

LETTER FROM THE AUTHORS OF SB 420 (HS11362.77)
JOHN VASCONCELLOS, MARK LENO

TO ALL PARTIES INTERESTED IN MEDICAL MARIJUANA AND SB 420.

We are well aware and appreciate that some persons have expressed concerns regarding the final version of our SB 420 designed to fulfill the directive of the people of California (when they in 1996 enacted Proposition 215) by creating a state distribution system for medical marijuana. We hope by this statement to make utterly clear our intentions with respect to this bill.

1. Both of us are profoundly committed to the full implementation of Proposition 215 (in fact, John Vasconcellos carried similar legislation decriminalizing medical marijuana before Proposition 215 only to have it vetoed by Governor Wilson, and Mark Leno led the battle in San Francisco to create their medical marijuana program).

2. We have crafted SB 420 as the result of three years of intensive negotiations among all key stakeholders (including patients, providers and physicians) and believe it is both good sound public policy and the very best we could hope to get signed into law by the Governor to provide the best protections within our reach.

3. Fully appreciating that Proposition 215 cannot be amended by the Legislature, we have resisted all efforts to make the new identification card system created by SB 420 mandatory at least two times our SB 420 contains specific language declaring our intent that the program is wholly voluntary.

4. Insofar as SB 420 now contains any language, which might be interpreted to the contrary.

a) We are submitting for publication in the respective Assembly and Senate Journals a letter attesting our legislative intent that our SB 420 system is purely voluntary;

b) We are requesting opinions from the Legislative Counsel and the Attorney General regarding whether the language of SB 420 could be interpreted as other than voluntary; and

c) However these opinions are rendered we will introduce legislation in January 2004 to do whatever is necessary to confirm that this SB 420 system is voluntary.

5. As to the final version of our SB 420 regarding the amounts permissible for possession and cultivation:

a) We took the guideline setting authority away from DHS because they did not want it and to eliminate their high cost estimates that would likely have led the Governor to veto the bill;

b) We tried to incorporate NIDA guidelines, but learned that they do not really exist in any form we could incorporate into SB 420;

c) We chose guidelines we believe best meet our search for balance between patient's needs and practical results in getting SB 420 signed into law;

d) In addition we allow localities with higher possession or cultivation amounts to retain them, and other localities to establish new guidelines which exceed what is set forth in this bill. No jurisdiction may establish guidelines lower than those set forth in SB 420;

e) In addition we provided individuals the option to get in excess of the guidelines upon a doctor's recommendation for amounts exceeding the cultivation and possession guidelines set in this bill. Our letter in the Assembly and Senate Journals expresses legislative intent that these guidelines are intended to be the threshold, and not a ceiling;

f) We made a judgment call that if we removed all guidelines from our SB 420 we likely could not get it signed into law;

g) Our SB 420 guidelines are the most generous of all the states that have legislative guidelines for possession and cultivation of medical marijuana (see attached chart);

h) We note that these guidelines are endorsed by several credible knowledgeable supporters of the medical uses of marijuana: Dr. Marcus Conant (well respected HIV/AIDS doctor), Scott Imler (long-time medical marijuana patient advocate and president of the Los Angeles Cannabis Resource Center), Marsha Rosenbaum (medical sociologist and director of the San Francisco office of Drug Policy Alliance), and Jerry Uelman (Professor of Law at Santa Clara University and medical marijuana defense attorney).

6. Altogether, while we do not see our bill to be perfect or ourselves to be infallible, we sincerely believe that our final version of SB 420 is the very best we could hope to get enacted into law and that it provides broad protection to tens of thousands of ill Californians without jeopardizing any ill Californians.

We thank you, and we wish you well.

JOHN VASCONCELLOS / MARK LENO

Senator, District 13 / Assemblyman, District 13