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Item # 3

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2 pages



Amendments to Medical Cannabis ordinance

1 message

Cool Consultations <coolconsultations@gmail.com>

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Cc: Creighton Avila <creighton.avila@edcgov.us>, Breann Moebius <breann.moebius@edcgov.us>

Dear Planning Commissioner's and Members of the Board,

My name is Bobby Eisenberg and I have had the great pleasure of working with El Dorado County agencies over the last 10 years in crafting the current ordinances we have (4999 & 5000 originally) for the cultivation and dispensing of cannabis, as a patient advocate along with Mitch Fadel.

I have been managing Medical Cannabis Clinics with Doctors in the County for over 15 years and have worked closely over that time with thousands of patients from El Dorado and the surrounding counties.

This time and experience has given me as great an understanding of the patients needs, with regard to cultivation and utilization, as those of the great recommending physicians I work with.

I currently work for Dr. Beverly A. Mikuriya at Cool Consultations Inc., in Cool, CA. Her brother Dr. Tod Mikuriya worked for Richard Nixon in 1970 on the Shafer Commission, otherwise known as the National Commission on Marijuana and Drug Abuse. I met him in 1997 after a dear friend of mine died in my arms from a brain tumor in 1996. He became my mentor and friend. Dr. Tod co-authored Proposition 215, the COMPASSIONATE USE ACT voted into law in November of 1996 and *still* the law in California today.

Due to the current situation we find ourselves in, relating to the Covid-19 virus, I'm writing today on behalf of hundreds of patients in El Dorado County who continue to consult with, in person and **not** online, Dr. Mikuriya and her Associates. An overwhelming number of patients have inquired out of fear over the last week about the proposed changes to our cultivation ordinance.

I'm not comfortable at this time continuing to encourage patients to attend the meeting on March 26th.

The majority of Dr. Mikuriya's patients are dealing with serious medical conditions and compromised immune systems. I feel that we'd not only be putting their health at risk but those of us, including you all, as well.

We empathize with our Sheriff over the murder of Deputy Sheriff Ishmael and our hearts and prayers go out to Deputy Sheriff Ishmael's family. A tragedy we will not soon forget!

There's no doubt that El Dorado County has a problem with illegal commercial cannabis farms but as I've stated year after year, it's not the patient gardens that are causing the problems. This is the very reason we moved to square footage restrictions and not plant counts. We have 200sq. ft., 400 sq. ft. and 600 sq. ft. gardens based on parcel size and patient care. These gardens are not contributing to the black market. These are "not for profit" gardens that were created to protect the **patients rights under the law in California** while working with law enforcement and the community to provide guidelines to protect all concerned.

Most of our patients are surviving on social security, disability and workman's comp as their only source of income. The price of cannabinoid medicines went up after so called legalization, not down, so it doesn't matter that there is increased availability at the dispensaries if the prices make the product unaffordable. Most patients simply can't afford to buy it and the fact is most of the patients have been growing their own for 10, 15 and 20 years here in our County without any problems and they've found particular strains that work for them. There are over 2000 different strains that have been hybridized and available, but not necessarily at any of our local dispensaries. There are newer strains in the last 10 years that offer lower THC and higher CBD profiles thus making them less psychoactive (high). These are not as easy to find which is another reason patients need to be able to maintain these strains which would require the ability to maintain mother plants. It's more complicated than many people realize.

I understand that the Sheriff is upset and I don't blame him one bit but taking punitive action against the sick and disabled is not the answer yet that is what is being proposed.

The patients feel as though they are being punished for the behavior of criminals.

South Lake El Dorado Narcotics Enforcement Team (SLEDNET) guidelines years ago allowed for 20 plants in the spring cutting back to 10 plants in the fall, no square footage restrictions. We've always started with twice the number of plants that a patient would hope to end up with. Even SB420 guidelines permitted 12 plants in the spring cutting back to 6 in the fall. This is due to the fact that patients who start from seed or clones may lose plants to bugs and weather and in the case of seeds, sometimes those plants end up as males. It's the female plant that produces the flowers that yield the trichomes or resinous glands that contain the highest quality medicine. The males are pulled up as soon as they're identified so as to not pollinate the females. The pollination causes the production of seeds in the female plant which takes energy away from the production of the medicine, simply put.

As I have stated, I've had the pleasure of working with many Board members through the years on these matters and the general consensus has been that the compromise we reached with the square footage restrictions has been workable. There is no reason to back away from the structure we have in place. To do so would truly create hardship for many more people than you may realize. Patients don't generally publicize the use of their medicines.

It's also somewhat offensive to our patients to be compared to recreational users. Most medical cannabis patients require much more cannabis than a recreational user. The majority of patients seen at our office are moving away from smoking it on our Doctor's advice and instead are utilizing the medicine in an edible form or as a topical application which requires more plant material than the requirements of someone who only smokes it.

Another reason for concern on the part of the patient community is that we have multiple patient households and 6 plants per property will not cover these families. It just wouldn't be fair or humane to take the benefits cannabis provides away from patients who have legally grown, possessed and utilized this healthful plant for decades in El Dorado County.

6 plants is state law for recreational users. I do not believe that it was the voters intention nor the intention of Proposition 64 to restrict the patients ability to cultivate and possess the amount of cannabis determined appropriate by the patient's Doctor. There has been leeway provided to cities and counties to allow for more than 6 plants in the case of medical patients, not less.

This is why our current ordinance provides the best of both worlds for all concerned. Law enforcement can surely determine the difference between a small medical grow and an illegal commercial garden. The illegal gardens are not complying with the ordinance and they never have, but we don't throw the baby out with the bath water.

The patients with valid recommendations do comply, for the most part. There will always be bad actors but they should not be allowed to negatively impact the lives of those who do comply.

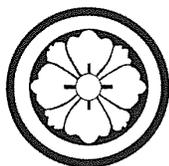
I ask that you please consider your constituents who truly rely on your understanding and compassion at this time.

I am always available to speak with any and all of you if I can be of further assistance.

Thank you for your time and consideration!

Sincerely,

Bobby Eisenberg
Manager and Custodian of Records



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