



**CANNABIS
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To: Interested parties

Re: Our 5 biggest concerns about SB 6265

1. Giving too much for too little

SB 6265 would legalize a limited number of medical cannabis access points in a limited number of jurisdictions, but it will come at great cost to the Washington State medical cannabis community. Governor Gregoire — whose partial veto last year put an end to the "designated provider model" under which most access points were operating — has set boundaries on any medical cannabis bill she is to sign, and SB 6265 represents what is acceptable to her.

The bill would provide broad authority to local counties, cities and towns to regulate medical cannabis collective gardens and access points through zoning, taxation, licensing, health and safety requirements, etc. This will allow pot-friendly jurisdictions like Seattle and Tacoma to license, tax and regulate the medical cannabis businesses which have sprouted up in their midst, and over which they have uncertain authority.

In exchange, all other local jurisdictions get the clear right to effectively ban medical cannabis access points and collective gardens under their authority. Different standards will be codified for different parts of the state, and we will have "dry counties." It will fund the creation of a government registry of medical cannabis patients, which in other states have been disclosed, misused, and ordered by the courts to be turned over to the feds. **This is too great a trade to legalize a handful of dispensaries.**

2. Dry counties make no sense

SB 6265 would ban nonprofit patient cooperatives in thirty counties with less than 200,000 residents. In the other nine counties, local city councils may "opt out" of the state law — meaning they may ban access points. Neither of these components makes sense to us. Washington State voters enacted a medical cannabis law statewide. **Let us keep a statewide law, and not go the route of California where every jurisdiction has its own medical cannabis law.**

3. Local authority is too great

SB 6265 provides local jurisdictions with too much power to limit safe access to medical cannabis. City, town, county, or state employees may access patient records while engaged in administrating and enforcing the requirements of local ordinances or state law. Plant and useable cannabis limits may be further limited by local government ordinance. Local governments may

impose zoning requirements, licensing requirements, permitting requirements, health and safety requirements, taxes or other conditions upon any entity producing, processing, or dispensing cannabis within their jurisdictions. Local governments may limit the number of patients that can grow together in a collective garden down to three.

4. State registry threatens gun rights, patient safety

The voters of Washington State believe medical cannabis patients are not criminals, but our state government still wants patients to register as if they were. Other states have registries, both optional and mandatory, and we should learn from their experiences. The federal government recently won court-ordered access to Michigan's medical cannabis registry. Bill sponsors claim that this registry will use computer technology to disallow federal access, but the whole system is designed to be used by our law enforcement, many of whom are federally deputized as members of drug task forces throughout the state.

The federal government believes medical cannabis patients forfeit their Second Amendment right to bear arms. This was ironically illustrated when activist Steve Sarich — whose guns were seized after a shootout with armed home invaders — was told by the King County Sheriff's Office that the FBI's background check system "informed us that possession of a medical drug card is sufficient to establish an inference of current use," which is cause to deny Sarich and all other medical cannabis patients their gun rights.

Do not believe that the government intends to protect you with its registry. Medical cannabis patients are best protected when off the government radar. **The State of Washington should not spend our limited tax dollars to issue cards to medical cannabis patients which are sufficient cause to negate their Second Amendment rights.**

"There's no question that the use of cannabis for medical purposes isn't authorized under federal law and I suspect there could be some problems for gun owners who sign onto a registry."

Don Pierce, Wa. Assoc. of Sheriff's and Police Chiefs, Jan 18, 2012

5. Removes most forgiving affirmative defense

SB 6265 repeals the most forgiving of our three affirmative defense clauses, RCW 69.51A.047. This section allows an authorized patient to raise an affirmative defense argument in court, even if they did not show their paperwork to police upon questioning. This had been a problem before, and authorized patients were denied their affirmative defense in court if they invoked their right to remain silent and not cooperate with police during a raid. Technically, it seems as though RCW 69.51A.047 can be raised for any number of plants or any amount of useable cannabis. It is a very forgiving affirmative defense, and you can bet the prosecutors' lobby hopes to "tighten" it up.