



August 28, 2009

TO: Lt. Carmen Best, Seattle Police Department
Ian Goodhew, Deputy Chief of Staff, King County Prosecutor's Office
Capt. Les Liggins, Seattle Police Department
Capt. Steve Lynch, Bellevue Police Department, Eastside Narcotics Task Force Commander
Martin Martinez, Director, Lifevine Collective
Joanna McKee, Co-Founder, Green Cross Patient Cooperative
Capt. Mike Meehan, Seattle Police Department
Stich Miller, Co-Founder, Green Cross Patient Cooperative
Ellen O'Neill-Stephens, Senior Deputy Prosecuting Attorney, King County Prosecutor's Office
Sgt. Gerry Watkins, King County Sheriff's Office, Eastside Narcotics Task Force

FR: Alison Holcomb, Drug Policy Director

RE: Medical Marijuana | Developing Guidelines for Cooperative Growing and Distribution

Thank you all for participating in the first of what is hoped to be a series of meetings organized among King County law enforcement representatives, qualifying patients, designated providers, and policy advocates with the goal of establishing guidelines for consistent implementation throughout the county of Paragraph 3 of King County Prosecuting Attorney Dan Satterberg's October 7, 2008 memorandum re: Medical Marijuana Case Review Standards¹:

In our experience, there are cases where groups of individuals share, distribute, and cooperate in the growing and distribution of marijuana to those medically in need. While ideally all involved would have proper medical documentation, we do not wish to prosecute these operations so long as it is clear that qualifying patients/providers are distributing to other qualifying patients/providers, and that someone in the operation has the proper documentation in compliance with RCW 69.51A. If, however, it is clear that the operation is a mere front for growing and distributing marijuana to those who are not ill, we will prosecute.

Stated more specifically, the goal of these meetings is to develop guidelines for separating the groups described in the first two sentences from those described in the last, so that all law enforcement agencies and medical marijuana patient/provider groups operating in King County can have a clearer understanding of the considerations that will drive a decision to prosecute.

All participants in these meetings appreciate the trust issues that shadow these conversations and are committed to respectful communication, open-mindedness, and compromise in furtherance of the goal of reaching agreement on a set of guidelines that will be workable in the vast majority of cases.

¹ Attachment 1.

This memorandum will outline the issues we identified on August 5 as needing to be addressed. As we move forward, the following resources may prove useful in identifying additional issues and formulating policies:

- Attachment 2 Washington State Department of Health, *Information Summary: Patient Access to Medical Marijuana in Washington State* (July 2008)
- Attachment 3 California State Attorney General Edmund G. Brown, Jr., *Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use* (August 2008)
- Attachment 4 New Mexico Administrative Code, Title 7, Chapter 34, Part 4: *Health, Medical Use of Marijuana, Licensing Requirements for Producers, Production Facilities and Distribution* (December 15, 2008)
- Attachment 5 Rhode Island Department of Health's proposed draft amendments to the *Rules and Regulations Related to the Medical Marijuana Program*, regarding the registration and operation of medical marijuana compassion centers (August 11, 2009)

Issues Identified on August 5

I. Patient & Provider Safety

A. Crime

1. Home invasion burglaries
2. Robberies/assaults
3. Age minimums for group volunteers and staff?
4. Background checks for group volunteers and staff?

B. Quality control

1. Chemicals used in growing
2. Mold, fungus, pests

II. Public Safety

A. Crime

1. Home invasion burglaries
2. Robberies/assaults

B. Environmental impacts

1. Disposal of chemicals used in growing
2. Substandard ventilation and plumbing: mold, fungus, water damage to rental properties
3. Substandard wiring: fire hazard

III. Protection of Patient Privacy

- A. Record storage
- B. Case-by-case physician verification unduly burdensome, and may make physicians even more reluctant to issue authorizations to patients in need

IV. Misuse of Law for Commercial, Non-Medical Purposes

- A. Forged authorizations
- B. Power theft
- C. Clarifying that only flowering plants will count toward the DOH 15-plant guideline would help legitimate groups provide adequate and consistent access to patients
- D. Visibly posting authorization helps distinguish legitimate medical groups
- E. Good record keeping helps distinguish legitimate medical groups, but concerns about patient privacy and federal law enforcement need to be addressed

V. Community Quality of Life Concerns

- A. Law enforcement agencies are complaint-driven organizations and must be able to respond reasonably to community concerns
- B. Traffic in and out of locations
- C. Odor
- D. Stigma and inability to distinguish medical from non-medical growing operations pose obstacles to neighbor-to-neighbor resolution of issues

VI. Implementation & Enforcement of Guidelines

- A. Notice: publishing the guidelines
- B. Pre-existing laws
 1. Forged authorizations (RCW 69.51A.060(5))
 2. Residential landlord-tenant act (RCW 59.18)

3. Contaminated properties (RCW 64.44)
4. Commercial leases (RCW 62A.2A)
5. Uniform Controlled Substances Act (RCW 69.50)

C. Enforcement

1. County licensing or registration of medical groups conditioned on execution of written agreement to abide by guidelines?
2. Identification cards for patients and providers?
3. Written warnings to first-time violators of guidelines?
4. Clarification of what to expect with law enforcement investigation
 - a. Seizure of marijuana: how much?
 - b. Seizure of equipment, computers, records
 - c. Seizure of real or personal property for forfeiture
 - d. Arrest
 - e. Booking

Next Steps

1. Discuss outreach strategy: how do we most effectively include input of other medical marijuana patient/provider organizations operating in King County?
2. Begin circulating draft proposals
3. Schedule next meeting