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Medical Marijuana shop owners appeal to City Council for help

After 75% of registered stores are disqualified, a small group of sellers and patients rallies at City Hall.

By John Hoeffel, Los Angeles Times

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Incensed by the city's determination that just a quarter of the registered Los Angeles medical marijuana dispensaries are qualified to remain open, about 80 operators and advocates held a subdued rally Tuesday and then trooped into City Hall to demand that the council intervene.

The protest's only speaker was Don Duncan, a Los Angeles resident who is the state director for Americans for Safe Access, an advocacy organization. Standing on a planter next to placards that went unused and donuts that went uneaten, he exhorted those in the small assembly to call their City Council members.

"I say shame on the council for letting this process go on autopilot," he said. "Don't be discouraged. Don't be cynical. Stand up and fight some more, and we're going to win this."

The city clerk's office has decided, based on legal advice from the city attorney's office, that 128 of the 169 registered dispensaries applying to remain open are ineligible. Many were eliminated only because they had added managers since they registered with the city in 2007. A little-noticed requirement in the city's medical marijuana ordinance, which became effective in June, requires the same management. Among those hit by the provision were many of the most politically active dispensary operators.

The rally's organizer, Yamileth Bolanos, who runs PureLife Alternative Wellness Center and heads a group of registered dispensaries, brought the activists to their feet with an impassioned plea before the City Council. Bolanos, who said she is a three-time cancer survivor, has had a liver transplant and has diabetes, high blood pressure and ulcers, has added managers to help her in the last three years.

"How am I supposed to run my collective alone? Who in the hell did you guys think was running my collective when I was here talking to you guys, trying to make you understand?" she shouted, her voice shaking. "Do not let us down. I'm begging. I'm begging you. Do not let us down today."

Councilman Ed Reyes, who oversaw the creation of the ordinance, said he will meet with city officials to discuss its implementation. "It's a living document," he said. But he said he was wary of interfering with the winnowing process. "Weeding out who is legitimate is very difficult," he said.

Bolanos said she was disappointed by the small number of supporters who turned out. "I think it's

awful that there's so much lack of concern by the patients of Los Angeles," she said.

Heather Boswell, who cradled a Jack Russell terrier she has as a service animal for emotional support, said she uses marijuana for manic depression to balance the medication she takes. "My motto is I don't get high, I get even," she said. She noted that the ordinance restricts patients to one dispensary and said the one she has come to rely on, Cornerstone Research Collective, was declared ineligible because of management changes. If it closes, she said, "I will be in a very bad situation."

Michael Backes, who runs Cornerstone in the Eagle Rock neighborhood, predicted that many pieces of the complicated ordinance would not stand up in court. "When this thing ends up being chopped up with scissors by the Superior Court, the City Council is going to have to step up," he said.

The city has sued the ineligible dispensaries and asked Los Angeles County Superior Court Judge Anthony J. Mohr to rule on whether the city's procedure is legal. About 80 dispensaries have also sued the city.

Councilman Jose Huizar, who led the effort to put a cap on the number of dispensaries, said, "There's going to be a lot of kinks in any new legislation." He said the city attorney's office has advised the council to let the court cases proceed.

"Look, we have to see what the judge rules," he said.

He said he believed Los Angeles would end up with sufficient dispensaries. "When all the dust settles, medical marijuana patients will have access," he said, "but we're going through an uncomfortable time."