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To Whom It May Concern:

I am a retired California State Senator, having represented the heart of Silicon Valley for 38 years in the two houses of our California legislature.

One of my policy areas of focus, experience, and expertise was the entire issue of how we envision and design, select and operate systems and programs toward the purpose of protecting our public, and assuring wise, smart, strategic, and effective policies and programs in regard to the entire issue of drug abuse prevention.

Especially, in that capacity, and with that background and experience, in the wake of California's 1996 enactment of Proposition 215 -- allowing medical uses of marijuana -- then attorney general Bill Lockyer named me to co-chair (with then Republican Santa Clara County district attorney George Kennedy) his Medical Marijuana Task Force. Attorney General Lockyer -- acting pursuant to the explicit language approved by California voters in their enactment of Proposition 215 -- created the Task Force to fulfill the public's charge for the California legislature to develop and adopt a system to provide for the safe and affordable distribution of cannabis to qualified California patients.

The Task Force brought together just about all interested stakeholders from across the medical cannabis spectrum -- from the narcotics agents to the patients -- and just about every interest in between. We were charged to craft what eventually became SB 420, which I carried as its lead author, and which was enacted into law in 2003.

George Kennedy, Bill Lockyer, and I strove to make the A.G.'s Task Force proceedings open and inclusive, along with fair and participatory, for all concerned parties. Because there was such a clear public statement in the voters' passage of Prop. 215, and yet such utterly contrary viewpoints regarding how it ought best be implemented, we were faithful to our commitment to assure that each of the words used in the statute was carefully fashioned, extensively vetted, and the result of intensive and laborious compromise and consensus. That was no small achievement, at that place and time, in our circumstances, especially considering that our SB 420 was then endorsed by the California District Attorneys' Association, the California Sheriffs Association, the California Medical Association, the California Nurses Association, and almost all leaders and groups who'd been supportive of Proposition 215.

In that regard, I am deeply concerned that in the nine years since we passed SB 420, certain people have evidently been advocating a marked misinterpretation of the language resulting from our Task Force and enacted into law via my SB 420 - with regard to whether "making a profit" is somehow not permitted for medical cannabis providers under state law.

It was certainly true that one side wanted to outlaw any profit-making, while the other side did not and would not. So right there and then -- in order not to lose our coherence as a working team hoping for a broadly supported result and to hold our coalition together -- we took the openly deliberated, fully appreciated compromise way out: We catered to neither side on this issue. Instead the Task Force crafted the language that appears in Health and Safety Code section 11362.765(a) as follows: ". . . nor shall anything in this section authorize any individual or group to cultivate or distribute marijuana for profit."

It was so carefully crafted that neither side could claim victory. In effect that issue was entirely left to whatever otherwise is the status of that issue in California law.

Although certain members of our Task Force did advocate for a prohibition on profit-making, that position was firmly rejected by the Task Force in favor of the above compromise language.

The language we fashioned means nothing more -- nor less -- than what it explicitly says. Nothing in that section prohibits profit. Nothing in that section explicitly authorizes profit, either. But I must point out that nobody is required to obtain an "authorization" from the Legislature to make a profit in California.

In fact, it would have been utterly incongruous for us constituting that A.G.'s Task Force, to have come up with such a ban on profit, which could not readily be interpreted or found to be explicitly or implicitly in support of implementing Proposition 215's intention to allow patients to obtain and use marijuana for medical purposes.

In short, the language in question, which was painstakingly crafted as a result of careful give-and-take from all sides, simply restates a self-evident fact about what is not in that section, but the language does not in any respect purport to prohibit profit -- if that had been the intent, the language would have so stated clearly. It obviously does no such thing.

I should also point out that Section 11362.765 concerns activities by individual patients, caregivers, and others who provide assistance to patients. Activities by collectives and cooperatives are governed by their own section (H&S Section 11362.775), and it is, of course, completely silent on the issue of profit.

It is my hope that this letter will help and finally clear up what has become at least a troubling misinterpretation, and at most a lot of unnecessary confusion, about this one particular aspect regarding language of my SB 420.

Respectfully submitted,

John Vasconcellos
California State Senator (Retired - Not Yet Entirely)
38 Years Representing The Heart Of Silicon Valley
Co-Founder Of "The Politics Of Trust"