

The Cannabis Pharmaceutical Coalition

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"Combining The Terms Rx, Cannabis & Consumer Protection"

Theft of RX Cannabis

Problem:

Now that patients are allowed to grow three RX Cannabis plants, what is the penalty if someone steals a patients "prescribed medicine"?

For Example:

A local AIDS Activist recently received a prescription to grow RX Cannabis. After growing the plant for some 6 months, two men entered his house at gun point, and stole his plant.

This brought up two specific problems, with the first being who would he call to report this crime? Secondly, after his "supply" is stolen, where does he get his next supply?

Proposed Solution:

- 1) Make it a felony to use or steal someone's RX Cannabis.

Possible Support:

- 1) Law enforcement
- 2) Cannabis Growers
- 3) Medical community

Possible Opposition:

- 1) Unknown

Arguments In Support:

- 1) This protects those under Dr. orders;
- 2) This is the same protections that other "controlled drugs" are provided.

Arguments In Opposition:

- 1) Unknown

Section Affected: As Per Legislative Council

Language Attached: Yes, please use the attached outline

BE IT ENACTED BY THE STATE OF CALIFORNIA

For purposes of this ordinance, the following terms shall have the following meanings:

- (a) "Recommend" means to fill a written doctor's prescription by a licensed pharmacist, supplier or distributor.
- (b) "Patient's primary caregiver" means a spouse, blood relative, designated representative, or in-law of the patient.
- (c) Organic - In order to ensure quality control, as used in this chapter, the term "organic" means grown with no chemical pesticides or genetic growth enhancers.
- (d) Marijuana - For purposes of this section, marijuana is defined as a Cannabis plant of either Indica or Sativa varieties that has a THC level of more than 3.0. Additionally, it can be grown indoors or outdoors depending on registration.
- (e) Class - A 7 hour course required when patients or their representatives opt to "grow their own" after receiving a prescription from a physician.
- (f) Records - Information kept by the police with respect to the patient's Medicinal Cannabis history.
- (g) Patient - Someone given a prescription to use Cannabis for medical purposes.
- (h) Instructors - Those licensed by the state to teach the science of Cannabis.
- (i) Inspections - for those who choose to be "growers" must receive permits from the fire marshal or chief law enforcement officer in the community.

SECTION I

- (a) Cannabis for medical purposes may be grown in or around one's home, only by a patient grower, or in the case of extreme illness, by the patient's primary caregiver.
 - (1) All plants must be grown organically or with approved pesticides.
 - (2) Each plant shall be registered, numbered and designated as an indoor or outdoor plant. Indoor plants will be registered with the Fire Marshal and shall meet all zoning code requirements. Outdoor growers must register with the head law enforcement officer for the local government and meet all zoning requirements. A \$10 fee shall accompany the registration. Upon registry, the City will provide a registration card and law enforcement coverage to the grower.
 - (3) Each registration shall include the name of the grower, including address, phone number, prescription number documenting the patients right to grow Cannabis and whether they want to grow indoors, outdoors or both.
 - (4) All users and/or growers shall complete an educational training program. The hours of training shall contain no less than 7 class hours. The training shall focus on ensuring that growers understand the law, growing requirements, and pharmacology of Cannabis.
 - (5) All cultivation shall be done by a licensed cultivator or the patients primary caregiver. Any person not

exempted by law and caught growing, selling or distributing RX Cannabis shall be in violation of laws regulating growing, sale and distribution of RX Cannabis.

6) RX Cannabis must be grown under the following conditions:

- a) The registration process as outlined above;
- b) Class is attended and graduated by the user;
- c) The RX Cannabis is:
 - I) Grown out of sight or smell from the general public;
 - II) Is no taller than the fencing codes allow;
 - III) Is grown in a way to eliminate adverse secondary effects and
 - IV) Restricts access to the product from minors.

7) Taxation - RX Cannabis grown by a patient or primary caregiver for patient use is not taxable. The registration fee is not a tax.

8) It is a felony to steal RX Cannabis.

(9) All growers must post a copy of their "permit" in the front widow of their residence and in the area where the RX Cannabis is grown.