

Medical Marijuana Dispensaries **(Some points taken from Marilyn Belmonte—who chairs a task force in the Town of Burlington)**

Massachusetts has approved a law to allow medical use of marijuana to relieve debilitating symptoms of serious illnesses. The Department of Public Health will be administering regulations to control this new dispensary system for marijuana.

Home Grown Marijuana in Residential Neighborhoods

People growing marijuana in their homes for their own medical use or as caregivers for another person who uses marijuana for medical use is an increasing problem for home owners and communities. Fires are a common occurrence in marijuana home grows due to the need for makeshift home nurseries to care for the dozens of plants. Often plumbing, electricity and ventilation systems are made without building code inspections. Arcata California Fire Protection District Chief John McFarland says “Most local structural fires involve marijuana cultivation. Law enforcement officials estimate that 1,000 of the 7,500 homes in this Humboldt County community are being used to cultivate marijuana, slashing into the housing stock, spreading building-safety problems and sowing neighborhood discord.”ⁱ

Preventing Increased Teen Marijuana Use

There is mounting evidence that use of marijuana by adolescents can lead to serious mental health issues. For the safety of our children and their future academic potential, marijuana dispensary prohibition should be seriously considered. According to a study by the Office of National Drug Control Policy on depression and teen marijuana use, depressed teens are twice as likely to use marijuana than non-depressed teens and marijuana use worsens depression leading to serious mental illness such as schizophrenia, anxiety and suicide.ⁱⁱ

Memory, speed of thinking, concentration, verbal fluency and other higher cognitive abilities are impaired over time with marijuana use according to a study published in *Neurology* in 2006. A recent, 30-year study showed that marijuana use beginning before the age of 18 and continuing into adulthood lowers I.Q. by as much as 8 points.ⁱⁱⁱ

According to the Office of National Drug Control Policy, teen violence increases with marijuana use. The incidence of teens physically attacking others, stealing and destroying property increases proportionately to the number of days that marijuana was smoked in the past year. Also marijuana-using high school students are twice as likely to disobey school rules as non-marijuana users.^{iv}

State Law vs. Federal Law

Marijuana is still illegal under federal law. It is categorized under Schedule I of the Controlled Substances Act (CSA). Local government may choose to follow federal law despite a state law legalizing marijuana for medical use by banning the sale of marijuana in local retail stores and the growing of marijuana in residential homes.

The United States Supreme Court has continually declined to carve out an exception for marijuana under a theory of medical viability. In 2001, the Supreme Court decided that a 'medical necessity' defense against prosecution was unavailable to defendants because Congress had purposely placed marijuana into Schedule I, which enumerates those controlled substances without any medical benefits. *See United States v. Oakland Cannabis Buyers' Cooperative et al.*, 532 U.S. 483, 491-92 (2001).

Depository institutions (banks, savings and loans, etc) that knowingly provide their services to commercialized cannabis cooperatives or clubs in order to meet payroll, utilities, security, maintain leases and acquire additional merchandise, do so in violation of federal anti-money laundering statutes by promoting the specified unlawful activity of drug trafficking.

Armed Robberies and Violence

In other states where medical marijuana dispensaries have been in place for many years, there are problems with dispensaries selling marijuana to people who do not have a medical marijuana card "out their back door".^v A recent 59-count indictment alleging violations of the Colorado Organized Crime Control Act, the indicted individuals engaged in racketeering and conspiracy to receive, buy, sell, deal, cultivate and/or distribute marijuana in Colorado and to distribute the marijuana in Arizona, Florida, Indiana, Iowa, Louisiana, Maryland, Massachusetts, New Mexico, Oregon, South Dakota, Tennessee Texas, Virginia and the District of Columbia. In one California dispensary raid, police say they seized more than \$800,000 in cash, 14 rifles, 17 handguns, three shotguns and body armor. "A pound of marijuana costs the dispensary between \$1500 and \$3500 which leads to a net profit between \$5,500 and \$16,600 per pound," LBPD Chief Jim McDonnell said. "As you can see, there is a tremendous amount of money in this and you can see why we have involvement by gangs and organized crime in many dispensaries throughout the Southland and that's why we take this as seriously as we do."^{vi}

Burglaries

Throughout California, many violent crimes have been committed that can be traced to the proliferation of marijuana dispensaries. In 2007, Claremont Councilman Corey Calaycay went on record calling marijuana dispensaries "crime magnets". In 2006, the El Cerrito City Council voted to ban all such marijuana facilities after reviewing a nineteen-page report that detailed a rise in crime near these storefront dispensaries in other cities. The crimes included robberies, assaults, burglaries, murders, and attempted

murders.^{vii} After allowing these establishments to operate within its borders, the City of West Hollywood, California passed a similar moratorium. The moratorium was “prompted by incidents of armed burglary at eight existing pot stores and complaints from neighbors about increased pedestrian and vehicle traffic and noise”.^{viii}

Traffic, Noise and Drug Dealing

Increased noise and pedestrian traffic, including nonresidents in pursuit of marijuana and out of area criminals, are commonly encountered just outside marijuana dispensaries. Resale of just purchased marijuana, robberies of marijuana from costumers and sale of other drugs commonly occur in the vicinity. These marijuana centers regularly attract marijuana growers, drug users, and drug traffickers.^{ix}

Organized Crime, Money Laundering and Firearms Violations

Increasingly, reports have been surfacing about organized crime involvement in the ownership and operation of marijuana dispensaries. The dispensaries are often used as a front to traffic in drugs and launder money. One such gang whose territory included San Francisco and Oakland, California reportedly ran a multi-million dollar business operating ten warehouses in which vast amounts of marijuana plants were grown. Besides seizing over 9,000 marijuana plants during surprise raids, federal officers also confiscated firearms, which seem to go hand in hand with medical marijuana cultivation and dispensaries.^x The National Drug Intelligence Center reports that marijuana growers are employing armed guards, using explosive booby traps, and murdering people to shield their crops. Street gangs of all national origins are involved in transporting and distributing marijuana to meet the ever increasing demand for the drug.^{xi} Other adverse secondary impacts of marijuana dispensaries include street dealers lurking near dispensaries to offer a lower price for marijuana to arriving patrons; marijuana smoking in public; loitering and nuisances; acquiring marijuana and/or money by means of robbery of patrons going to or leaving dispensaries; an increase in burglaries at or near dispensaries; a loss of trade for other commercial businesses located near dispensaries; the sale at dispensaries of other illegal drugs besides marijuana; an increase in traffic accidents and driving under the influence arrests in which marijuana is implicated.^{xii}

Unjustified and fictitious physician recommendations

Some doctors link up with a marijuana dispensary and take up temporary residence in a local hotel room where they advertise their appearance in advance, and pass out medical marijuana use recommendations to a line of “patients” for \$100 to \$200.^{xiii}

Safety hazards created by grow houses

Altered and makeshift "no code" electrical service connections and overloaded wires used to operate high-powered grow lights and fans are common causes of the fires. Large indoor marijuana growing operations can create such excessive draws of electricity that

transformers are commonly blown. People purchase houses for the sole purpose of growing marijuana. People purchase houses for the sole purpose of growing marijuana. From an environmental standpoint, the carbon footprint from greenhouse gas emissions created by large indoor marijuana grow operations should be a major concern for every community.^{xiv}

Impaired public health

Indoor marijuana grow operations emit a skunk-like odor and foster generally unhealthy conditions like allowing chemicals and fertilizers to be placed in the open, an increased carbon dioxide level within the grow house, and the accumulation of mold, all of which are dangerous to any children or adults who may be living in the residence, although many grow houses are uninhabited.^{xv}

Loss of business tax revenue

Marijuana dispensaries bring in the criminal element and loiterers, which in turn scare off potential business patrons of nearby legitimate businesses, causing loss of revenues and deterioration of the affected business district. When business suffers as a result of shoppers staying away on account of traffic, blight, crime, and the undesirability of a particular business district known to be frequented by drug users and traffickers, and organized criminal gang members, a town's tax revenues drop as a direct consequence.^{xvi}

ⁱ "Marijuana grow houses are creating problems in Arcata California", Los Angeles Times, May 2008

ⁱⁱ "Teen Marijuana use Worsens Depression: An Analysis of Recent Data Shows Self-Medication Could Actually Make Things Worse", Office of National Drug Policy, May 2008

ⁱⁱⁱ Meier M, Caspi A., Ambler A., Harrington H., Houts R., Reeve R., McDonald K., Ward A., Poulton R. Moffett T., "Persistent Cannabis Users Shows Neuropsychological Decline from Childhood to Midlife." *The Proceedings of the National Academy of Science*, August 2012

^{iv} Office of National Drug Control Policy, "Marijuana Myths and Facts: The Truth Behind 10 Popular Misconceptions." 2006

^v ATTORNEY GENERAL INDICTS MEDICAL MARIJUANA DISPENSARY FOR SELLING OUT BACK DOOR; Members of Multistate Drug Distribution Ring also Indicted

^{vi} Local Dispensary Owner Arrested: LBPB, DEA Seize Cars, Guns, Cash Long Beach Post August 2012

^{vii} Planning Commission Agenda, available at <http://www.el-cerrito.org>; see also Alan Lopez, "El Cerrito Moves to Ban Dispensaries," *Contra Costa Times*, 24 June 2006

^{viii} Fred Ortega, "City Bans Outlets for Medical Marijuana," *San Gabriel Valley Tribune*, 17 August 2006

^{ix} Craig T. Steckler, *City of Fremont Police Department Memorandum re Medical Marijuana Dispensaries – Potential Secondary Impacts*, 20 June 2006; Tim Miller, *City of Anaheim Police Department: Special Operations Division Memorandum re Medical Marijuana Dispensary (MMD) Ban Ordinance*, 13 June 2007

^x Jeff McDonald, "15 Held in Raids on Pot Stores," *San Diego Union-Tribune*, 7 July 2006

^{xi} National Drug Intelligence Center, *Marijuana*, January 2001, available at <http://www.usdoj.gov>

^{xii} Tim Miller, *City of Anaheim Police Department: Special Operations Division Memorandum re Marijuana Dispensary (MMD) Ban Ordinance*, 25 October 2006; Johnson; Craig T. Steckler, *City of Fremont Police Department; Memorandum re Medical Marijuana Dispensaries – Potential Secondary Impacts*, 20 June 2006.

^{xiii} LAPD Report Number DR#060625000, 16 August 2006.

^{xiv} Don Ruane, "Grow Houses Can Impact Utility Bills, Public Safety," *News-press.com*, 12 April 2008

^{xv} Janis Ramsay, "Special Report: Grow-op House Can Still Be Dream Home: Realtor Says," *The Barrie Advance*, 25 August 2008, Steve Davis, "Grow Security," *Cannabis Culture Magazine*, 6 August 2004,

References:

http://www.burlington.org/document_center/GBylaws08_12.pdf

http://www.ci.reading.ma.us/pages/ReadingMA_Clerk/TownMeeting/WarrantReports/2012-11-13WarrantReport.pdf

http://www.ci.garden-grove.ca.us/cgi-bin/municode_public/code.cgi?display=SECTION47567

Proposed Zoning By-Law Changes for Medical Marijuana treatment Centers in Wakefield

Ordinance of the City of Yuba City Enacting Development Standards/Restrictions for Medical Marijuana Cultivation

PARAMOUNT MUNICIPAL CODE – Medical Marijuana Dispensaries