



STATE OF CALIFORNIA
OFFICE OF THE ATTORNEY GENERAL
KAMALA D. HARRIS
ATTORNEY GENERAL

December 21, 2011

Re: Medical Marijuana Guidelines

Dear Partners and Colleagues:

As the state's chief law enforcement official, I am troubled by the exploitation of California's medical marijuana laws by gangs, criminal enterprises, and others. Senior members of my staff recently concluded an almost yearlong series of meetings with representatives across the state from law enforcement, cities, counties, and the patient and civil rights communities. The primary purpose of the meetings was to assess whether we could clarify the medical marijuana guidelines that my predecessor published in 2008 in order to stop the abuses.

These conversations, as well as the federal government's recent unilateral enforcement actions, reaffirmed that the facts today are far more complicated than was the case in 2008. The consensus from our conversations is that state law itself needs to be reformed, simplified, and improved to better explain how, when, and where individuals may cultivate and obtain physician-recommended marijuana, and to provide law enforcement officers with guidelines for enforcement. In short, it is time for real solutions, not half-measures.

At the same time, almost every group of stakeholders has asked me to postpone issuance of new guidelines until the courts have acted in a number of key cases. Because I have come to recognize that non-binding guidelines will not solve the problems with the state's medical marijuana law, I have decided to honor this request and am urging the California Legislature to amend the law to establish clear rules governing access to medical marijuana.

We cannot protect the will of the voters, or the ability of seriously ill patients to access their medicine, until statutory changes are made that define the scope of the group cultivation right, whether dispensaries and edible marijuana products are permissible, and how marijuana grown for medical use may lawfully be transported.

I have begun discussions with the California Legislature about legislative solutions. One point is certain—California law places a premium on patients' rights to access marijuana for medical use.

I look forward to working with you on these issues going forward. Please do not hesitate to contact my office if you have questions or concerns.

Sincerely,

KAMALA D. HARRIS
Attorney General