What exactly did the California Supreme Court do Thursday, when it struck down a 2003 law limiting the amount of pot a medical marijuana patient can possess to eight ounces? A big fat bowl of nothing, says Dale Gieringer, who as director of the state office of National Organization for the Reform of Marijuana Laws (NORML), ought to know.

All the court did was uphold the will of the voters - which is exactly what it did when it upheld Proposition 8, incidentally. Proposition 215, passed in 1996 by voters, put no arbitrary limits on how much pot a patient can possess; it was the 2003 law, passed by the Assembly, that did. Voters trump the voted, every time. "This is exactly as we expected," Gieringer said. The state "cannot arbitrarily limit the amount of plants, the amount of medicine a patient might use."

That is not to say a recommendation gives any patient, anywhere, carte blanche to tote any amount of medicine.

"If you have 10 pounds, you're just as likely to be arrested now as before (the decision)," Gieringer said Thursday afternoon. That's because 10 pounds is a limit well above what's "reasonably allowable" for medicinal marijuana patients under Proposition 215. There are different thresholds for different ailments, many of which are above eight ounces -- Patrick Kelly, the defendant in Thursday's case, was busted with 12 ounces and seven plants in Southern California. And many counties across the state allow more than others: Humboldt County, for example, allows a patient to possess three pounds of dried weed and an unlimited amount of plants. Gieringer speculates that Thursday's decision will
have little effect on current law enforcement attitudes: a patient can still be arrested for
possessing a pound or two. “It’s still an issue,” Gieringer says, “and it will still be an issue.”
SF Weekly placed a call to the San Francisco Police Department to see if the decision
should impact local law enforcement, but have not yet heard back. We’ll keep you posted.
Follow us on Twitter at @sfallshookdown and @sfweekly.

Tags:
Chris roberts, Marijuana, Pot
Slideshows

Sixteen's Cherry Bomb Prom @ the Cat Club

7th Heaven Roller Disco II @ Mezzanine

Obama in San Francisco

More Slideshows >>

Most ...

A Number of Reasons to Avoid "1001" at Berkeley City Club

A Waking Life Take on "Ain't No Grave"

Last Night: 50 Cent brings E-40 and Too Short onstage at the Warfield

10 Things To Do For Under $10: KISS Cover Love, Screaming Females, World Cupping

What to Do? Friday's Pick: Isis

Behind the Beat w/ Tempo No Tempo

Come Together: Paul McCartney's Return to SF

Last Night: Mumford & Sons, The Middle East at Slim's

Last Night: Local Natives at The Rickshaw Stop

Mini SXSW in Downtown San Jose

More Recent Entries...

Entertainment

Drink

New Belgium
View Ad | View Site

Tommy's Joynt
View Ad | View Site

Events

The Fillmore
View Ad | View Site

Yo Gabba Gabba
View Ad | View Site

More >>