



## Medical pot still generating a lot of fire

By: [David Silva](#)

For cancer and glaucoma sufferers, it was like a gift from on high. For ordinary fans of the bud, it was like harvest season had come early. For the "Just Say No" crowd, it was further evidence Washington has lost its collective mind.

Speaking at a news conference, newly installed U.S. Atty. General Eric Holder said Feb. 25 that the Drug Enforcement Agency would no longer conduct raids on state-licensed medical marijuana dispensaries. Just like that, it seemed to many, the medicinal pot wars were over—at least in states like California, New Mexico and Hawaii, where medicinal pot use is allowed.

"Holder's statement marks a dramatic shift in U.S. drug policy, and is a major victory for the 72 million Americans who reside in states where the use of medical cannabis is legal!" proclaimed Paul Armentano, deputy director of pro-pot legalization group NORML, in his blog Feb. 26.

But not so fast. While the AG's comments were certainly great news for medical marijuana supporters, few on the drug-enforcement side of the pot wars seem ready to put down their door rams and surveillance cameras just yet.

Within days of Holder's remarks, officials with the San Diego police and sheriff's departments said their agencies would still raid dispensaries found "out of compliance" with existing drug laws. That includes pot shops having more than two pounds of the herb on hand at any given time.

San Diego County, like San Bernardino County, doesn't officially recognize the legitimacy of Proposition 215, the 1996 California law that legalized marijuana use for medicinal purposes. Both counties have challenged the law in court. Neither county issues identification cards to medical-marijuana seekers, nor honor IDs issued outside the counties. San Bernardino won't allow dispensaries within its borders. San Diego does allow them, but over the years have raided several.

"We're still seeking clarification from the U.S. Supreme Court on medical-marijuana dispensaries because state and federal laws are in conflict," says Jodi Miller, spokesperson for the San Bernardino County Sheriff's Department. "In the event that we have a situation where a deputy comes across someone in

possession of marijuana but carrying an ID card, we'll take a copy of that card and attach it to the police report. However, the cards are not recognized in San Bernardino County, so when the report is sent to the D.A.'s office, it's still considered an offense and against the law."

Bottom line: Card-carrying or not, don't smoke pot in San Bernardino County unless you're prepared to be busted.

In Riverside County, which issues ID cards, the official take on medicinal pot is more relaxed, if also more convoluted. According to county Assistant District Atty. Dennis Christy, the D.A.'s office follows medical-pot enforcement laws set by state Atty. General Jerry Brown. The guidelines are insanely complex, and abound in "this is what to do unless you really don't want to" language.

For the average medicinal smoker, however, the important thing to remember is that smoking is prohibited on a school bus, in a moving motor vehicle or boat, or within 1,000 feet of a school, recreational center or youth center—unless the smoking occurs within a residence. It's not clear whether smoking a joint on a school bus parked in a residential garage is permitted.

To read the guidelines yourself, visit [http://medicalmarijuana.procon.org/sourcefiles/Brown\\_Guidelines\\_Aug08.pdf](http://medicalmarijuana.procon.org/sourcefiles/Brown_Guidelines_Aug08.pdf).

Officials with the Riverside County Sheriff's Department didn't return calls for comment by press time. But in a recent article in the Riverside *Press-Enterprise*, Sheriff's Capt. Mitch Alm said the department was "updating its medical marijuana policy to keep up with recent changes."

All the confusion over medical marijuana has only served to enrage the folks at the Inland Valley Drug Free Coalition, a Rancho Cucamonga-based group that, along with opposing illegal drug use, also opposes cigarette and alcohol abuse.

"When we first heard about Holder's comments, we were very concerned," says Tom Beard, a teacher/coalition chairman with the group. "[President] Obama in the past has said that he's not too concerned about marijuana, but after Holder's comments we did some research, and according to the U.S. Attorney General's office, no decision or memorandum on policy has been made. We strongly encourage the federal government to enforce federal law and to shut down these rogue, illegal operations throughout our state.

"We're 100-percent against what we call medical-fraud marijuana," Beard continues. "In 1996, California voters were fooled to believe that marijuana was a medicine and would be used to treat terminally ill patients. Proposition 215 basically allows anybody to get marijuana for any condition whatsoever, including hair loss and heel pain from walking around in high-heel shoes. This is a danger to the state and a danger to our kids and people who believe they can use marijuana instead of drugs that are lawfully approved by the federal government and the Food and Drug Administration."

—David Silva

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