

Alameda County reins in pot clubs

By Guy Ashley
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OAKLAND - With several East Bay cities cracking down on medical marijuana dispensaries, Alameda County supervisors passed an "urgency" ordinance Tuesday banning new clubs in unincorporated areas, where they have gravitated.

The law will likely be in effect only 45 days -- though it could be extended, if needed -- while county officials finalize rules for pot clubs in unincorporated areas.

Tuesday's 5-0 vote signaled the need for more immediate action by the county in the wake of recent regulations limiting pot club operations in Oakland, Hayward, Berkeley, Emeryville and Fremont.

Those new laws appear to have caused several cannabis dispensaries to move to unincorporated areas, bringing to seven the number of clubs now clustered in the Ashland and Cherryland areas, between Castro Valley, San Leandro and Hayward.

"We have received many calls expressing concern about these operations," said Supervisor Alice Lai-Bitker, who authored the moratorium. "We cannot allow more dispensaries to be established while we work out our regulations."

An advisory committee that includes community members, law enforcement and planning officials has been working on a county pot-club law, which it hopes will be ready for adoption before the moratorium ends.

The law would specify allowable locations, hours, and the total number of dispensaries allowable in unincorporated areas.

Sean Bruett, who manages one of the unincorporated area's most established clubs, the Health Center on East 14th Street, said the interim law is not necessarily a bad thing.

"If this area became known as the place where the cannabis clubs are, that could lead to some negative feelings," he said. "We don't think what we do is a bad thing, but we want to keep everyone in our community happy -- not just the patients."

The dispensaries became a reality when California voters passed Prop. 215 in 1996, making it legal to use the drug for medical purposes.

But the law failed to clear up some questions, including where medical marijuana can legally be produced and whether federal statutes outlawing marijuana trump the provisions of Prop. 215.

Next month, the U.S. Supreme Court is scheduled to hear arguments on whether federal authorities can prosecute patients and caregivers and confiscate their marijuana. Plaintiffs include Angel Raich of Oakland, who uses it to ease problems caused by a brain tumor and a wasting disorder.

Meanwhile, recent activity shows that resolving questions of who can legally use marijuana remains high on the agendas of many Alameda County residents. In Oakland, the city council passed a law this year limiting to four the number of dispensaries that may operate within city limits. That marks a sharp decrease of such operations in a town that had earned the name "Oaksterdam" in some circles due to its many pot clubs.

The action prompted several neighboring cities to adopt similar laws.

Oakland's reputation as a hemp haven may be enhanced further next week, when residents will vote on Measure Z, which would make violations for sales, possession and cultivation of marijuana by adults the lowest priority for police.