



Americans for Safe Access

Activist Newsletter

Defending Patients' Access to Medical Marijuana

April 2008

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California Cannabis Dispensaries Testify at Tax Hearing *Medical Cannabis Generates More than \$100 Million in Sales Tax*

On Tuesday, March 18, medical cannabis advocates and dispensary operators from around California went to the state capital to testify about the sales tax medical cannabis generates. The group urged the Board of Equalization (BOE) to help protect an important source of revenue for the state—\$100 million in sales tax collected annually by medical marijuana dispensaries.

ASA's Chief of Staff Rebecca Saltzman testified first. She told the BOE that the tax revenue the state receives from licensed medical cannabis dispensaries is in danger, due to increased federal interference in the state medical marijuana program.

"The sales tax collected by medical marijuana dispensaries in one year could fund the construction of two large schools or 2,000 elementary and high school teachers," said ASA Chief of Staff Rebecca Saltzman. "By robbing California of this much needed revenue, the federal government is not only harming thousands of patients that rely on this medicine, it is also impeding the state's ability to fund critical aspects of its infrastructure."

Others who testified included Dale Geiringer, Ph.D., the head of California NORML, who outlined the millions of dollars of tax revenue

dispensaries produce for the BOE, and several dispensary operators and former operators from Berkeley, Los Angeles, Santa Rosa, San Francisco, Sacramento and Santa Cruz, who all testified to their problems with the DEA.



The patients, advocates, and operators who testified.

Among those dispensary operators was Lisa Sawoya, the tax-paying former director of Hollywood Compassionate Care in Los Angeles, who was forced to close her dispensary because the DEA intimidated her landlord by threatening to seize the property. Her collective still suffered a raid at the hands of the DEA, even though her landlord had notified the DEA that the dispensary was closing in a matter of days.

Bill Pearce, former director of River City Patients' Center in Sacramento, described the \$700,000 he had paid to the BOE over the past three years, as well as a quarter of a million to the IRS and Franchise Tax Board. The DEA shut him down in September.

All those testifying urged the BOE to do everything possible to help protect safe access and state tax revenues. ASA's Rebecca Saltzman also pointed out that the DEA would soon face oversight hearings before Congress on their tactics, and State Senator Carole Migden is introducing a resolution calling for an end to federal interference and urging Congress and the President to establish policy consistent with the compassionate use laws of California.

In 2007 alone, the DEA raided more than 50 medical marijuana providers, and they embarked on a new strategy, sending more than 300 letters to landlords of dispensaries, threatening property owners with criminal prosecution and asset forfeiture.

Read more in Rebecca Saltzman's report on the hearing on ASA's blog. Also, see the ASA Fact Sheet on sales tax on the website: AmericansForSafeAccess.org/downloads/sales_tax_fact_sheet.pdf

ASA Mounts Strong Response to Latest LA Raids *Patients, Activists and Victims of DEA Raids Rally, Speak to City Council*

ASA organized a quick response to DEA raids on six locations of a medical cannabis collective in Los Angeles on March 20.

Activists were at the locations quickly to protest the raids, thanks to ASA's Raid Response Emergency Text Messaging system. One of the activists onsite even overheard a DEA agent tell the others that "the alert has gone out" and "they're on the way."

Within days, operators of several dispensaries that have been targeted testified before the Los Angeles City Council, then joined 60 medical cannabis patients and advocates for a protest in front of the DEA offices downtown.

"It's very difficult to comply with state law with the DEA continuing to raid legally-sanctioned dispensaries," said Virgil Grant, who had multiple dispensary locations raided. "It's time for the Los Angeles City Council and other local governments to end DEA interference."

The city council was asked to re-convene the city working group that is developing regulations for collectives, and Council Member Janice Hahn said she would.

Next Wednesday, April 2, the council will vote on a resolution endorsing state Senator Carole Migden's Senate Joint Resolution 20 calling on the President and

US Congress to end the raids. See below in the City and County Hearings section for more details.

No arrests were made and the collectives, which took only minor losses due to careful precautions, are expected to reopen today.

Sign up for ASA's Emergency Response Text Messaging System to receive instant alerts about raids in your area. Visit ASA online at www.AmericansforSafeAccess.org/RaidAlert.

ASA Fact Sheet on Senate Joint Resolution 20, calling for an end to DEA interference is at: www.AmericansforSafeAccess.org/downloads/SJR_20_Fact_Sheet.pdf

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California Supreme Court Affirms Patients' Rights Landmark ASA Win in Return of Property Case Stands as Precedent

ASA's landmark litigation establishing patients' right to the return of wrongfully seized medical cannabis was affirmed by the California Supreme Court on March 19.

The Court refused an attempt to overturn the appellate ruling in *City of Garden Grove v. Superior Court of Orange County*, otherwise known as the Felix Kha case.

Now that the Felix Kha decision has been affirmed by the highest court in the state, state and local law enforcement can no longer hide behind federal prohibition as an excuse for not returning medical cannabis.

Patients and caregivers can now challenge the wrongful confiscation of medicine in any court in the state.

"California law enforcement is now on notice that they cannot seize and keep

the medicine of seriously ill patients," said ASA Chief Counsel Joe Elford, who represented Kha. "The court has ensured that patients have a way to get their cannabis back."



Chief Counsel Joe Elford

The decision in Felix Kha's case was a huge victory for patients, one ASA worked hard to get.

This summer, ASA will beef up its return of property campaign to be sure that every patient and caregiver in the state enjoys the full benefit of this important precedent.

For more on this important decision, see Chief Counsel Elford's blog on it at AmericansForSafeAccess.org/blog/?p=74.

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Maryland Patients Get ASA Rights Training

As part of a campaign to raise awareness about Maryland's medical cannabis law and improve it, patients throughout Maryland received trainings on their rights this month as part of an education partnership between ASA and the Drug Policy Alliance.

ASA's first Medical Marijuana Teach-In and Know Your Rights Training in the state drew a diverse crowd to hear about the state's medical marijuana law. A few attendees were not even aware that Maryland has a medical marijuana law.

Unlike most states with medical cannabis laws, Maryland still considers patients criminals, even when they can prove that their marijuana use is a medical necessity. A successful medical defense will leave a patient with a misdemeanor criminal record that poses barriers to financial aid, housing, employment, and more.

Those attending the training all signed ASA's petition to protect Maryland medical marijuana patients, and many also signed up to participate in a field trip to meet with state legislators next month.

ACTION ALERT: Petition Deadline Is End of April Petition Your Community Today!

Time is running out! Last month's action alert was for activists to petition your community! Our goal is to collect 30,000 signatures by April 23rd. These petitions will be hand delivered to each of your Senators by our National Office staff. Visit ASA's fun interactive map to download a petition addressed to your state's U.S. Senators. Go to ASA's website www.AmericansforSafeAccess.org/SenatePetitionMap and click on your state for your specialized petition or call ASA at (510) 251-1856 and ask for petitions to be mailed to you.

Please send completed petitions by April 23rd to ASA Headquarters:

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Attn: Sonnet Seeborg Gabbard
1322 Webster Street, Suite 402
Oakland, CA 94612

Fax: (510) 251-2036

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YES! Please accept my donation

ASA conducted similar teach-ins throughout the month of March, including trainings in Salisbury, Maryland (Eastern Shore), Silver Spring, MD (Montgomery County) and Western Maryland. The campaign is designed to build grassroots support and identify potential leadership to support future legislative reform efforts.

For more information about how to help improve Maryland's medical marijuana law see ASA's website at: AmericansForSafeAccess.org/maryland.

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