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## Los Angeles County D.A. prepares to crack down on pot outlets

**Cooley says the vast majority of medical marijuana dispensaries in the county are operating illegally.**

By John Hoeffel

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Los Angeles County Dist. Atty. Steve Cooley said Thursday he will prosecute medical marijuana dispensaries for over-the-counter sales, targeting a practice that has become commonplace under an initiative approved by California voters more than a decade ago.

"The vast, vast, vast majority, about 100%, of dispensaries in Los Angeles County and the city are operating illegally, they are dealing marijuana illegally, according to our theory," he said. "The time is right to deal with this problem."

Cooley and Los Angeles City Atty. Carmen Trutanich recently concluded that state law bars sales of medical marijuana, an opinion that could spark a renewed effort by law enforcement across the state to rein in the use of marijuana. It comes as polls show a majority of state voters back legalization of marijuana, and supporters are working to place the issue on the ballot next year.

The district attorney's office is investigating about a dozen dispensaries, following police raids, and is considering filing felony charges against one that straddles the Los Angeles-Culver City line.

"We have our strategy and we think we are on good legal ground," Cooley said.

Medical marijuana advocates say the prosecutors are misinterpreting the law.

"I'm confident that they are not right," said Joe Elford, chief counsel for Americans for Safe Access. "If they are right, it would mean that thousands of seriously ill Californians for whom the Compassionate Use Act was intended to help would not be able to get the medicine that they need."

Law enforcement officials have been frustrated by the explosion in the number of dispensaries in Southern California, arguing that most are for-profit enterprises that violate the 1996 voter initiative legalizing medical marijuana and the 2003 state law permitting collective cultivation. Cooley's announcement, coming at a news conference that followed a training session he and Trutanich conducted for narcotics officers, dramatically raises the stakes.

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In the city of Los Angeles, some estimates put the number of dispensaries as high as 800. The city allowed 186 to remain open under its 2007 moratorium, but hundreds of others opened in violation of the ban while the city did nothing to shut them down.

In August, Cooley and Sheriff Lee Baca sent a letter to all mayors and police chiefs in the county, saying that they believed over-the-counter sales were illegal and encouraging cities to adopt permanent bans on dispensaries.

Mark Kleiman, a professor of public policy at UCLA and an expert on drug policy, was not surprised that local prosecutors had decided to attack the rapid proliferation of marijuana stores.

"I think it's a natural response to the rather flagrant marketing practices of a bunch of the dispensaries. The medical veneer has been wearing thinner and thinner," he said. "I've always wondered why those things were legal when they didn't look legal to me."

Cooley said he believes that under state law, collectives must raise their own marijuana and can only recoup their costs. "That's absolutely legal," he said. "We're going to respect that."

But he said none of them currently do that.

The district attorney's warning could make the situation more chaotic in Los Angeles, where the City Council has struggled for two years to devise an ordinance to control the distribution of medical marijuana.

In addition to prosecuting dispensaries, Cooley said he would consider going after doctors who write medical marijuana recommendations for healthy people. Medical marijuana critics argue that some doctors freely recommend the drug to people who are not ill.

Medical marijuana advocates celebrated a brief thaw in the enforcement climate after the Obama administration signaled earlier this year that it would not prosecute collectives that followed state law. That spurred many entrepreneurs to open dispensaries in Los Angeles. As stores popped up near schools and parks, neighborhood activists reacted with outrage and police took notice.

Councilman Dennis Zine, a key player on the issue at L.A. City Hall, welcomed Cooley's decision to prosecute dispensaries. "There are many that are operating illegally and it's not a secret," he said, adding that he believes "a few" collectives in the city are operating legally.

Anticipating that police departments will ramp up raids on dispensaries, medical marijuana advocates reacted with dismay to Cooley's announcement.

"What we'll see is a big disruption," said Don Duncan, the California director for Americans for Safe Access. He called Cooley's decision "incredible" and said, "It certainly sounds scary."

Duncan acknowledged that many dispensaries do not follow the law and urged Cooley and Trutanich to focus exclusively on them. "You don't have to cast a net over the entire community, you can target the problem people and not take this extreme adversarial position," he said. "Some good people are going to be caught in the crossfire."

About 100 medical marijuana patients, activists and dispensary owners protested on a sidewalk outside the Montebello Country Club, where about 150 prosecutors and narcotics officers met. Motorists repeatedly honked and shook their fists in support as they rolled by, triggering cheers from the crowd.

Barry Kramer, the operator of California Patients Alliance, a collective on Melrose Avenue, said many dispensaries have responsibly regulated themselves for years in the vacuum left by the City Council's inaction.

"I feel like that gets lost," he said. "It's frustrating to get painted with one brush by the city."

Kramer said he believed that dispensaries would continue to operate. "People have found ways around marijuana laws for as long as there have been marijuana laws," he said.

But he also said that stepped-up prosecutions could resuscitate the criminal market: "Things will go underground. We'll see a lot more crime."

When Californians voted for Proposition 215 in 1996, they made it legal for patients with a doctor's recommendation and their caregivers to possess and raise pot for the patient's medical use.

In 2003, the Legislature allowed patients and caregivers "collectively or cooperatively to cultivate marijuana for medical purposes" but said they could not do it for profit.

Cooley and Trutanich, after reviewing a state Supreme Court decision from last year, have concluded that the law protects collectives from prosecution only in the cultivation of marijuana, not for sales or distribution.

Medical marijuana advocates, however, note that the state currently requires dispensaries to collect sales taxes on marijuana, and that guidelines drawn up by the attorney general conclude that "a properly organized and operated collective or cooperative that dispenses medical marijuana through a storefront may be lawful."

The guidelines allow collectives to take costs into account but do not deal directly with over-the-counter sales.

Jacob Appelsmith, special assistant attorney general, said Atty. Gen. Jerry Brown talked to Cooley on Thursday. "Our staffs are continuing to meet about these issues," he said.

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