

The Cannabis Pharmaceutical Coalition

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"Combining The Terms Rx, Cannabis & Consumer Protection"

THE PUBLIC CONSUMPTION OF MEDICINAL CANNABIS

Problem:

Although it is "legal" to smoke medical cannabis, the question is, where can it be smoked "legally"?

Example:

Last year an AIDS patient was arrested for smoking RX Cannabis in front of a restaurant in Sacramento. The patient claims he needs to smoke before (and during) his meal in order to have/increase his appetite.

Solution:

Create concepts and zones in which you can smoke RX Cannabis.

Possible Support:

Dr.'s
Patients
Consumers
Attorney General - Elect

Possible Opposition:

Dr.'s.
Businesses - (alcohol and restaurant)

Possible Arguments In Support:

1) This provides patients with a location to smoke while still protecting restaurants who sell alcohol.

Arguments In Opposition:

1) Restaurants and Bars
2) Alcohol
3) Tobacco Interests

Sections Affected:

As per legislative council

Language Attached:

Yes, as outlined below:

SECTION 1.

Title: Public Consumption of Medicinal Cannabis.

Intent: Findings and Purposes.

On November 5, 1996, the voters of the State of California approved Proposition 215 enacting section 11362.5 of the Health and Safety Code (the "Compassionate Use Act"). That section permits, for purposes of state law, the limited use, cultivation and possession of Cannabis for specified medical purposes. However, the use, cultivation and possession of Cannabis for other purposes remains illegal within this State and is presently illegal under federal laws.

While recognizing the enactment of Health and Safety Code section 11362.5, the City Council believes that the open and public use of Medicinal Cannabis in smokable, capsule or other form which is permitted by that section, are injurious to public health in much the same ways that various forms of tobacco consumption is injurious to public health. Further, the open and public consumption of Medicinal Cannabis is potentially harmful, especially since it sets a deleterious example regarding the use of illicit drugs for youths to follow. Therefore, the State of California believes it is necessary to balance the uses of Medicinal Cannabis permitted by section 11362.5 with the concerns for public health and safety.

The Consumption of Medicinal Cannabis is prohibited unless:

(a) Notwithstanding California Health and Safety Code section 11362.5 or any preceding provisions of this Title 37, the consumption of Medicinal Cannabis, by or through "smoking," as defined in section 37.01.003 (g), is prohibited at any of the following locations to which members of the public have access:

(1) Upon or within one thousand (1,000) feet of the grounds of:

- a) Any school;
- b) Park;
- c) Adult entertainment establishment;
- d) Any facility licensed to sell or serve alcohol as defined under California Code.

2) In or within one thousand (1,000) feet of any building or facility to which members of the public have access; or

3) Within one thousand (1,000) feet of any other person, other than a "primary caregiver," as that term is defined in California Health and Safety Code section 11362.5 (e).

(b) As used in this section, the following definitions shall apply:

(1) "School" means any institution of learning for minors, whether public or private, including any special institution of education or any nursery, elementary, middle, junior high, or senior high school. This definition also includes vocational or professional institution of higher education, including a junior or community college, college or university.

(2) Park means a recreational park, as outlined by code and public use.

