

Dear Ann Arbor Council members

May 20, 2011

I am happy to have a "clean draft" of the medical marijuana dispensary ordinances regarding zoning and licensing.

The draft on licensing seems to have been cleaned up (it omits cultivation facilities and reflects most of the changes that council voted on).

The draft regarding zoning is outdated and wrong. It still constantly references "cultivation facilities" (which council has TWICE voted to remove from these ordinances). NO

Also, it still has the part about demanding zoning compliance permits from regular caregivers growing less than 72 plants (5b). Council voted against requiring zoning compliance permits for regular caregivers. This has been reflected in the revised licensing ordinance (7:502.9) where it (accurately) says "Medical marijuana home occupations do not require licenses but may register..." NO

PLEASE, THE ZONING ORDINANCE DRAFT NEEDS TO BE CHANGED TO REFLECT WHAT COUNCIL HAS ALREADY VOTED ON! With "good faith" we could quickly wrap this up.

OTHER NECESSARY CONSIDERATIONS (After the stuff about *zoning compliance permits, cultivation facilities and home occupations* have been removed from the ZONING draft)

Zoning Ordinance -

- 1) The title of the zoning ordinance should be made consistent with the title of the licensing ordinance, which is "Medical Marijuana Licenses for Medical Marijuana Dispensaries". The title of the zoning ordinance should not be "Regulations Concerning the Medical Use of Marijuana", a consistent title would be "Regulations Concerning Medical Marijuana Dispensaries". PLEASE change the title, and make the sentence below the title reflect the new wording! Thank you.

Licensing Ordinance -

1) 7:502.6 is absolutely malicious and pernicious, diametrically at odds with both the city charter (section 16) and the will of 79% of Ann Arbor voters. It now reads

(6) The issuance of any license pursuant to this chapter does not create an exception, defense or immunity to any person in regard to any potential criminal liability the person may have for the production, distribution or possession of marijuana. *But The City Charter Does*

This sentence is designed only to hurt, otherwise it is superfluous. It is the OPPOSITE of the clear intent of Ann Arbor voters (who would like to see patients and caregivers protected as much as possible). This paragraph should be REVERSED since the city of Ann Arbor (right in the city charter itself, by a 74.28% majority) creates these "exceptions, defenses, and immunity" for any person who is dealing with medical marijuana.

All city officials must uphold and defend the City Charter. It clearly says:

Ann Arbor
Defends
These
in
The
Charter

"No Ann Arbor police officer, or his or her agent, shall complain and the city attorney shall not refer for prosecution any complaint, of the possession, control, use, giving away, sale or cultivation of marijuana or cannabis upon proof that the defendant is recommended by a physician..."

Therefore, please drop this pejorative paragraph. Please include wording from the city charter and explain that this ordinance was specifically authorized in 2004 by a city charter amendment.
Please support our patients and caregivers, don't gratuitously strip away protection!! PLEASE MENTION THAT THIS ORDINANCE IS ENABLED AND DEMANDED BY OUR CITY CHARTER.

2) 7:504(2)g - I thought this was already changed also. A landlord would have to be able to provide VERBAL assurance that he or she is in support of granting a license. No landlord in his right mind would actually put his signature on something that said he was consenting to a (federally) illegal use. They would have to be poorly advised or crazy. The demand for a SIGNATURE means that you are demanding that the landowner agrees to have his land confiscated by the government. ANN ARBOR VOTERS SUPPORT FEDERAL CIVIL DISOBEDIENCE ON THIS TOPIC – IF LANDLORDS HAVE TO "SELF INCRIMINATE" (IN WRITING) WE WILL NOT HAVE DISPENSARIES. (None of us would sign such a form if we were landlords!)

Verbal

3) 7:506.4(d)...about putting the PRICE of the medicine on the package.

I thought we already took care of this. If we just think for a moment it is obvious that putting the dollar value of the medicine on the package is really nuts. There is NO logical reason for it. It simply sends the message "Steal me and you can get money". Price information is NEVER on prescription bottles obtained from a pharmacy, for these obvious reasons. Please drop it! Thank you. (Price information also gives the feds more info to use if they decided to prosecute a dispensary.)

4) 7:506.5 and 7:506.10 REQUIREMENTS FOR RECORDS, THIS IS THE BIGGIE

Ann Arbor citizens DO want to preserve health and safety and they DO NOT want to put patients and caregivers into danger. Any requirement to preserve detailed records for more than 30 or 60 (or even 90) days is punitive and dangerous. It serves no health purpose and could very well get innocent and good people into big trouble. PLEASE STOP FOR A MOMENT AND FIGURE OUT HOW YOU WOULD INTEGRATE A 5 YEAR MANDATORY MINIMUM SENTENCE INTO *YOUR* LIFE. A list of suppliers that was kept for a full 12 months would be a primary target for the feds. Don't put good people in great danger for no reason.

5) Also, 7:606.5 is *way too open ended*.

EXACTLY WHO* GETS TO INSPECT THESE DOCUMENTS AT A DISPENSARY? FOR EXACTLY WHAT REASON?

This section must spell out **"WHO" AND "WHY" VERY CLEARLY**, and restrict it as much as possible. It **MUST** end with the words **"and for no other reasons"**. Please be **safe** rather than **sorry**. It will do us no good if caregivers are thrown in jail and council members say "Oh my, I didn't think the feds would really do that".

7:506(10) is the same thing, putting good people in danger of having their lives destroyed for no reason. Any public health concerns can be addressed by keeping records for 60 days. Any list kept for a long time is super dangerous!

YOUR GOALS WOULD BE ACCOMPLISHED IF 7:506(10) READ LIKE THIS:

"A medical marijuana dispensary shall keep records of the registered primary caregivers from whom they receive marijuana from in any form for a minimum of 60 days, and shall make the records available to the city of Ann Arbor upon request only to promote health, safety, and welfare, or to otherwise verify compliance with this chapter, and for no other purpose."

You know our citizens support medical marijuana at the 79% level, and they support well run dispensaries.

We need to get this done, but we really need to do it right. Sincerely, Chuck Ream