

EDITORIAL: Medical marijuana ban needs a fix

By The Fresno Bee Editorial Board



The Fresno County Board of Supervisors needs to go back to the drawing board on its medical marijuana ordinance.

ASSOCIATED PRESS FILE

here is only one direction that the Fresno County Board of Supervisors should go with its draconian medical marijuana ordinance: back to the drawing board.

Monday's day-long appeals hearing for medical marijuana cultivators and property owners offered ample evidence that \$1,000-a-plant fines and an outright ban on medical pot aren't in the best interests of county residents.

We sympathize with the five supervisors who in January unanimously approved an ordinance banning all marijuana cultivation in the county's unincorporated areas. Too many people were gaming the system. Unscrupulous doctors were granting cards that allowed their patients to grow as many as 99 plants. Huge medical marijuana farms were sprouting all over their county — causing serious problems for neighbors and triggering violent crime.

The supervisors reacted to the complaints and the rise in crime, but in doing so approved an ordinance that is impractical and punishes people who rely on medical marijuana to control pain.

What's wrong with the ordinance?

The fines are so excessive that there is little chance they will be paid. Thus the ordinance fails to deter growers from planting large amounts of marijuana.

The ordinance lacks compassion and totally ignores the fact that marijuana has medicinal value. For some people in pain, smoking marijuana might be the only means of relief. These people are not potheads, nor are they drug kingpins trying to cash in on the state's medical marijuana law. They are folks looking for a decent night's sleep or are seriously ill and looking to spend the last year or days of their lives unaccompanied by searing pain.

The Board of Supervisors should not be hearing the appeals from growers and property owners cited by the Sheriff's Office for violating the ordinance. Board members are not judges. Only one of them, Chairman Andreas Borgeas, is a lawyer.

In addition, the supervisors have many responsibilities. They should not be spending entire days hearing medical marijuana citation cases. These appeals instead should be considered and ruled on by a county-hired hearing officer who is a lawyer or a retired judge.

To ensure that the appeals are fairly considered, skilled interpreters must be provided. Many of the people seeking reductions in the fines, which often total tens or hundreds of thousands of dollars, speak little or no English. At Monday's hearing, some relied on family members as interpreters, leaving the board to guess as to whether the translations were accurate.

The board also formulates decisions on the testimony of sheriff's deputies who sometimes read from reports written by other deputies. People challenging the fines should be able to ask questions of the deputies who actually were on the scene and issued the citations.

Finally, the county should consult with respected medical professionals and then revise the ordinance to allow individuals with medical cards to grow small amounts of marijuana for personal use.

The Board of Supervisors was right to clamp down on the glaring abuses of Proposition 215, the state law that allows use of medical cannabis. Fresno County's response, however, needs revision.

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