marijuana growing, saying, “There’s a lot of discussion, of course, because there’s a huge controversy within the industry itself about the environmental issues in indoor and outdoor [marijuana growing], and that is all going to come to the table. ... That’s what we are hoping to foster, is an open dialogue.”

Woods has been researching the possibility of forming different trade associations, and he said he has found some “legal impediments.” But he said, “Finally I think we can come up with the correct forums to form some associations.”

Many people have expressed concerns over possible negative economic effects that could come if marijuana is legalized, but Woods believes a proactive approach could help reduce those impacts.

“I think it’s only a matter of time before marijuana is legalized,” Woods said, adding, “Whether it will happen this fall or not is a question, but when it is legalized, I think that the economy is going to shift strongly. And the better prepared we are to deal with that, the more hopeful the future of our county is.”

“Our focus is to keep Humboldt on the map through all the changes that are going to be coming in the next few years,” Lux said. “And the only way we can do that is by coming together.”

Both Woods and Lux said they are looking to expand the membership of HUMMAP, which is meeting every Tuesday. A location and time have not been set for the meetings yet, but the group will soon have more information available online at [www.HUMMAP.com](http://www.HUMMAP.com).



# Getting ready for legal pot?

## Medical marijuana panel urges industry to seize opportunities

John Driscoll

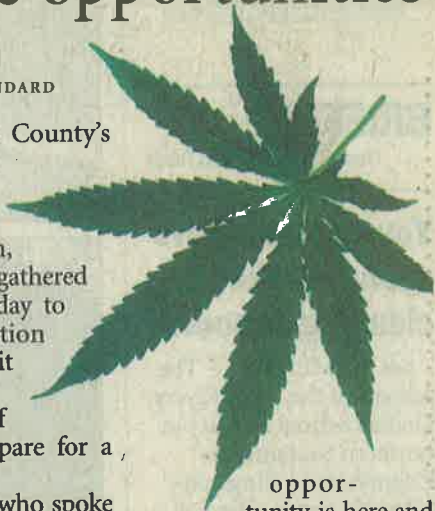
THE TIMES-STANDARD

As Humboldt County's well-known marijuana industry faces potential legalization, cannabis experts gathered in Bayside Saturday to share information about how it might seize the opportunities of the day and prepare for a different future.

Some of those who spoke on the Humboldt Medical Marijuana Advisory Panel warned that while legalization may decriminalize marijuana, it will also mean significant government regulation, and that some areas — Oakland was repeatedly mentioned — are likely years ahead in preparing for it. The message was one of urgency, that people involved in the marijuana industry should act now to ensure the Humboldt brand will last beyond legalization.

Medical marijuana attorney Mel Pearlston told a packed Bayside Grange that California's Proposition 215 law remains vague, but more than a decade after it passed, there appear to be two legal means of growing marijuana collectively. One is to form a collective, usually with family or friends, each of which can provide something — space, equipment, expertise — to grow marijuana for their own use or as a primary caregiver to a medical marijuana patient.

One can also form a California consumer cooperative, which can be taxed and must sell marijuana on a



opportunity is here and can be taken advantage of," Pearlston said.

Plenty of dispensaries in big cities, he said, would be willing to come to Humboldt to buy or lease farmland and employ thousands of workers to grow the crop.

Some of the panelists acknowledged a fear of change as they watched the industry shift 20 to 30 years ago. As more people became involved in growing marijuana, said Redway blogger Kym Kemp, she saw prices fall significantly, and with it hospitals and fire departments in Southern Humboldt suffer. But with attitudes changing about marijuana, Kemp said there may be a bright light ahead.

"I'm thinking instead of a world of doom and gloom; there's a world of possibilities," Kemp said.

Humboldt County Supervisor Mark Lovelace said that Humboldt County's familiarity with marijuana means it should be actively involved in how marijuana is regulated if and when it becomes legal. Legalization isn't going to be carte blanche, Lovelace said; there

standard.com

Times-Standard  
SUNDAY, JULY 25, 2010

But Pearlston said that selling marijuana to another person or a dispensary is illegal, unless the grower is an employee of the dispensary, a model that is being used more and more. That is where Humboldt County can seize an advantage today — and whether the marijuana bill on the November ballot passes or not, he said. "It's legal now and the

that come with it. And yet, many of the people in the state who will be regulating the herb "can't say marijuana at full volume," he said.

He said the people in the industry now will have to help state and local governments "get it right."

ON THE WEB:

■ [www.HuMMAP.org](http://www.HuMMAP.org)



# Cannabis conference continues

## SoHum legalization discussion is making its way to NorHum

Donna Tam

THE TIMES-STANDARD

Those invested in the pot industry down south are bringing the conversation to Northern Humboldt this weekend, with the hopes of having an all-inclusive conversation.

Following a discussion earlier this year on what will happen to the marijuana industry if pot is legalized, members of the recently formed Humboldt Medical Marijuana Advisory Panel (HUMMAP) are continuing the conversation by organizing

March's unprecedented conversation, garnering the attention of local, state and national media, resulted in a discussion about how to make Humboldt County economically viable through third-party product regulation and the branding of an environmentally friendly technique and product.

Organizer Anna Hamilton said this will be the first countywide cannabis conference and she hopes growers — legal or otherwise — will come to the table.

"You can't do harm reduction unless you have put on everybody's shoes," she said.

The line up will include local journalists, government officials, lawyers and medical cannabis experts, as well as those involved with the Bay Area cannabis industry. The meeting is scheduled from 2 p.m. to 6 p.m. at the Bayside Grange and features more than 15 speakers.

Hamilton said bringing in those from the outside will give local growers a chance to interact with people they may not agree with. Speakers will include Dan Rush of the United Food and Commercial Workers Union Local 5, which recently unionized hundreds of medical marijuana workers, and Mauricio Garzon with the Proposition 19 campaign. Proposition 19 is an initiative to legalize and tax marijuana sales and will be on the ballot in November.

Another speaker will be Kevin Hoover, editor of the local newspaper the Arcata Eye. Hoover, who has gained national attention in recent years for trying to bring Arcata's illegal grow house issue to light, said he hopes to have a "rational discussion" at Saturday's meeting, especially considering how heated conversations about legalization can get. He said he recognizes HUMMAP's efforts to come up with a plan.

A6

Times-Standard

## MARIJUANA: 'We deserve a bigger place at the table when it comes to policy decisions here'

FROM A1

"We've got this multi-billion dollar industry which is completely entangled and bound up in a bunch of non-sensical and contradictory laws ... rather than have this thing run away with itself, they are starting to come up with a framework," he said.

Hamilton said some Humboldt County growers may have animosity toward legalization or the large scale industry being proposed in the Bay Area, and she hopes Saturday's conference will be a good discussion.

Most of all, Hamilton hopes Humboldt

growers come out of the meeting with a better sense of direction and a stronger voice.

"The people in the cities make the regulations without any understanding of how it affects the rural growers," she said. "We deserve a bigger place at the table when it comes to policy decisions here. And, after 30 years of contributing to economic development ... we have something to contribute, and we don't deserve to be marginalized anymore."

For the meeting's full list of speakers and a schedule, go to [www.hummap.org](http://www.hummap.org).

Donna Tam can be reached at 441-0532 or [dtam@times-standard.com](mailto:dtam@times-standard.com).



# es-Standard

FRIDAY, JULY 23, 2010



Humboldt Medical Marijuana Advisory Panel  
presents

## HUMBOLDT CANNABIS— A FUTURE OF OPPORTUNITY

A Conference on the Present and  
Future of Cannabis in Humboldt County

Panels and presenters will share the  
latest information about:

- Proposition 19 - Tax and Regulate Cannabis 2010
- County, City and State Regulations
- Medical Cannabis Law and Criminal Marijuana Law
- Doctors, Patients, Providers and Dispensaries
- Lab Testing
- Cannabis as an Economic Anchor in Humboldt
- The Dynamic Marijuana Marketplace
- Sustainability
- Collectives
- Political Action and Local Opportunities

**GET THE FACTS AND  
PREPARE FOR THE FUTURE**

BAYSIDE GRANGE  
2297 Jacoby Creek Rd.  
Bayside (just south of Arcata)  
Saturday, July 24, 2 to 6pm

**FREE**

[www.HuMMAP.org](http://www.HuMMAP.org) for more info

TUESDAY, JULY 20, 2010

# WEEK

SATURDAY, JULY 24

• **Humboldt Cannabis:** Humboldt Medical Marijuana Advisory Panel will present a free conference titled "Humboldt Cannabis: A Future of Opportunity" at the Bayside Grange from 2 to 6 p.m. The event marks the first countywide conference on cannabis and the role it plays in Humboldt's economy. A wide variety of speakers and topics are expected to include representatives of local, city and state officials, medical collectives and dispensaries, unions, the Tax and Regulate Cannabis 2010 Initiative, laboratory testing, sustainability, political action, and the future of marijuana as an economic anchor in Humboldt. For more information go to [hummap.org](http://hummap.org).

## 'Humboldt Cannabis: Future of Opportunity' July 24

Humboldt Medical Marijuana Advisory Panel will present a free conference titled "Humboldt Cannabis: A Future of Opportunity" on Saturday, July 24 at the Bayside Grange from 2 to 6 p.m. The event marks the first countywide conference on cannabis and the role it plays in Humboldt's economy.

A wide variety of speakers and topics are expected to include representatives of local, city and state officials, medical collectives and dispensaries, unions, the Tax and Regulate Cannabis 2010 Initiative, and laboratory testing.

For more information go to [hummap.org](http://hummap.org).

**OUR CANNABIS FUTURE** "Humboldt Cannabis — A Future of Opportunity," a Humboldt Medical Marijuana Advisory Panel presentation and discussion, takes place this Saturday, July 24 from 2 to 6 p.m. at the Bayside Grange. More information, page 10. [hummap.org](http://hummap.org)

COAST JOURNAL • THURSDAY, JULY 22, 2010 11



**CHARLEY CUSTER**, secretary of the Humboldt Medical Marijuana Advisory Panel (HuMMAP) addresses the audience during "Humboldt Cannabis — A Future of Opportunity," held at Arcata's Bayside Grange on July 24. HuMMAP, a community-based policy group established to promote legalizing marijuana and address health, safety, economic, and regulatory issues, organized the conference to focus on the future of Humboldt County's economic base.

Custer compared the changes afoot in the marijuana industry to the history of the timber industry in Humboldt. "Timber was our economic base, it was worth fighting about and required continuous improvement; we can do the same thing with our current economy. Let's take the bags off our heads, pay attention and keep it real!"

In a follow-up phone interview, Custer said, "One of our main hopes is that the conference will jump-start conversations with the local politicians and get them to recognize that we need to regulate medical marijuana as a model for the future of the industry without waiting for Prop. 19. This is our main economic basis, and everything in this county is fraught with division because it is illegal."

GRETCHEN BROOKS / THE INDEPENDENT

# Cannabis connected: Businesses and authorities blaze path through new regs

Kym Kemp

EYE CORRESPONDENT

HUMBOLDT — When Bob Wiener tried to deposit money in Humboldt County banks, they turned him down. His business, Canna Labs Collectives, is designed to test medical marijuana for pesticides and percentages of cannabinoids.

Because of concerns about how the federal government might view funds from a cannabis related business, banks refused to open an account for money he

had obtained as a loan on his home.

An increasing number of Humboldt businesses depend on cannabis — from multi-million dollar horticultural supply stores to small enterprises that make salves and edibles.

Most, such as garden stores or soil producers like McClellan Mountain Ranch and Foxfarm, don't overtly refer to the huge boost they get from the marijuana market.

But a few others are beginning to

► CANNABUSINESS | 7

The Arcata

# News

## Cannabusiness | Frustrated

► FROM 1

proudly base their business model on being connected to cannabis.

### 707 Cannabis College

Kelly Dodds and her partners, for instance, are enthusiastically building around marijuana. They are starting a facility that aims to be "the premier cannabis educator in the United States" — 707 Cannabis College.

Dodds relates that her idea came after attending an advanced class at Oaksterdam in the Bay Area and discovering "they only (taught) indoor hydro." She decided that students needed information about a more organic and sustainable production — growing outdoors.

She decided to start a facility in the heart of marijuana country, Humboldt County. Here, she says, there is a great deal of focus and support for environmentally sound farming. "Our intense focus is on the environment. You can grow your medicine in an industrial environment or... out in the sun — organic and sustainable. I believe it is healthier."

Though the Humboldt community is hospitable, Dodds and other cannabis entrepreneurs face what she calls "the fear factor" when dealing with local government and financial institutions. When first approached, officials were concerned and cautious about her new business.

### Canna Labs Collectives

The situation is difficult because both officials and entrepreneurs are treading on new ground. Bob Wiener of Canna Labs Collectives explains that even though "people in charge of political issues are aware and intelligent enough to understand the ramifications of legalization, they also have to be careful and cautious."

They have to protect their constituents, weighing each decision because very few cannabis businesses have been established here before. Wiener explains, "[The officials] are just as naïve as I am." He knows that they are concerned about an over-proliferation



**Kelly Dodds**  
Co-founder of 707 Cannabis College



**Bob Wiener**  
Canna Labs Collectives CEO



**Ian Hammon-Hogan**  
Canna-Labs chemist

problems that more conventional startups don't.

For instance, just finding a place to put their money can be an issue. Banks are reluctant to accept accounts from clients in this new field. Wiener's business, Canna Lab Collectives, was repeatedly turned down by nearly every bank in the county (as was the 707 Cannabis College.) Reportedly, the banks feared federal retaliation.

Eventually, only the local community credit union would allow them to deposit money and then only after discussing the issue at a board meeting. This problem is being felt by cannabusinesses across the United States. Just recently, the backers of marijuana legalization in Washington State announced that part of the obstacles they failed to overcome in their bid to put their measure on this fall's ballot was difficulty in finding banks willing to take online contributions from an organization connected with marijuana. They were turned down by eight different institutions.

Dispensaries in Colorado recently saw the only institution willing to take their money, Wells Fargo, stop taking on new accounts. One dispensary owner, Ryan Vincent stated to John Ingold of the Denver Post, "It's interesting to see that there's money and no one wants to hold onto it... We're

Knowing that money for marijuana businesses is difficult to come by, Palmer, who has managed to "sock some money away," plans to help her fellows purchase small items like advertising, jars for jams, or legal services. These microloans will help support tiny enterprises as well as help start a fund to build a community kitchen in which they can all create their products. "I believe in the potential of people uniting around a vision and manifesting," says Palmer.

### Engaging the future

Many groups in the community are quietly envisioning the future they want and actively trying to achieve it. The largest area of expansion seems to be collectives formed to allow groups of medical marijuana patients facilitate the sale of excess medicine to patients who don't grow.

Weiner, Canna Lab Collectives's CEO, says that "more people than you realize are involved in collectives." Tea House Collective is one such business which has created a buzz and there are a surprising number of others quietly operating already. Tea House's motto is "Cannabis with a Cause."

One of the causes that they espouse according to Liz Davidson, a partner in the collective, is "helping rural economic development by supporting farmers through a cooperative enter-



ganic and sustainable production — growing outdoors.

She decided to start a facility in the heart of marijuana country, Humboldt County. Here, she says, there is a great deal of focus and support for environmentally sound farming. "Our intense focus is on the environment. You can grow your medicine in an industrial environment or... out in the sun — organic and sustainable. I believe it is healthier."

Though the Humboldt community is hospitable, Dodds and other cannabis entrepreneurs face what she calls "the fear factor" when dealing with local government and financial institutions. When first approached, officials were concerned and cautious about her new business.

### Canna Labs Collectives

The situation is difficult because both officials and entrepreneurs are treading on new ground. Bob Wiener of Canna Labs Collectives explains that even though "people in charge of political issues are aware and intelligent enough to understand the ramifications of legalization, they also have to be careful and cautious."

They have to protect their constituents, weighing each decision because very few cannabis businesses have been established here before. Wiener explains, "[The officials] are just as naive as I am." He knows that they are concerned about an over-proliferation of marijuana businesses popping up in residential areas and he is sympathetic. "Grow houses have become a public nuisance."

In spite of these concerns, both he and his chemist, Ian Hammon-Hogan, are impressed with how helpful officials are. Hammon-Hogan says, "The local county government has been very, very supportive..." Both he and Wiener feel this is because they have been careful to follow county and state laws — consulting with representatives of the various county agencies at each step.

They are vigilant about approaching officials openly and honestly. From the first, Wiener has informed officials of his intentions. He has met with both Mike Downey, sheriff elect, and with District Attorney Paul Gallegos striving to address concerns as soon as possible. Kelly Dodds is also planning to introduce herself and her business to the sheriff and "form a relationship."

### The money's too green

Even with county officials working with them, cannabis businesses face

Co-founder of 707 Cannabis College

problems that more conventional startups don't.

For instance, just finding a place to put their money can be an issue. Banks are reluctant to accept accounts from clients in this new field. Weiner's business, Canna Lab Collectives, was repeatedly turned down by nearly every bank in the county (as was the 707 Cannabis College.) Reportedly, the banks feared federal retaliation.

Eventually, only the local community credit union would allow them to deposit money and then only after discussing the issue at a board meeting. This problem is being felt by cannabis businesses across the United States. Just recently, the backers of marijuana legalization in Washington State announced that part of the obstacles they failed to overcome in their bid to put their measure on this fall's ballot was difficulty in finding banks willing to take online contributions from an organization connected with marijuana. They were turned down by eight different institutions.

Dispensaries in Colorado recently saw the only institution willing to take their money, Wells Fargo, stop taking on new accounts. One dispensary owner, Ryan Vincent stated to John Ingold of the Denver Post, "It's interesting to see that there's money and no one wants to hold onto it... We're trying to be a legitimate, above-board industry in Colorado..."

Cannabis entrepreneurs have come up with creative ways to overcome the obstacles in their paths. Jill Palmer of Leggett, with a background in nursing and social services, explains that she and around 20 other women have been developing plans that will help them adapt to the shifting market. Palmer says.

"A lot of women who depend on jobs during harvest worry that life is changing." The group has been discussing ways to survive in the new world. "[We] decided there are a lot of people who might want to buy products from here." They determined an online catalogue featuring both cannabis and non cannabis products could be profitable.

Canna Labs Collectives CEO

Knowing that money for marijuana businesses is difficult to come by, Palmer, who has managed to "sock some money away," plans to help her fellows purchase small items like advertising, jars for jams, or legal services. These microloans will help support tiny enterprises as well as help start a fund to build a community kitchen in which they can all create their products. "I believe in the potential of people uniting around a vision and manifesting," says Palmer.

### Engaging the future

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One of the causes that they espouse according to Liz Davidson, a partner in the collective, is "helping rural economic development by supporting farmers through a cooperative enterprise."

These new businesses are not only creating jobs but they are encouraging growth in other sectors. For instance, 707 Cannabis College has a waiting list of students from outside the area and outside the state that are eager to come to Humboldt to take classes. These students will stay in motels and eat in restaurants as well as engage in other tourist activities while they are here. Their money will bring in revenue and increase employment.

These first businesses are pioneers working with government officials and the few financial institutions that are willing to partner with them to blaze a path for the cannabis companies that will follow—each new storefront that opens providing jobs, services, and taxes to enrich our communities.



This and last week's *Arcata Eye Cannabis Chronicles* editions only captured a handful of the stories pertinent to what is shaping up as one of the premier issues of the season. Expect still more news and features covering the cannabis scene in weeks to come



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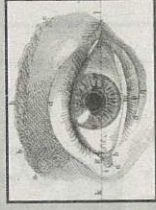
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TUESDAY, APRIL 27, 2010

## LETTERS TO T

CONTINUED FROM PAGE 6

### Legalizing Marijuana Key To Ending Recession

Dear Editor,

Concerning America's biggest cash crop: Sometime down the road when today's lawmakers are dead and gone, you'll be able to go into any market or convenience store and buy a pack of marijuana cigarettes, totally legally.

The price you pay will help provide jobs for millions of Americans. The tax you pay will help keep all levels of government solvent and in the black.

The kids of today, who consider marijuana to be "business as usual," will be the lawmakers of the future who'll make all of that happen.

Sadly, today's lawmakers lack the foresight to realize that legalizing marijuana is the *key* to ending this crippling economic recession that we have endured for over three years. So equally sadly, this recession will continue for many years to come.

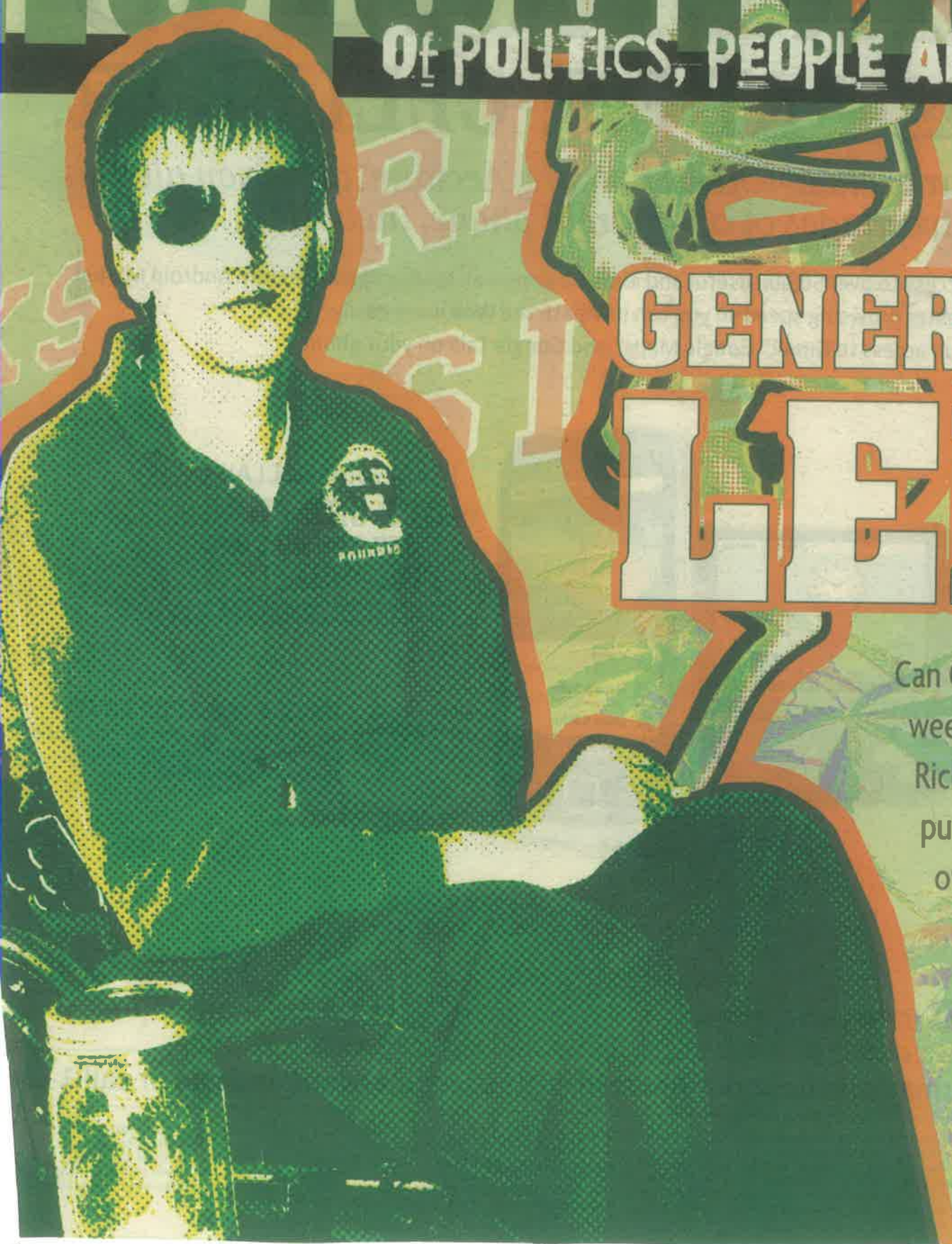
So tighten your belts, fellow Americans. Today's cookie-cutter lawmakers will die or be voted out eventually. Today's youngsters will grow up and take over the reins. Then *they* will legalize what should have been legalized decades ago. And the American economy will flourish once again.

David L. Hornberger, Mennonite  
St. Petersburg, Fla.



# Regional Journal

OF POLITICS, PEOPLE AND ART



## GENERAL LEE

Can Oaksterdam  
weed magnate  
Richard Lee  
push legalization  
over the top?

By Hank Sims



# GENERAL LEE

Can Oaksterdam  
weed magnate  
Richard Lee  
push legalization  
over the top?

Story and photos  
by Hank Sims

One day last month, Richard Lee was able to snatch a few minutes of freedom from the chaos of his daily life at his Oaksterdam University, the centerpiece of Oakland's marijuana district. In the previous 15 minutes he had checked the enrollment figures for a growing workshop he was scheduled to teach that weekend, made a snap decision about some future students who said they were promised reduced tuition and had his photo taken for *High Times* magazine, constantly consulting with his assistant while rolling around the aisles on two floors of his flagship business.

Finally he came to rest in an upstairs conference room with windows looking out over Broadway, and there he sparked up a joint. A lanky, clean-cut Texan with nerdy wireframe glasses, technically 47 years of age, Lee has gotten around on a wheelchair since he suffered a spinal cord injury 20 years ago. It seems to have slowed him down not at all. Between puffs, he spoke in the drawl of his native state about his most ambitious political brainchild — the “Regulate, Control and Tax Cannabis Act of 2010,” also known as Proposition 19, which, if voters approve it in November, would end marijuana prohibition in the state of California.

Lee mused about the vocal opposition his initiative has received to date, which has come in two forms. Naturally the religious right, and associated hardcore law & order types, stand opposed to legalization. More surprisingly, though, some big-name figures in the medical marijuana movement, such as San Francisco's Dennis Peron, stand against the measure on the grounds that government would have a role in regulating the marijuana trade. Lee couldn't help but marvel at these erstwhile allies.

“If the narcs don't kill me, the growers will,” he said. “Or these hippie peace and love kind of guys from the '60s and '70s: ‘We don't want to be regulated and pay taxes. It

OAKSTERDAM UNI  
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looking to get their start in the industry. Unlike most jurisdictions, the city of Oakland had become accustomed to working with the medical cannabis industry early on, says John Geluardi, author the book *Cannabiz: The Explosive Rise of the Medical Marijuana Industry*, which will be published in October. The city was working with legendary marijuana horticultural guru Ed Rosenthal, even granting him an official city title to permit him to grow pot for patients within the city's borders. According to Geluardi, Lee's early genius was to cement this relationship with official legislation that would work to the benefit of both parties.

"I think [Lee] took what was a good, casual relationship between city officials and dispensary owners and made it official," Geluardi said.

At first, Lee worked through the auspices of the Oakland Civil Liberty Alliance, a political action committee that he founded. In 2004, the OCLA sponsored a citywide initiative — Measure Z — that would direct the Oakland Police Department to make enforcement of marijuana laws its lowest priority. In a city infamous for its high rates of violent crime, the measure passed by a 2-1 vote.

A couple of years later, Lee championed a different initiative, one that would increase the amount of business taxes paid by marijuana industries in the city fifteen-fold. This initiative, Measure F, passed by an even greater margin in July 2009. Fully 80 percent of the Oakland electorate voted in favor. The city would only collect an infinitesimal increase in tax revenue — around \$300,000 per year, at least at first — but it sent a message that the marijuana industry was a friend of the city.

All of which set the table for the city of Oakland's most startling embrace of the industry to date: the decision, earlier this month, to license four mega-sized industrial warehouse growing operations, a measure passed by the Oakland City Council earlier this month. The city is already receiving hundreds of applications for the licenses, and some bidders estimate that each warehouse might be able to pump out something like 50 pounds of product per day.



AARON HOUSTON, EXECUTIVE DIRECTOR OF STUDENTS FOR A SENSIBLE DRUG POLICY, SAYS THAT TAX CANNABIS RUNS "THE MOST PROFESSIONAL MARIJUANA CAMPAIGN YOU'VE EVER SEEN."



WITH THE TAX CANNABIS INITIATIVE — PROPOSITION 19 ON THE NOVEMBER BALLOT — RICHARD LEE (ABOVE) HAS PUSHED THE MARIJUANA LEGALIZATION MOVEMENT FARTHER THAN WEED ADVOCATES WOULD HAVE DARED DREAM JUST A FEW YEARS AGO.

It's unclear how much Lee participated in the drafting of this latest City Council effort, though Councilmember Rebecca Kaplan, a strong Lee ally, was one of the two sponsors of the ordinance. In any case, Lee's political attention had by then moved away from Oakland and onto a larger stage. In 2009, he convened a group of people — lawyers, activists, businessmen and government types — to start discussing and drafting what would become the Tax Cannabis ballot initiative.

The measure they came up with has several parts. Firstly, it establishes absolute baselines for people who want to grow for personal consumption. Anyone, anywhere in the state, would be able to devote 25 square feet of their own property to growing their own weed. At the same time, it would introduce penalties for anyone providing marijuana to minors, or to consuming marijuana in the presence of a minor. ("Minors," in this case, defined as anyone under 21 years of age).

In the case of marijuana as a commercial activity, the initiative is much trickier. It follows on the heels of existing California medical marijuana law, such as it is, by charging local jurisdictions — cities and counties — with developing their own guidelines for commercial operations. One county might decide to ratchet down on the marijuana trade as much as possible, while others might throw open the flood gates and try to attract as

much of the industry as possible. Local jurisdictions can also set their own tax and licensing rates for commercial marijuana farms, and they may also increase the amount of space that someone can use to legally grow their own. One invariable criticism is that the initiative, if passed, would make for a messy patchwork of commercial marijuana law in the state, and would punt enforcement off to strapped local governments.

Lee said that this patchwork approach, with each city council and board of supervisors deciding for itself how much marijuana it wants to permit, is the most politically viable route to legalization.

"This is following the history of alcohol prohibition," he said last month. "Same thing happened there. Not every state legalized right away when federal prohibition ended. Even to this day, states handle it totally differently. Different cities and towns have different laws, about how many alcohol permits they allow, and different zoning regulations."

## Besides spearheading

the drafting of the initiative, Lee spent around \$1.5 million to fund a signature-gathering effort, according to campaign finance disclosure statements filed with the California Secretary of State's office in April. (At the time, Lee's contributions, through Oaksterdam U. and a related entity, S.K. Seymour LLC, amounted to



should just be free for everybody to grow! Peace and love!" Lee is not a hippie.

What are Prop. 19's chances? Most public polls released recently show the initiative trailing somewhat. The most recent Field Poll showed the initiative barely trailing at 48-44 percent against. (The poll carried a 3.2 percent margin of error.) The leadership of the California Democratic Party decided two weeks ago to take no position on the initiative. The party's major statewide candi-

dates for office — Sen. Barbara Boxer and gubernatorial aspirant Jerry Brown — have actively come out against it.

On the other hand, it would be a mistake to underestimate Lee. In just a few short years he has built a massive empire around medical marijuana. He owns a coffee shop-style medical marijuana dispensary, a supply store, a nursery selling starts and, of course, the flagship Oaksterdam University, offering non-accredited classes in cultivation, politics, law, business and even marijuana cookery. (The university also has its own off-site gift shop, as well as three affiliate schools around the country — in Sebastapol, Los Angeles and Flint, Mich.)

More importantly, though, Lee is an uncommonly canny political player, at least on his own home turf in Oakland. His enterprises are now woven into the very fabric of city government. Local ballot

measures he has championed have put millions in the the city treasury at a time of cutbacks and layoffs. The few blocks of downtown he has colonized are now lively, clean areas of the city that draw visitors from around the world. One of Lee's companies prints an Oaksterdam tourism

map. The medical marijuana movement has a visibility and legitimacy in Oakland unequaled anywhere else in the state, and much of that can be traced back to Lee's savvy.

For folks who pray for legalization, and for those who fear it, the question is whether or not Lee can replicate his success at the municipal level with a statewide initiative. How for-real is he? Locally, a lot depends on the answer to that question. Black-market marijuana

is a huge part of the Humboldt County economy — if the voters pass Prop. 19, we will quickly be thrown into turmoil. A recent analysis from the RAND Corporation predicted that legalization would drop the price of marijuana by nearly 80 percent — more than enough to put most small Humboldt County growers out of business.

There's every reason to be concerned. The team Lee has put together for the Prop. 19 campaign is very real indeed.

"I've been around a lot of very professional political operations. I'd like to think that I've run some professional political operations on my own," said Aaron Houston, executive director of Students for a Sensible Drug Policy, during a visit to Oaksterdam last month. "I mean — it's very, very good. They are good. They have got it down. It'll be the most professional marijuana campaign you've ever seen."

**Lee's rise** to prominence in Oakland started out slowly enough. He moved to the city in 1997, one year after Proposition 215 legalized marijuana for medical use in California. He started growing pot for a buyer's collective, and after two years he founded his own coffeeshop-style marijuana dispensary. He named it "Bulldog Coffeeshop," after a famous marijuana cafe in Amsterdam.

It was a welcoming climate for people  
*continued on next page*

They have got it down. It'll be the most professional marijuana campaign you've ever seen."

— Aaron Houston, Executive Director, Students for a Sensible Drug Policy

With the best Players Club...  
come close to it. If not, it will have to try to step up its grassroots, volunteer get-out-the-vote effort. In the meanwhile, the April round of campaign finance documentation showed that the opposition was in even worse shape, at the time — it had yet to gather any contributions at all.

**Humboldt County's** name is still synonymous with high-quality weed nearly everywhere you go. But the world is edging away from prohibition — not only California and the nation, but the entire developed world — and in the meanwhile we have lost some of our market advantage. In preparing for legalization, there is little doubt that we are a few years behind cities like Vancouver, Denver and especially Lee's Oakland. The local marijuana economy is comprised of thousands of small- to mid-sized growers, operating clandestinely and thoroughly dependent on the price controls offered by government-enforced prohibition. If marijuana went for, say, \$300 per pound wholesale — and under Prop. 19, there's no reason why it wouldn't go that low or lower — then the entire Humboldt County marijuana industry would all but go belly-up overnight.

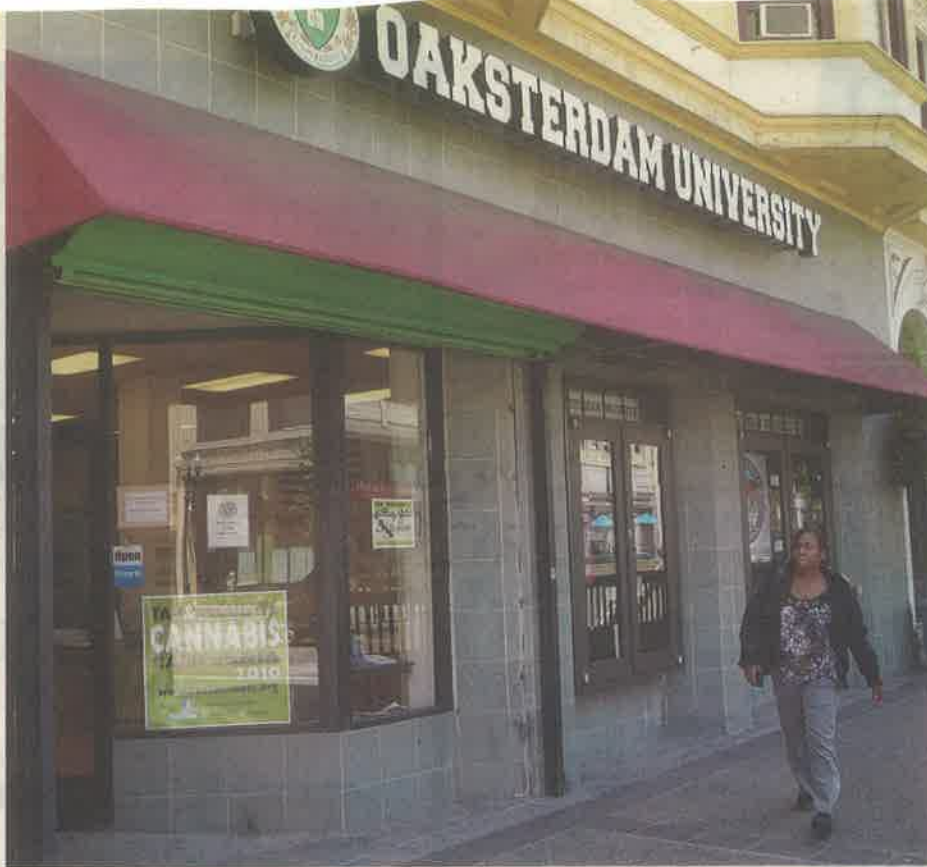
Lee is unsympathetic. "The long and short of it is, it is black-market prices right now, and there's nothing we can do to keep little mom-and-pop places going that were making the money they were making before," he said. "It's gotta come down."

This is a legitimate consumer-protection argument, and the businessman in Lee can't be blamed if he has foreseen and prepared for the sudden price drop that will occur with legalization (or for the



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OAKSTERDAM UNIVERSITY IS THE CENTERPEICE OF "OAKSTERDAM" — OAKLAND'S CANNABIS-CENTRIC DOWNTOWN NEIGHBORHOOD — AND THE HEART OF RICHARD LEE'S BUSINESS OPERATIONS.

more gradual, continuous drop in price if Prop. 19 fails ). If anyone is well positioned to make the leap from quasi-furtive success in the marijuana gray market to out-and-out industry moguldom in a world where weed is legal, he is that person. He has capital, resources, a solid political base and a huge stake in the high-profile "Oaksterdam" brand. Oakland growers will soon possess a warehouse operation pumping out product on an unprecedented industrial scale.

Unsurprisingly, the survival of the Humboldt County economy in the face of legalization isn't among Lee's top con-

cerns at the moment. That's something that we're going to have to figure out for ourselves — the more quickly, the better. Even if Prop. 19 fails at the polls, the industry will continue its slow march out of the closet, driving prices down toward what they would be if the marijuana trade operated in anything like a free market. Nevertheless, when prompted Lee was happy to spare a few brain cycles woodshedding ideas for us.

"Well, the tourism factor," he said. "You got beautiful redwoods, you got beautiful country up there. You have stuff to offer that we don't have."

But what about our marijuana? Good old Humboldt County/Emerald Triangle sinsemilla, organic and grown in the sun — the variety that made our name? Indoor, energy-intensive pot, with its exotic varietal names and chemically engineered effects, has already taken most of the medical dispensary market, and looks to take even more with legalization.

"The outdoor, I was thinking they'll have to start making a lot of hash out of that," he said. "Bring a hash resurgence to the country. We haven't seen hash in the United States to any degree since the '70s, since it was coming into the country from Lebanon. Midnight Express. That holds a lot of history, right there."

To people who take pride in Humboldt County's reputation in the world of weed, such an idea is a slap in the face. There are local efforts to adapt to the coming reality; a group called the Humboldt Medical Marijuana Advisory Panel has been holding forums around the county to seek ideas, and another Southern Humboldt group, treading in Lee's footsteps, has formed something called the "707 Cannabis College." People are starting to talk more openly about forming growers' cooperatives, organic or "salmon-safe" certifications, promotion of "Humboldt County" as a marijuana appellation *a la* Burgundy or Bordeaux. But almost no government action has been taken to date, and while the local industry has plenty of ingenious business people, none of them have pushed beyond the gray market to seriously imagine the day when the internal contradictions of the war on marijuana inevitably fall apart.

Oaksterdam is drinking our milkshake. ●

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**William L. Courtney MD Garberville & Arcata 961-1420**



nearly all of the money the campaign had raised to that date. Another round of financial disclosure, covering fundraising and expenditures through June 30, is due next week.)

But last month the Tax Cannabis campaign was starting to seriously gear up for the fight, and Lee said that his own role in it was growing "less and less every day." The campaign's political headquarters had set up shop just a couple of doors down from Oakland University, and had staffed itself with veteran political operatives and fresh-faced volunteers from around the country.

Staffers were abuzz with their newest recruit, a New Jersey student who had apparently taken the bus across the country and shown up at the headquarters unannounced, asking to be put to work. There was a tableful of campaign literature spread out at the entrance, behind a wall of posters telling the stories of people who have been incarcerated for growing marijuana. Whiteboards tracked press coverage of the campaign and charted the increase in the campaign's number of Facebook fans.

It is a slightly low-rent office in a slightly low-rent neighborhood, and it had the vibe of a grassroots, up-from-the-people political effort, which in some ways it is. Organizers are depending on the plausible idea that this is the one thing on the November ballot in California that is going to motivate young people, idealists and infrequent voters to get out to the polls. Voting for it would make a concrete change in California society, the broad outlines of which are easily grokked. A

SNAPPY CAMPAIGN GRAPHICS SELL THE MESSAGE — ENDING MARIJUANA PROHIBITION WOULD BE FISCALLY PRUDENT AND MORALLY JUST.

"yes" vote for Prop. 19 is the most defiant protest vote available in November — a protest against Drug War policies going back to the Reagan era and beyond.

In fact, though, the top levels of the Tax Cannabis campaign are stuffed with top-level political veterans from the Obama and Clinton years. Chris Lehane, a Clinton spin doctor during the Monica Lewinsky years who now works as a public relations manager in Sacramento, is donating his services to the campaign. Blue State Digital, the consultancy that ran Barack Obama's groundbreaking Internet strategy, is now performing the same services for Tax Cannabis. The campaign is being coordinated by Doug Linney, president of The Next Generation, a political firm that has man-

aged many successful ballot initiatives and candidacies for the California State Legislature. That's on top of volunteers from allied organizations, including Aaron Houston's Students for a Sensible Drug Policy, that will be throwing all their resources into Tax Cannabis well before November.

But if it seems that the campaign hasn't yet really turned on the gas, that's because it hasn't. The election is a little more than three months away, and the buzz around it hasn't quite built to a level that is driving people crazy to get to the polls. Is the campaign saving its ammunition for the home stretch, or is it failing to generate enough excitement?

Last year, shortly after Tax Cannabis qualified for the ballot, Lee estimated that the pro-legalization campaign would need to raise between \$10 and \$20 million to compete in November. On Tuesday, when the next set of finance documents are due to be released, we'll know if the campaign has been able to hit that mark, or at least

*continued on next page*

## Recipe

TOMASO'S SPECIALTY FOODS  
TOMASSPECIALTYFOODS.COM

### SUMMER PESTO PASTA SALAD

- Prepare 1 box ziti pasta cooked al dente, boil 4- new potatoes until soft & steam 1 lb green beans
- Place pasta, green beans and quartered potatoes cooled, in mixing bowl. Salt and pepper to taste mayo and pesto, then toss to mix. Garnish with Reggiano Parmesan, hot chili flakes and fresh basil

FIND TOMASO'S PESTO IN THE REFRIGERATED SECTION OF YOUR LOCAL GROCERY STORE

Pacific Justice  
CENTER

MELVIN B. PEARLSTON  
Attorney at Law

30 Years Humboldt County Experience

No Charge for Initial Criminal Consultation/Case Analysis





# Putting it to a vote

## Medical marijuana ordinance up for approval Tuesday

Allison White

THE TIMES-STANDARD

Eureka's medical marijuana ordinance will be back before the Eureka City Council on Tuesday for possible approval after months of debates, town hall meetings and a moratorium.

The ordinance is modeled loosely after Arcata's and will also handle the issue with a land-use approach if passed. The council introduced the ordinance at its July 20 meeting and made a few changes. Those included striking the requirement for dispensaries to distribute only to patients with medical marijuana identification cards and delaying until 2011 the requirement to test the medical cannabis for potency and chemicals.

According to a city staff report, the ordinance will require additional time from Community Development Department staff, and resources to implement and enforce the new ordinance. City staff will also be sending out requests inviting collectives or cooperatives interested in applying for the permits to process, cultivate or open a distribution facility in Eureka if it is passed.

In the ordinance, provisions for personal use would allow qualified patients to grow marijuana only in spaces of up to 50 square feet and only in their personal residences. While the ordinance specifies that medical marijuana can be grown only in the residence of the qualified patient, it does allow caretakers to come into qualified patients' residences to grow it.

The ordinance also requires that special wiring for medical marijuana grows receive a permit from the city's building department and that lighting shall not exceed 1,200 watts. Using gas products is prohibited, and there must be no external evidence of marijuana cultivation.

■ See **ORDINANCE/A10**

### IF YOU GO:

**WHAT:** Eureka City Council meeting

**WHERE:** 531 K St., Eureka

**WHEN:** 6 p.m. Tuesday

## ORDINANCE

### FROM A1

If the city receives information that a residence is out of compliance, it would contact the property owner through a certified letter to request they schedule an inspection. If the owner has not responded after seven days, fines of \$50 per day will apply and the city will begin the process of seeking an inspection warrant.

In other matters, the council will also discuss the draft environmental impact report for the Ridgewood Village Development Project, which is near the intersection of Ridgewood Drive and Eggert Road. As proposed, the project would contain about 1,400 residential housing units, about 327,000 acres of commercial space and some open space.

City staff have recommended the city submit comments on the EIR before the Aug. 30 closing of the comment period, citing "issues and concerns," including adverse impacts to city public safety resources and personnel and to other city services and resources.

The council will also consider an exclusive right to negotiate agreement with Humboldt Waste Management Authority, and a text amendment to streamline architectural review on historically designated properties, among other items.

The council meeting will be at 6 p.m. Tuesday at City Hall, 531 K St., Eureka.

Allison White can be reached at 441-0506 or [awhite@times-standard.com](mailto:awhite@times-standard.com).



# KMUD's Cannabis Chronicles

KMUD radio's *Cannabis Chronicles* is a three-part documentary on the rapidly changing state of marijuana from black market to industry in California. It's produced and hosted by Liz Davidson and free to download at [KMUD.org](http://KMUD.org).

The first installment looks at the Tax and Regulate Cannabis initiative, with views from California NORML director Dale Gieringer and medical activist Dr. Frank Lucido. It also looks at the legal medical industry, tax money, the industry in Oakland, the impact on the black market, and what these might mean for Humboldt's largest industry.

The second installment focuses on the medical cannabis industry. Attorney General guidelines and the state Health and Safety code name collectives and/or cooperatives as the basis of cannabis cultivation or distribution, but laws are poorly defined and even more poorly understood. Liz Davidson talks with cannabis law attorney James Silva about agricultural cooperatives and dispensaries, reports on safe legal avenues of distribution, and describes some misunderstandings that might cause patients or caregivers to unknowingly commit a felony. Liz also talks to dispensary owner Mariellen Jurkowitz about her concerns, USDA/Clean Green inspector Chris van Hook about organic cannabis, and looks at the future of regulation of this growing industry.

The *Cannabis Chronicles* concludes with "Inside or Outside" a look at the environmental impacts of cultivation, both indoor, and outdoor. Interviewees include Hardy, Tyce Fraser, Chris Van Hook, Dr. Michael Geci, Mariellen Jurkovich and Dr. Frank Lucido.

The *Cannabis Chronicles* can be downloaded anytime. Go to the Programs tab on the KMUD Homepage, [kmud.org](http://kmud.org), and scroll down to "Specials."

## The journey out of the downward spiral starts Saturday



### Humboldt CANNABIS

Anna Hamilton

cannabis culture together for the first time at the first county-wide cannabis conference, Saturday, July 24 at the Bayside Grange, from 2 to 6 p.m.

The goal is to build an effective voice for reasonable regulation of cannabis in the county and cities of Humboldt, and begin to rebuild Humboldt's place in the cannabis market.

"Humboldt Cannabis-A Future of Opportunity" will offer a wide variety of topics. Panels and presenters will share the latest information on Proposition 19-Tax and Regulate Cannabis 2010; County, City and State Regulations; Medical Cannabis Law and Criminal Marijuana Law; Doctors, Patients, Providers and Dispensaries; Lab Testing and the latest scientific discoveries; Cannabis as an Economic Anchor in Humboldt; Sustainability; Collectives; The Dynamic Marijuana Marketplace; Political Action and Local Opportunities.

Plan to attend the first county-wide cannabis conference at the Bayside Grange, Saturday, July 24 from 2 to 6 p.m. This educational event is free.

For more information, visit [HuMMAP.org](http://HuMMAP.org).

Anna Hamilton is producer of the combustible talk show Rant and Rave on KMUD. The show airs the first Friday of every month at 7 p.m. To listen to past shows go to the archives at [kmud.org](http://kmud.org). To find Anna go to [AnnaHamilton.net](http://AnnaHamilton.net)

What's After Pot? Cannabis! Never has opportunity and crisis paired off more squarely than in Humboldt County, 2010. Legalization of recreational use of marijuana is either the best or the worst thing to ever happen to Humboldt's economy. It's probably both.

Although 215 has been around for 14 years, Humboldt growers have ignored the tell tale signs of a changing economy. But now even the Rand think tank is weighing in on the economic impacts of legalization. The Humboldt County bear market is coming out of its slumber, waking to falling prices and threats of economic instability. That's the crisis.

It's important to realize that the forces driving down the wholesale prices of pot have already done most of their work. 215 increased the availability of marijuana, contributing to flooded markets and lower wholesale prices. Urban developments in the marketplace have shifted attention away from the once famous Humboldt Big Bud. Dispensaries grow their own. Demand is down for outdoor marijuana. And our own overproduction this year will certainly break the groaning back of the camel. What's a bud to do?

There are many cures on the horizon, and big opportunities for farsighted entrepreneurs, but

they all hinge on legalization. That alone offers the vehicle that can carry us into a market place where quality and reputation increase value, and markets can absorb our production capacity. But there's a steep learning curve. Clear analysis of the current situation requires access to accurate information and sound advice.

That is where [HuMMAP.org](http://HuMMAP.org) comes in.

Humboldt Medical Marijuana Advisory Panel is the round table for informed discussion. It is a county-wide organization dedicated to providing a platform for growers, dispensaries, patients, suppliers, the Humboldt economic community, the county and city governments access to each other and the latest information possible. HuMMAP strives to influence cannabis policy in Humboldt and the State.

Tasks of the organization flex with the needs of the times and members. The current mission is to bring the Northern and Southern Humboldt



# CANNABIS CHRONICLES

**BAYSIDE BREAKFAST**

Wednesday, July 14, 2010 • 16 Pages

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\$1

The  
**Arcata**  
arcataeye.com  
**EYE**

The Eye of  
**Mariellen**  
**Jurkovich**

**HPRC Director**

Duane's now moral • Weed Eaters

## Cannabis

Looming legalization  
undermines paradigm

Cultivation, enforcement,  
commerce, taxation all in play

*What's going to happen?*

A number of cannabis-related issues are currently in play, including a form of legalization on the November ballot, a recent court ruling affecting enforcement, Arcata cannabis centers coming into conformance with Arcata's Land Use Code, various stakeholders looking to the future, and more. Over the next two editions and beyond, the *Arcata Eye* will attempt to bring readers up to date on the ever-changing state of cannabis.

### HPRC: Not your father's medical cannabis center

**Kevin L. Hoover**

EYE EDITOR

ARCATA – When pleading their cases before the City Council and Planning Commission during various pot-pertinent proceedings, Arcata's cannabis dispensaries invariably extoll their positive contributions to the community, their responsible business practices and their openness to public involvement and inspection.

But just try and get a conversation going with operators of these centers. Unless you're a government decisionmaker in a position to expedite their wishes, expect more unreturned messages, slammed doors and even yelling than you normally get at, say, the florist or barber shop.

Except at the Humboldt Patient Resource Center on Sixth Street. From the

► HPRC | 6



# HPRC | Wide-ranging menu of community services

► FROM 1

tropical fish in the lobby to the senior citizens doing Tai Chi at its adjunct Humboldt Wellness Center in Valley West, HPRC has evolved well beyond the exploitative “pot shop” image that has stigmatized other cannabis centers – in some cases deservedly.

Organized as a cooperative, HPRC offers a range of services, many free. It sees about 100 patients per day, offering cannabis in the form of edibles along with the traditional smokable type. A staff nutritionist offers counseling, with some patients taking their marijuana medicine via juice and vaporizers.

“I’m really into an integrative approach to health,” said HPRC Director Mariellen Jurkovich

HPRC’s on-site grow rooms are strikingly different from the high-tech installation at the neighboring Humboldt Cooperative located in the same building, the former Isackson’s Ford dealership. For one thing, HPRC isn’t a hydroponic operation – it grows its cannabis in soil, or as Jurkovich calls it, “dirt.”

Another distinction is invisible. Not all the cannabis grown



Hula-robics is one of many all-ages fitness classes offered at Valley West’s Humboldt Wellness Center. It is taught every Saturday at 9:30 a.m. by a mother-daughter team of Tina and Tatiana (seen above) Robinson. TMC | EYE

there will get anyone stoned – it’s “non-psychoactive,” bred to maximize cannabinoids with health-helping, rather than mind-bending properties.

What is high at HPRC is overhead. The PG&E bill is \$4,000, and rent is \$4,800. Jurkovich said HPRC has 14 employees, all making at least \$15 per hour plus benefits.

Another costly program HPRC supports is its Humboldt Well-

FoodFair • Cannabis opinion • The Beggar Clowns • Zent

## crossroads



Humboldt Patient Resource Center Director Mariellen Jurkovich talks with Third District Supervisor Mark Lovelace in one of HPRC’s grow rooms Friday morning. TMC | EYE

ness Center (HWC), located at 5050 Valley East Boulevard. In operation since November, the center offers an astoundingly varied menu of classes for people of all ages, ranging from art to exercise, even homework help for children. [humboldtwellnesscenter.com](http://humboldtwellnesscenter.com)

“It’s all free and open to everybody, said HWC Director Tanya Rodgers. “We’re trying to get the word out.” HPRC has submitted two Conditional Use Permit applications with the City, one for its current operation and another to open up a new grow facility in Aldergrove Industrial Park.

The secure building-within-a-building would use lower-wattage lights and solar power. Counseling and other services would also be offered there.

Third District Supervisor Mark Lovelace, who is studying ways to update the county’s cannabis policies, toured HPRC Friday morning. Afterward, he said HPRC is “on the cutting edge of trying to make this work.”



Carol Sue Barboza, Instructor Jarrett Smith and Laura Guldin at a Friday afternoon drawing class. KLH | EYE



# Read flawed Prop 19 for yourself and decide

I am continually being asked by the press, my patients, and community members how I feel about California's Proposition 19, also known as the Regulate, Control and Tax Cannabis Act of 2010. The questions range from: How will it affect medical marijuana? Will it save California's incredible budget woes? How will it impact our county? Will it get rid of cartels? Will it be dangerous for my children? What are the pros and cons of this initiative? How should I vote?

These are all valid questions and concerns. My first suggestion always is for anyone interested in this complex subject to read Proposition 19. Know that this is a voter-driven initiative which cannot instantly or easily be changed without a vote from the people or by statute passed by the Legislature and signed by the Governor... so, in other words, know who the shareholders are and where personal agendas lie, read between the lines, review your own values and concerns, be careful what you vote for, and in short, become informed.

I took my own advice and read Proposition 19 and did some of my own research.

First, I want to address that this act will allow people 21 years of age or older to possess, cultivate or transport marijuana for personal use. There are restrictions on the amounts that one can possess (1 oz.) and the square footage one can grow in (25 square feet). Many people recognize that the "war on drugs" or prohibition on cannabis for non-violent offenders is not really working.

To allow and limit the amount would, hopefully, eliminate some of the burden and money woes put onto the legal and prison systems. Since, I, personally, feel that too much taxpayers' money is being spent on prosecuting and imprisoning marijuana users, this seems like a positive move.

It also addresses commercial grows in that they will need to be licensed and regulated by the area they are situated in.

This initiative has excited some because of the prospect of helping California climb out of its deficit problems by promising jobs and a huge tax revenue to the state. Some estimates are that



## PROP 19

Mariellen Jurkovich

the taxes on cannabis sales could generate billions of dollars in revenue.

The backers of Proposition 19 also feel that millions will be saved by not arresting, prosecuting and incarcerating non-violent cannabis users. This would open up resources and time to combat the dangerous criminal elements that we fear. It is also thought by some that the cartels and dealers will no longer be doing business in an accepted, legal and controlled cannabis industry.

This is all theory, and only time will tell. How is this envisioned? By allowing outlets for sales and commercial growing, cities are allowed to regulate control and tax cannabis. Oakland is a good example. Oakland has been very pro medical marijuana. This city is looking at possibly approving a seven-acre parcel that would make available 371 union jobs, pay an average salary of \$53,700 a year, produce 58 pounds of cannabis a day and generate 59 million dollars a year which the city could heavily tax.

This could be the wave of the future. Cities that want to increase revenues may take this model to heart. There is also the possibility of cities and counties encouraging hemp production since this seems to be allowed under Proposition 19. Fear that Marlboro or RG Reynolds could move in and take over are probably premature. This product is still federally illegal and considered a schedule 1 drug by the U.S. Government.

In order to cover public concerns, the writers of Proposition 19 have included the right of cities to tax and regulate cannabis within the city limits. They have also given cities control over cannabis through land use. It would still forbid driving under the influence, disallow interstate or international transportation, retain employ-

ers' rights to not allow cannabis consumption that would affect job performance and medical marijuana laws would remain intact.

This initiative has some positive concepts and ideas. We do need a way to save our fiscally strapped state and stop needless prosecution. I am not sure, though, if this would be the solution and what kind of negative impact could come from the passage of this initiative. I do know that, on one hand, the writers of this initiative pride themselves on having recreational users protected from arrest and prosecution.

What it does not do is protect our young adults. The harsh penal sanctions put on our youth are the reason why I will personally vote NO ON PROPOSITION 19. Only adults who are 21 years or older are allowed to be covered and protected under this initiative. If anyone 18 years or older furnishes a minor with cannabis, they "shall" be punished by imprisonment in state prison for a period of three, five or seven years.

That means that if your 18-year-old is at a party and smokes with a 17-year-old then he or she could be in jeopardy of losing part of their youth in prison. Sending our young adults to prison for three to seven years for cannabis use, in my opinion, is dangerous to our youth and not good for our society. This initiative also states that you cannot use cannabis in front of children. You can smoke and drink alcohol, which are far more dangerous. What happens if you do smoke in your own home in front of children? Can they be taken from you?

There are some good points in this initiative and if these specific points were different, I might be able to support it. This, of course is only my opinion.

I encourage everyone to read The Regulate, Control and Tax Cannabis Act of 2010, also known as Proposition 19. Reach your own conclusions and go out and vote. This is a historical moment in time that you do not want to miss out on.

*Mariellen Jurkovich is director of the Humboldt Patient Resource Center, a medical marijuana collective in Arcata.*



# County takes pot dispensary to court

## Dispensary argues no conditional use permit needed

**Thadeus Greenson**  
**The Times-Standard**

Is a medical marijuana dispensary a store?

The answer to this question may well determine the fate of the Hummingbird Healing Center, a medical marijuana dispensary in Myrtle town, just outside of Eureka city limits, that has been operating since last year without a county-issued conditional use permit.

Humboldt County — arguing that the center needs a conditional use permit to operate legally — is now seeking a preliminary injunction from a Humboldt County Superior Court judge to force the center to close its doors until it procures a permit or the court finds it does not need one. Preliminary injunctions are court orders made at the request of one party that prevents another party from pursuing a course of action until a conclusion of a trial on the merits of the case.

Wednesday, both sides offered oral arguments before Judge Dale Reinholtsen, and it seems the issue may not be as cut-and-dried as many may think.

For the county, Deputy County Counsel Davina Smith argued that the court should issue the injunction because medical marijuana dispensaries are not a principally permitted use in any zoning designation in Humboldt County, and consequently require a conditional use permit issued by the Humboldt County Planning Commission, as per county code. County code currently says

nothing about medical marijuana dispensaries, Smith said.

"If it's not specifically enumerated (in the code), you need a conditional use permit," Smith said.

Chris Johnson Hamer, representing the Hummingbird Healing Center, argued that there is simply no need for the center to pursue a conditional use permit from the county, as it is a principally permitted use. "At the least, a medical marijuana dispensary is a store," Hamer said. "This is a store that sells medical marijuana."

County Code Section 314-2.1 outlines the principally permitted uses for a neighborhood commercial zone within the county, the same zoning designation shared by the Myrtle town shopping center that houses the Hummingbird Healing Center. The code states that principally permitted uses are "stores, agencies and services of a light commercial character, conducted entirely within an enclosed building, such as antique shops, art galleries, retail bakeries, banks, barber shops ... drug stores ... food markets."

Further, Hamer argued that the law is vague, and therefore unconstitutional because it could serve to entrap the innocent.

"There is nothing to lead a person of ordinary intelligence to believe that a medical marijuana dispensary would not be permitted in the (neighborhood commercial) zone," Hamer said, adding that the county code leaves too much room for discrimination. "There's no notice that if you have a store that sells medical marijuana, that's somehow different than a store that sells anything else."

• See Pot/A2

←  
HUMMINGBIRD  
TAKES A  
HIT

**A2** Redwood Times

Tuesday, July 20, 2010

## From A1... Pot

Hamer also argued that granting the preliminary injunction would irreparably harm her clients, putting the center out of business, and that no judgment should be made until the county's case against her clients can be fully adjudicated.

In questioning the attorneys, Reinholtsen seemed to seize on the question of whether a medical marijuana dispensary is, legally, any different than a store.

"Why is a store that distributes marijuana legally different than a drug store?" Reinholtsen asked.

Reinholtsen then turned his attention to the use of the phrase "such as" in the county code, pointing out that the phrase is usually used to offer examples, not to enumerate an exclusive list.

"It seems to me that's very vague," Reinholtsen said, before asking Smith if a store selling computers would be required to get a conditional use permit because it is not specifically listed as a principally permitted use under the code.

Smith maintained that if it's not specifically listed, a conditional use permit would be required.

"I would suggest to the court that if you wanted to open your computer store in the (commercial neighborhood) zone, you would have to go to the Planning Commission and make your case."

Reinholtsen took the matter under submission, and said he hopes to issue a ruling by the end of next week.

## Rave busted, four arrested

**Redwood Times**

The Mendocino Major Crimes Task Force were tipped to a rave music concert at Area 101 ten miles north of Laytonville and their follow-up on the information led to the arrest of four people.

The information was received on July 5 that the concert would be held on July 9 and 10. Rave concerts commonly have designer-type drugs such as ecstasy (MDMA), psilocybin and LSD. The workers at this event were known to be sellers of these drugs and to use them during the concert. This concert was said to be the 10th anniversary of the event and tickets were sold for prices ranging from \$180 to \$200.

Agents from the task force were assisted by agents from the California Alcoholic Beverage Control and performed an undercover investigation during the event on July 9. Agents were able to purchase ecstasy from staff worker Jethro Lloyd, age 38, of Humboldt County. During the arrest of Lloyd, agents located 15 individual baggies of ecstasy, which the report says has an estimated street value of \$100 per gram. About an ounce of ecstasy was located on Lloyd, along with about \$1,200.

Deputies were also offered psilocybin by TiaMaria Boxberger, age 28, a transient.

Free marijuana was given to another undercover agent by staff worker Ted Muth, age 18, of Santa Cruz. Additional marijuana was found on Muth at the time of his arrest.

While inside the dance area, agents arrested another individual, 18-year old Jordan Irwin, for public intoxication.

This event was not advertised locally, according to the report, and tickets were only available through an outlet in Sacramento and another in Reno. Tickets were also sold over the Internet.

The investigation into the promoters and staff workers at "StillDream" is continuing.



## Prop19 | \$1.4 billion tax revenue, crime reduction forecast

### ► FROM 1

Another by SurveyUSA polled adults in April of this year with a persistent tally of 56 percent favoring the personal, legal, recreational usage of cannabis in California.

Within weeks of Prop 19 becoming a reality two studies surfaced predicting the fall and possible rise of pot prices on the legal market.

### Taxing pot by the ounce

The State Board of Equalization released its own findings with legislative bill analysis (AB 390) co-authored by California State Assemblyman Tom Ammiano of San Francisco. The state's resale tax collecting entity predicts collecting a hefty \$50 an ounce, netting the state an estimated \$1.4 billion in revenue a year from the estimated \$14.8 billion a year industry. Within four pages of comments, item number three poses this interesting question: "What if marijuana is sold in amounts less than one ounce?" Good question.

According to the Associated Press, the Rand Drug Policy Research Center based in Santa Monica predicted the current market price of \$375 an ounce (28.5 grams) dropping to a mere \$38 with Prop. 19's nod. Add the \$50 tax and you have an ounce possibly just under \$100. Rand does, however, take into account that supply and demand in all its greatness will keep suppliers happy.

Humboldt County District Attorney Paul Gallegos feels the high price of marijuana is currently fueled not only by the fact it's illegal, but its physical girth, which makes it difficult to hide. He believes the price will plummet once cannabis is legal, but demand will still be high – and Humboldt County will still have a black market environment.

"Dropping prices will result in high demand from other states where it is still illegal and expensive, creating an economy based on the exporting of marijuana," he said. "This increased price will, once again, promote that export-based economy."

Even the discussion of reporting possession for taxation purposes has Gallegos stumped.

"The law allows for taxation, but possession, cultivation and use is still a Federal crime. How do people declare what they are possessing, cultivating and using for taxation purposes and not expose themselves to Federal prosecution?" Gallegos questioned. "They cannot. If they cannot, how can California prosecute them for not declaring their taxable income when doing so might [probably] violate their privilege under the Fifth Amendment of the United States Constitution?"

### Personal plethora of pot

While predictions and hearsay run amok, just what will Prop 19 and the legalization and regulation of cannabis mean to Humboldt County, the self-proclaimed cannabis capitol of California?

Third District Supervisor and Vice-Chair of the Humboldt County Board of Supervisors Mark Lovelace, who sits on a county subcommittee investigating issues surrounding medical marijuana, has his own educated take on the subject.

"The most important thing you need to know about the Regulate, Control and Tax Cannabis Act is that it does none of those things," Lovelace explained. "It legalizes it for personal use, and allows local jurisdiction to 'regulate, control and tax' it, if they so choose."

Those hoping for a pass may already be setting up pots for planting, with Lovelace giving a go-ahead.

"The day after the initiative passes a person could start a personal grow – not a commercial grow – in their own home," Lovelace said. "So long as it's not larger than 25 square feet, regardless of whether or not they have a doctor's recommendation."

### Amendment doesn't just come in bags

The plus with Prop. 19, Lovelace said, is that it allows for amending – something lacking in Prop. 215's framing.

"It specifically allows the State Legislature to amend the act – so long as it furthers the purpose of the act – and establish a statewide regulatory system for a commercial cannabis industry," Lovelace said. "Ultimately this is the thing that will help to define the rules of the marketplace."

Local attorney and KMUD radio host Ed Denson predicts some seeing green while others stay put on the issue.

"The most important point, I think, is that there is almost complete local control over almost all aspects of pot cultivation and use," Denson said. "They can license premises or ban sales; they can increase personal use and cultivation and even allow commercial cultivation. If this passes, certain counties and cities are going to make a lot of money in fees, fines and sales taxes, and others are going to remain 'pure but poor.'"

Gallegos gives a green light if that's what the county and its constituents want.

"I believe in the democratic process," he said. "If the Board of Supervisors believes raising the personal limits is appropriate then that's what is going to happen, and I have no objection with them exercising their discre-

tion as provided by the law."

Whether the county or individual cities within the county choose to amend or not Gallegos said it's not the solution to all our problems when it comes to pot.

"If it passes, we will have many legal and community challenges," he informed. "We can fail to work to solve them and just blame others and pine endlessly for the good old days or we can roll-up our sleeves and get to work. I value human life. I see people getting killed and robbed over marijuana, when marijuana, in and of itself, is more a public education and health issue than a public safety issue. I want a solution that is rational, cost-effective and works. The current system achieves none of those goals."

### To prosecute or not to prosecute

Under Prop. 19 Gallegos believes the county will be able to redirect dwindling resources away from the "war on marijuana" and focus on violent and serious crimes – and he'd rather not spend another minute prosecuting marijuana offenders with legalization pending.

"It's tough to prosecute marijuana cases with legalization looming because you don't want to have to go through all the work of prosecuting someone just to find out it was all for nothing," he explained. "I also don't like to have people sitting in jail that shouldn't be there, or shouldn't have been there. If I don't prosecute them and it doesn't pass, then I've made a wrong decision. If I do prosecute them and it passes, I have made a wrong decision. That's not a good position to be in."

Taking the criminal element out of the neighborhood is something Gallegos said he's behind and sees indoor, residential grows as negatively impacting a community. He also blames the powers that be for creating the situation in the first place.

"The problem we have seen is our legislators have failed to step-up and adjust to the issues created by the compassionate use act," he said. "It's easier to do nothing and blame others. How is it that we can regulate dog ownership but not legal marijuana cultivation and possession? I think it's absurd to say we cannot do it, and I think we've been dis-served by those who have chosen to blame others for the problem rather than working to find a solution."

For complete text and information on Proposition 19, visit the California Secretary of State's site, [voterguide.sos.ca.gov](http://voterguide.sos.ca.gov), [Oaksterdam University](http://Oaksterdam University), [taxcannabis.org](http://taxcannabis.org), [Ballotpedia](http://Ballotpedia), [ballotpedia.com](http://ballotpedia.com).

Next week: Commerce, distribution, legal ramifications and more.



# Prop 19: Bringing bud to market

Sharon Letts

EYE CORRESPONDENT

Second of two parts

## Over the counter, crossing county lines

With controls being handed down to the local levels, commercial growing, sales for recreational use and distribution of cannabis and or ensuing products thereof would not be legal if Proposition 19 were to pass. Counties and incorporated cities would first have to choose to legalize it for those purposes.

Mark Lovelace, vice-chair of the Humboldt



► PROP 19 | 7

## Prop 19 | New complications

► FROM 1

County Board of Supervisors, said this is the crux of Proposition 19.

"It's likely to result in a patchwork of wildly-varying regulations, similar to what we have under Prop. 215," he said.

Lovelace, who sits on a county subcommittee investigating issues surrounding medical marijuana, compared this scenario to the "wet county/dry county" situation during the prohibition of alcohol in the Old South.

Inter-jurisdictional conflicts such as this, he said, may hinder distribution efforts within the state.

For instance, he said, what if Mendocino, Humboldt and Sonoma Counties all give a thumbs-up on selling and moving commercial product, and more conservative regions like Orange and Riverside Counties do nothing?

Lovelace believes the "safe and secure transportation" stipulation on moving commercial marijuana can prevent growers of neighboring counties from transporting product through that county.

"Because of these jurisdictional uncertainties, I believe it will be difficult for an 'area of origin' like Humboldt to develop a truly effective regulatory framework, without knowing how the marketplace will be regulated elsewhere in the states," he said.

Some counties and cities are already looking at these issues and Lovelace added that they are running into this same problem.

"Presumably, there will be some period where 'early adopters' will develop some exploratory models of regulation," he

co-authored of one of the three initiatives to regulate and tax cannabis this past year.

Though their bill didn't make it to the ballot, they have dedicated themselves to educating others about the laws surrounding cannabis use, presenting a "Cannabis Legal Symposium" at the Arcata Community Center this August (see ad, page 4).

Rogoway sees another fly in the ointment within Prop 19 in dealing with the buying and selling of cannabis in a legal market. "There is not currently a law prohibiting buying cannabis; it is the possession that is disallowed," he said. "This could mean that this act criminalizes 'buying' cannabis when no such law previously existed."

### Mugwort or marijuana?

Charley Custer of the Humboldt Medical Marijuana Advisory Panel (HUMMAP) said he and the organization are bent on the legalization of marijuana for adult recreational use, and supports what he called a "flawed initiative" with reservations.

"It's a first step toward the goal of adult recreation use," he said. "No one should be jailed for mugwort or marijuana."

Jurisdictions such as Oakland, Custer said, are only too eager to exploit first-out-of-the-gate statewide marketing advantages.

"Our own export-driven economic foundation can be encouraged in myriad ways that the county can plan with its producers, and these conversations can begin today by cooperating to regulate medical marijuana."

The free-market holds uncertainty for Custer who said he feels it will still be "half-baked and richly contradictory."

continued. "Many of which will likely fall by the wayside over time as counties, the industry and the market move towards some kind of normalization."

Ed Denson defense attorney and talk show host on KMUD radio in Southern Humboldt, as another take.

"I know it sounds odd but I can't find a law that makes exporting marijuana illegal."

According to Denson, "Health and Safety Code 11360 makes importing a crime, but is silent on exporting. Transportation is illegal, but that's true whether you are importing or exporting, which makes me think that 'importing' may mean 'arranging for marijuana to be imported' rather than actually carrying it across the state line."

### To buy or possess?

### That is the question

Bay area attorney Joe Rogoway is co-founder of the Cannabis Law Institute in Oakland.

He, along with associate Omar Figueroa with Oakland dispensary owner James J. Clark,

"Too many interests are lined up to prevent the free market from working, if that's even possible in our country any more," he said. "I suspect prices will remain higher than they should be, and opportunities for profit up here will continue. But I expect the industry up here to evolve rather than grow."

Custer hopes the black market pot industry's most destructive practices (indoor grows and outdoor waste) will be the first to be priced out of business by sheer inefficiency.

"Edibles, extracts and themed tourism have easy advantage here if regulations work with, instead of against their development," he added. "I'm a Maoist about this, let a thousand flowers bloom, then follow the honeybees."

For complete text and information on Proposition 19, visit the California Secretary of State's site, [voterguide.sos.ca.gov](http://voterguide.sos.ca.gov), [Oaksterdam University](http://OaksterdamUniversity.com), [taxcannabis.org](http://taxcannabis.org), [Ballotpedia.com](http://Ballotpedia.com).



Joe woke up to the alarm sounding off in the distance.

"Four in the morning," Marcy said, jumping out of bed.

"It's the barn," Joe said, grabbing his pants and boots.

By the time they arrived the damage was done. The new alarm system notified the police who showed up seconds later.

"That was quick," Joe said to the officer getting out of his car.

"Looks like the bad guys were quicker," the officer said inspecting a large hole in the side of the barn.

The vandals had driven a farm truck through the barn wall. It looked like a crow-bar was taken to the vault room, but they couldn't budge it. The grow room, however, was a mess.

"It's legit, 215," Joe said to the officer, trying to appease his surprise. "We have insurance."

"You have insurance for your grow room?" the officer said, even more surprised.

"Yeah, it's a new thing this year," Joe replied. "Looks like we got it just in time, huh?"

"They left the plants – a month from harvest, go figure," Marcy said under her breath. "All the equipment's gone," she yelled.

Ninety-nine soon to be harvest-

## Covering the crop Behind the CURTAIN 21

A fictional account of real life behind the Redwood Curtain

### Ferndale: Marcy and Joe

ed plants in full bud lay smashed on the floor.

"What's the value of the equipment in here?" the officer asked, stepping into the room within the barn.

"Around fifty thousand," Joe said. "That includes lights and the watering system. We have an inventory list, per the insurance company – everything should be covered."

"You have inventory inside that vault?" the officer asked.

"Yeah, the insurance company advised us to install that metal door. A video camera, watering system in case of fire, inventory lists – even the cycle of the plants are recorded. See how close we are to harvest?" Joe said, holding up a branch heavy with furry, purple buds.

"The clones aren't covered – that was our choice. But, these are because they are near market-time when we have the most to lose and no time to recoup this crop."

"Man, you have a real business here," the officer said, scratching his head.

"Well yeah, man," this is our subsidy so we can ranch, you know?" Joe responded, intent on enlightening this man. "You know my dad up the road, you know my grandfather and his dad before him homesteaded this land. You think I can keep this going the way ranching is today? This crop insures our life as we know it on this ranch."

"You guys going to be alright with this today, you want some help?" the officer said, softening.

"If all my paperwork is in order, which I think it is, we should be up and running again within 45 days – but, thank you for offering. We appreciate it," Marcy said, putting her cell phone in its holster.

"That was our personal carrier. It seems there was an exclusion for any growing of marijuana on the

property," she said.

"Where does it say that in the policy?" Joe asked, dismayed.

"The claims department said it was under health hazards, and that growing or selling medical marijuana falls under what they called this 'exclusion,'" she said.

"I hear that all the time. No one wants to tell their landlord, their insurance carrier, no one. How can anyone run a business like that? And you are a legal 215 – posted right there," the officer said, pointing to the wall. "Well, I give you an 'E' for effort," he said, walking toward his patrol car to leave. "If you guys need help, let me know. I can have a whole posse here in an hour. Keep up the good work."

*For more on Joe and Marcy in Ferndale, see Behind the Curtain No. 6*

*Note: The information gathered came from an actual case settlement from Statewide Insurance Services, the only carrier covering legal 215 medical marijuana grows in the country. It's important to note that only detached grow rooms are covered, not those inside a dwelling or other mixed-use building.*



# The Climate-Killers Inside

Measuring the astoundingly high environmental costs of grow houses

By Peter Lehman and Peter Johnstone

**T**he grow house scene in Humboldt County has made us famous, like it or not. What goes along with growing pot indoors, and what is often overlooked, is the enormous amount of electricity that grows consume.

We like to think of ourselves as an environmentally aware community, and in many ways we are. Humboldt County has twice as many solar panels per household as any place in California. But with pot grows, we're using our precious energy resources to grow a plant indoors, a plant that grows like a weed outdoors. It's expensive, it's bad for the environment and it's wasteful.

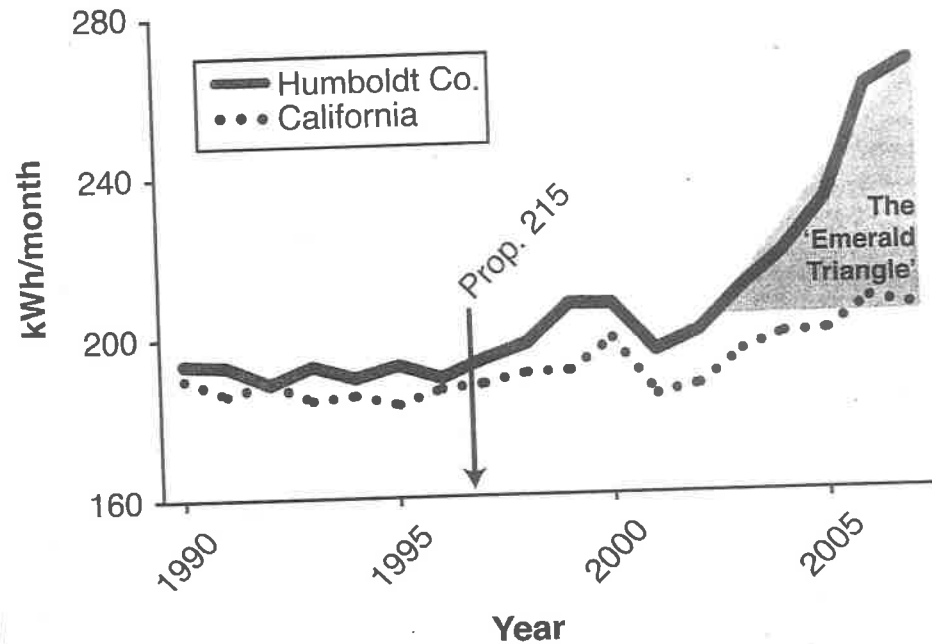
Electricity is a wonderful form of energy. It's quiet and clean. It powers

In 2008, the average California household used only 64 percent as much electricity as the average American household. Good for us.

But look what's happening in Humboldt County. The graph above shows per capita residential electricity use for California and Humboldt County beginning in 1990. In the early '90s, use of electricity in our county more or less tracks the use in the state as a whole.

That was then. In November 1996, Proposition 215 passed and things changed — gradually, at first, and then dramatically in the last few years, Humboldt County's residential electricity use has soared. Why's that? Our lifestyle hasn't changed much, but the number of indoor pot grows has. The graph shows the "Emerald

Residential Electricity Consumption per Capita



Sources: California Energy Commission, U.S. Census

There's more. Many growers have no reportable income so they qualify for subsidized electricity under PG&E's "CARE" program, which is intended to help low income households keep the lights on. That means we all pay higher electricity rates and underwrite lower rates for growers who use this assistance program.

There are environmental consequences of what we're doing. Generating electricity kills fish, emits carbon dioxide (CO<sub>2</sub>) into the atmosphere and contributes to climate change. The extra electricity used by grows in Humboldt County totals an astounding 90 million kWhs a year — about 70 times the total output of all the solar panels in the county, or enough to power 13,000 typical homes. Generating that electricity, even with PG&E's relatively low-carbon grid,

On-grid and off-grid, indoor pot growing in the county adds about 40,000 metric tons of CO<sub>2</sub> to the atmosphere each year. To put that into perspective, consider that the City of Arcata just sold carbon credits to PG&E in a landmark deal. The contract calls for the city to sequester 10,000 metric tons of CO<sub>2</sub> a year by not cutting trees in city forests. Unfortunately, this effort is being swamped 4 to 1 by grow lights.

There's no question that indoor grows are a huge benefit to our local economy. There's also no question why people grow indoors. They get more crops, make more money and their valuable crop is more secure. But the energy and environmental costs are high.

There's an obvious solution to this situ-



**T**he grow house scene in Humboldt County has made us famous, like it or not. What goes along with growing pot indoors, and what is often overlooked, is the enormous amount of electricity that grows consume.

We like to think of ourselves as an environmentally aware community, and in many ways we are. Humboldt County has twice as many solar panels per household as any place in California. But with pot grows, we're using our precious energy resources to grow a plant indoors, a plant that grows like a weed outdoors. It's expensive, it's bad for the environment and it's wasteful.

Electricity is a wonderful form of energy. It's quiet and clean. It powers our lights, electric motors, refrigerators and all the other electric appliances that make our lives so much healthier and richer. Electricity is so valuable that we go through a lot of trouble to generate enough of it. We build power plants that burn fuel, make steam and turn turbine-generators. We build dams to block rivers and generate hydropower. We build transmission lines to carry valuable electric cargo to almost every corner of America.

California households use less electricity than almost anywhere else in America, and this despite the fact that much of California has a large air conditioning load in the summer. Our state has strict building standards, and Californians are particularly frugal in their use of power.

In 2008, the average California household used only 64 percent as much electricity as the average American household. Good for us.

But look what's happening in Humboldt County. The graph above shows per capita residential electricity use for California and Humboldt County beginning in 1990. In the early '90s, use of electricity in our county more or less tracks the use in the state as a whole.

That was then. In November 1996, Proposition 215 passed and things changed — gradually, at first, and then dramatically in the last few years, Humboldt County's residential electricity use has soared. Why's that? Our lifestyle hasn't changed much, but the number of indoor pot grows has. The graph shows the "Emerald Triangle," which represents the increase in electricity consumption that we believe is due to indoor grows. By 2007, the last year we have data for, that extra consumption amounted to an average of 61 kilowatt-hours (kWh) per month for each Humboldt County resident or 145 kWh for each household.

That's the average for all households in the county and only a few of them contain grows. To bring the average up that high, grow houses use much more electricity than the rest of us. In a case prosecuted by Maggie Fleming in the DA's office, one grow house used almost 10,000 kWh a month, or almost 20 times as much as an average household. It's probably not the highest.

There's more. Many growers have no reportable income so they qualify for subsidized electricity under PG&E's "CARE" program, which is intended to help low income households keep the lights on. That means we all pay higher electricity rates and underwrite lower rates for growers who use this assistance program.

There are environmental consequences of what we're doing. Generating electricity kills fish, emits carbon dioxide (CO<sub>2</sub>) into the atmosphere and contributes to climate change. The extra electricity used by grows in Humboldt County totals an astounding 90 million kWhs a year — about 70 times the total output of all the solar panels in the county, or enough to power 13,000 typical homes. Generating that electricity, even with PG&E's relatively low-carbon grid, puts 20,000 metric tons of CO<sub>2</sub> into the atmosphere. And that's without considering the energy and environmental costs of using chemical fertilizers, which are significant.

Grows on the grid are only part of the story. Many of the largest indoor grows are off-grid in the more remote areas of the county. These operations use diesel generators to provide the electricity and have even worse environmental consequences, since there are fuel spills as well as CO<sub>2</sub> emissions. Setting aside the issue of spills, we used estimates from Jack Nelson of the Humboldt County Drug Task Force of the number and size of off-grid grows to estimate the amount of CO<sub>2</sub> they emit — another 20,000 metric tons a year.

On-grid and off-grid, indoor pot growing in the county adds about 40,000 metric tons of CO<sub>2</sub> to the atmosphere each year. To put that into perspective, consider that the City of Arcata just sold carbon credits to PG&E in a landmark deal. The contract calls for the city to sequester 10,000 metric tons of CO<sub>2</sub> a year by not cutting trees in city forests. Unfortunately, this effort is being swamped 4 to 1 by grow lights.

There's no question that indoor grows are a huge benefit to our local economy. There's also no question why people grow indoors. They get more crops, make more money and their valuable crop is more secure. But the energy and environmental costs are high.

There's an obvious solution to this situation — grow marijuana in the sunshine, where it is meant to be grown. Grow organic pot with no pesticides, fungicides or artificial fertilizers. Grow in greenhouses if security is an issue. Plants are the original solar collectors, and they're really good at it. Solar powered pot can provide all the medicine we need, just as it has for centuries. And we can be kind to the earth in the bargain.

*Peter Lehman is the director and Peter Johnstone is a research engineer at the Schatz Energy Research Center at Humboldt State University. Views expressed in this article are those of the authors and not those of the Schatz Center or HSU.*

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## IT'S ON THE BALLOT

### *Cali measure for legal adult cannabis faces November vote*

By Chris Conrad

The Secretary of State confirmed March 24 that the Control and Tax Cannabis initiative will be on the Nov. 5, 2010 ballot, the first non-medical use initiative to qualify in the state since the 1972 California Marijuana Initiative. The mere fact of cannabis being up for a vote with a slim majority of support among CA voters has stoked national and international media discussion of how legal adult cannabis use is to be regulated in the future.

The campaign is garnering a growing string of endorsements, which already includes the CA NAACP, political and union leaders, Oakland City Council, economists, and most cannabis reform groups. It is forming coalitions of physicians, attor-

neys, faith leaders and organizations, who are generating support for the initiative amongst their constituents.

Vocal opposition is led by lobbyist and spokesperson for the California Peace Officers Assn, John Lovell. The typical lineup of law enforcement, MADD, drug rehab companies, career politicians and fringe religious groups are coalescing under the banner, 'Public Safety First,' headed by the 'No On Prop 5' strategist Wayne Johnson. They have vowed to block the initiative, as have some dealers and illicit growers, so it is expected to be a close vote.

Campaign spokesperson Dale Clare said that Oaksterdam University founder and initiative sponsor Richard Lee made sure the measure protects existing medical use laws, winning the strong support of advocates and co-proponent Jeff Jones of *Please turn to page 19*

## Medical marijuana coming to nation's capital

By Mike Meno, MPP

Washington DC will soon be added to the list of jurisdictions that give seriously ill patients legal access to medical marijuana, after a unanimous May 4 vote by the District council approving amendments to a medical use law passed in 1998 by 69 percent of voters in the nation's capital.

For more than a decade, Congress blocked its implementation via the so-called "Barr Amendment" — a clause in the annual federal budget bill that appro-

Georgia), the notorious restriction's namesake, who later reversed his position — the ban was at last lifted last year, opening the way for the Council to enact what would have been the country's second medical use law. Once Mayor Adrian Fenty signs the law, it goes to Congress for a 30-day review period, but there are no indications the Democratically controlled Congress will try to intercede.

"A well-working medical marijuana program in the nation's capital will pro-



# Jack Herer

## The Hemperor

June 18, 1939 – April 15, 2010

One of the forefathers of the hemp movement and author of the best-selling book, *The Emperor Wears No Clothes*, Jack Herer will be missed.

Tribute on page 31

Photo courtesy of [www.sensiseeds.com](http://www.sensiseeds.com)  
Bud strain shown in background bears his name.

## Cannabis has little effect on driving, study shows; most drive more slowly

By Paul Armentano NORML

Subjects exhibit virtually identical psychomotor skills on a battery of driving simulator tests prior to and shortly after smoking marijuana, according to clinical trial data published in the March issue of the *Journal of Psychoactive Drugs*.

Investigators from Hartford Hospital in Connecticut and the University of Iowa

again 30 minutes after smoking a single marijuana cigarette containing either 2.9 percent THC or zero THC (placebo).

Investigators reported that volunteers performed virtually the same after smoking cannabis as they did sober. "No differences were found during the baseline driving segment (and the) collision avoidance scenarios," authors concluded.



priates money to the District of Columbia.

After years of lobbying by the Marijuana Policy Project (MPP) and others — including former Rep. Bob Barr (D-

## New Colorado law to regulate dispensaries

By Warren Edson, Esq.

The 2010 Colorado legislative session brought dramatic changes to the medical marijuana community, due to the passage of House Bill 1284. Provided that Governor Ritter signs the bill, as he said he will, Colorado will begin regulating — and legitimizing — the industry on July 1, 2010.

In order to create a clean legal slate, the bill creates three new statutory defenses, the language and general framework of which will be adopted by local municipalities over the next year.

Dispensaries will now be known as Medical Marijuana Centers. An MMC is allowed to be a for-profit business, and it is specifically *not* the patient's 'caregiver.'

The MMCs will be able to retail to patients, and they will be able to wholesale up to 30 percent of what's in their storefront to other MMCs, Infused Product Manufacturers (IPM, a new category, described below), and caregivers. By Sept. 1, they will need to have at least 70 percent of the cannabis in their storefront produced by their own growers. A \$5,000 bond will be required to license an MMC.

Medical marijuana grow facilities will now be known as Option Premises Cultivation Operations (OPCO). The OPCO has to be connected to an IPM or MMC, and all their cannabis has to be sent to that one IPM or MMC.

The final new cannabis business license  
*Please turn to page 30*

vide a unique opportunity for members of Congress who have never seen such programs up close to do just that," said Karen O'Keefe, MPP's director of state policies.

"Once they see for themselves that these laws do nothing but provide compassionate care for seriously ill patients, hopefully they will understand the need to create a federal policy that no longer criminalizes patients in any state who could benefit from this legitimate treatment option."

Unfortunately, amendments approved  
*Please turn to page 15*

## Humboldt group looks ahead to the legal market

'Branding,' cannatourism and sustainability all on agenda

By Liz Davidson, HUMMAP

The Humboldt Medical Marijuana Advisory Panel (HUMMAP) was formed on April 20 to promote the virtues of Humboldt-grown cannabis, to educate county communities and government, to

Carver College of Medicine assessed the simulated driving performance of 85 subjects in a double-blind, placebo controlled trial. Volunteers responded to various simulated events associated with automobile crash risk — such as avoiding a driver who was entering an intersection illegally, deciding to stop or go through changing traffic lights, responding to the presence of emergency vehicles, avoiding colliding with a dog who entered into traffic, and maintaining safe driving during a secondary (in-the-car) auditory distraction. Subjects performed the tests sober and then

help draft regulations, and to ease local growers' transition to possible legalization.

HUMMAP is a coalition of cannabis patients, cultivators and associated community members united to develop a comprehensive countywide medical cannabis regulatory policy. Its goals are to integrate all related health and safety issues under  
*Please turn to page 12*

## Cannabis Freedom Day marked around the globe



Cannabis Freedom Day 2010, AKA the Million Marijuana March, was celebrated around the world on May 1 and 8. Events were held in 334 cities. This historic 10,000 person march took place May 8 from Plaza de Mayo to the National Congress in Buenos Aires, Argentina.

Photo courtesy of revista Haze. See cures-not-wars.org for May 7, 2011 info.

Investigators noted that "participants receiving active marijuana decreased their speed more so than those receiving placebo cigarette during (the) distracted section of the drive." Authors hypothesized that subjects' reduction in speed on this task suggested that they may have been compensating for perceived impairment.

"[N]o other changes in driving performance were found," they reported.

*Please turn to page 14*

## Medi cannabis helping California pay its debts

Taxes receipts around \$100m

By Dale Gieringer California NORML

The California Board of Equalization reported that the state is collecting \$50 - \$100 million annually in sales taxes from medical marijuana. The report confirms an estimate previously published by California NORML\* and independently confirmed by Americans for Safe Access.

California NORML currently estimates the state's domestic retail market for medical cannabis at over \$1 billion per year in a total adult use market of \$6 billion. Even more is shipped out of state.

Prohibitionists, led by Los Angeles District Attorney Steve Cooley, have sought to choke off the state's lucrative medical market by claiming that sales are illegal. Advocates argue that medical sales are legal under SB 420, and the state stands to lose millions in sales tax revenues if LA's dispensaries are closed.

Regulated adult use could net the state \$1.4 billion in revenues according to the state Legislative Analyst's office, or over \$1.2 billion by Cal NORML's estimate.\*

\* [canorml.org/background/OakFinancialReportRelse.htm](http://canorml.org/background/OakFinancialReportRelse.htm); also [canorml.org/background/CA\\_legalization2.html](http://canorml.org/background/CA_legalization2.html).



# An Odious & Unconstitutional Political Ploy: “Nuisance” Laws Regulating Medical Marijuana by

Medical Cannabis users are the only category of people classified with loss of constitutional rights for the purpose of regulation.

By Pebbles Trippet

Mendocino is the first county in the state, following numerous cities, to regulate medical-cannabis collectives and cooperatives as potential “public nuisances”—comparable to garbage, stream pollution, rotting carcasses, lead paint, asbestos in schools—and subject to severe penalties for minor offenses.

Nuisance ordinance 9.31 contains a trickbag of “gotchas” such as a broken gate lock, a fencehole, a distinctive aroma. Minor conflicts between neighbors will inevitably be the basis for “nuisance” complaints.

Under a nuisance framework, cannabis patients, caregivers and collectives are classified on the bottom rungs with the gross ills of society and treated accordingly. Regarding a medical cannabis regulatory system, it is a step backward: arbitrary requirements without due process, unequal protection, loss of rights and a subsidiary second-class status as “public nuisances.” Ordinance 9.31 undermines the highest purpose of the law —“to enhance access to medical marijuana through collective cooperative cultivation”— affirmed by the Supreme Court in *Kelly (2010)*.

Cannabis patients are the only category of people classified with loss of constitutional rights for the purpose of regulation. It is unconstitutional on its face and as applied.

*Minor conflicts between neighbors will inevitably be the basis for “nuisance” complaints.*

Ignoring these constitutionality problems, the Mendocino Board of Supervisors, guided by John McCowen, voted three-to-two to pass the 25-plant-per-parcel nuisance law with a 99-plant option reserved for a relatively small group of property owners. It does not allow any exceptions or variances to its unreasonable requirements.

Full disclosure: I co-own 4.2 acres in

requires a minimum five acres, so my 99-plant application would be rejected on that basis alone. Each member of my collective of 10 would be reduced to 2.5 plants due to a ceiling of 25 per parcel.

The issue of whether a local nuisance ordinance can supersede the rights of patients to collectively associate will be ruled on soon by the 4th District Appeals Court in a case involving the city of Anaheim, which banned collectives outright. That ruling will serve as precedent for *Hill v Mendocino County*, a suit challenging the constitutionality of the county’s attempt to restrict the rights of collectives under a nuisance ordinance.

Under a nuisance framework, admin-

Sheriff’s deputies have no training in nuisance abatement, only in criminal law enforcement. Since medical marijuana is no longer a crime but a health issue, why is law enforcement in charge of civil regulation?

A deputy issues the “Notice and Order to Abate” and delivers it to the patient-grower’s door without a warrant. A ‘civil’ exchange with law enforcement can easily turn criminal. If a deputy suspects “fraud,” the situation devolves into an investigation of possible criminal activity with confiscation of plants a standard component of the process.

The instant the abatement order is received, the penalty clock starts ticking at \$100/day.

The patient, collective or property-owner is found guilty of a violation before having any knowledge of what it’s for and must pay a non-refundable fee

### Nuisance Ordinance 9.31 —Constitutional Violations

- California Civil Code 3482: “Nothing which is done or maintained under the express authority of a statute can be deemed a nuisance” (Health & Safety Code 11362.5 and H&S11362.77).
- Civil Code 3480: “A public nuisance is one which affects at the same time an entire community or neighborhood, or any considerable number of people.”
- Civil Code 3481: “Every nuisance not included in the definition of the last section is private.”
- Civil Code 3482.5 (“Right to Farm Act”): “No agricultural activity, operation or facility...shall be or become a nuisance, public or private...after it has been in operation more than three years... if it was not a nuisance at the time it began.”

istrative law classifies cannabis patients, caregivers and their collective membership associations as “public nuisances” with significantly fewer constitutional rights than under criminal law.

Patients lose their—

- right to a jury trial.
- right to protection from law enforcement gaining warrantless access to growers’ property.
- right to corroborating evidence beyond a single deputy’s authorization.
- right to dispute accusations before a finding of guilt, i.e., presumption of innocence.

A disgruntled neighbor or overzealous deputy can complain about a fencehole, aroma, visibility of a plant, or a broken lock on a gate. Then the Sheriff’s Office, instead of Planning and Building, initiates nuisance abatement action against the accused patient

of \$1,140 within 10 days to appeal the accusation. The attorney costs another \$1,000. The fine stretching over 10 days at \$100/day is another \$1,000. Can this be seen as “protection” money?

There is also an eminent-domain property-forfeiture provision if the “nuisance” is not properly abated. The nuisance ordinance is as much an issue of property owners’ rights as patients’ rights, since owners will ultimately be held responsible.

Ed Denson, Humboldt County attorney, called Mendocino County “a failed state” with regard to medical marijuana policy and law.

The Courts will surely not allow this level of law enforcement intrusion and violation of patients’ rights under state law to stand.

The 3rd District Appeals Court interpreted “enhance access through collec-



tive cooperative cultivation” to mean the right to sell and distribute to other association members for collective good, as a legal alternative to the profit mode (Urziceanu 2005).

The historic Supreme Court *Kelly* ruling did three things.

1) It voided arbitrary numerical quantity limits of six plants/eight ounces) as restricting rather than enhancing patient access.

2) It affirmed the established quantity standard as “whatever is reasonably related” to the patient’s (or collective’s) annual medical needs.

3) It left the ID Card Program intact since it fulfills the law’s primary purpose —“to enhance access through collective cooperative cultivation.”

Twenty-five plants per parcel under civil law is as arbitrarily restrictive as six plants per person under criminal law. Whether civil or criminal, local ordinances cannot violate state law.

*Hill v Mendocino County* will decide whether collectives, as 1st Amendment protected associations with the right to collectively associate, trump a local nuisance law.

The plaintiffs in the *Hill* case — four patient-growers represented by E.D. Lerman and J David Nick —filed their constitutional challenge in Sept 2009 and an amended complaint in June 2010.

The long awaited appellate case, *Qualified Patients Association v Anaheim*, due July 19, will decide whether dispensing collectives can be banned under a local nuisance ordinance and the *Hill* case will decide whether the rights of patient-collectives can be reduced under a local nuisance ordinance.

No matter how Mendocino Superior Court Judge Behnke rules on the constitutionality of 9.31, the other side will take it higher. That gives a constitutional challenge the opportunity to set a state-wide precedent rather than merely a local win.

In the Courts, we can stop this odious neo-prohibitionist nuisance trap before it becomes a trend in the counties. The alternative supported by the patient majority is to regulate according to land use impacts under zoning laws that balance environmental and neighborhood concerns with patients’ rights.