

Prescription for change

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S.F. Calif. -- At Alternative Herbal Health Services, a marijuana club on lower Haight Street in San Francisco, a high-quality joint costs \$5. Pot brownies are for sale, along with chocolate bars, suckers and peanut butter and jelly infused with marijuana.

Different varieties of pot ranging in taste, price and quality are stored behind the glass counter in 41 small drawers.

"That's more than Baskin-Robbins," says Wayne Justmann, a 60-year-old marijuana activist and patient who frequents the small club and helps 26-year-old owner Jason Beck run the place.

But opening a Baskin-Robbins or any other business in San Francisco requires obtaining city permits and licenses -- a step that just a handful of pot clubs have taken, according to city records.

The city has no regulations regarding the 43 clubs Mayor Gavin Newsom says are open now, more than the city's estimate of 37 thought to be in operation when a moratorium on new clubs was set by the Board of Supervisors at the end of March.

Nor does the city regulate doctors and suppliers who make up the other parts of the city's medical marijuana infrastructure that has burgeoned since passage of Proposition 215, the 1996 California law that sanctions the use of the drug for qualified patients. Doctors say they are writing a great number of prescriptions for a wide range of maladies.

Meanwhile, an underground network of pot suppliers is growing and transporting large quantities of cannabis into and around the city every day.

The hands-off attitude has allowed San Francisco to become host to more pot clubs than any other city in the United States. The federal government bans the sale, possession and use of marijuana for any purpose. The Drug Enforcement Administration has taken some action against clubs, but agents have not done a full-scale assault on clubs in the city.

Until now, there has been no political will to address the issue on a civic level, according to San Francisco Supervisor Ross Mirkarimi. Club owners, marijuana patients, doctors, police and city officials all say the lack of regulation and the uncontrolled growth in clubs now threatens the legitimacy of the city's medical marijuana system. All of them also support the mayor's and the Board of Supervisors' desire to begin regulating the clubs.

On Monday, a Board of Supervisors committee will hold the first public hearing on club regulations. On Thursday, the mayor announced a list of regulations he wants the city to adopt. How the supervisors decide to act could set a national standard for regulation.

San Francisco police say there's more pot on the city's streets now than any time during the past three decades. They complain that even gang members and drug dealers buy marijuana at the clubs and sell it on the street. There is little police can do about it.

"It's part of the politics of the situation, the ambiguity of the laws. All that takes the focus off marijuana enforcement because it's so difficult to get a conviction," said Capt. Tim Hettrich, head of the city's vice and narcotics division.

Meanwhile, Hettrich said, some doctors ask patients for little more than cash in order to give them the crucial medical recommendation, which patients take to the Department of Public Health, where they obtain city-issued medical marijuana cards. A card, which looks similar to a driver's license with photo identification, is the key for entry into the clubs.

On a Wednesday evening a few weeks ago, a man in his 20s, who declined to give his name, stood near Golden Gate Park at Stanyan and Haight streets selling marijuana. When a reporter asked him which clubs in the city allow people in without medical documentation or a card, the man scoffed.

"Just get a card, it's only \$250," he said, recommending back pain as a viable medical complaint -- it worked for him.

Doctors do not deny giving medical marijuana recommendations to gang members or other shady characters.

"I try not to judge. A lot of them have gunshot wounds and knife wounds that lead to nerve damage," said Dr. Jean Talleyrand, who runs 10 clinics throughout California that specialize in medical marijuana referrals. While clubs are the most obvious targets of

regulation, city supervisors say doctors who write recommendations and growers who supply the clubs also could face sanctions. In imposing rules, city officials will have to navigate the tricky territory of regulating a federally prohibited substance.

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At his Haight Street shop, Jason Beck -- who is a patient as well as the club's owner -- keeps no records of what he sells or whom he sells it to, just in case federal agents drop in, he said.

"You keep it all up here," he says, tapping his finger on his temple. Beck also owns a club on Santa Monica Boulevard in Los Angeles.

The Haight Street club is open from 11 a.m. to 8 p.m. Monday thru Saturday and noon to 5 on Sundays. Patients can buy up to 2 ounces of pot every day, even on Christmas. An ounce, which ranges from \$60 to \$300 on the club's price list depending on quality, would be enough for 50 to 60 average-size joints, Beck said.

To gain entry past the metal door and into the main room, decorated with Day-Glo murals, patients show their city-issued card that verifies a need for medical marijuana. (The state of California will begin issuing similar patient cards this summer.)

The cards -- the city's way of identifying patients who qualify under Prop. 215 -- entitle holders to carry up to a half-pound of marijuana and possess either six mature plants or 12 immature plants. The cards also are required for entry into most city clubs, though some also take doctors' notes.

In 2000, the first year that cards were issued by the city, 754 city residents received them. In 2004, 7,014 cards were issued, an increase of 830 percent in just four years. Currently, 8,200 city residents have valid cards, and about 25 cards are issued each day.

Those numbers include renewals of expired cards, however, making it impossible to know exactly how many new people receive cards each year.

The city does not know how many pot clubs exist. Until 2003, there were five or six clubs, said Wayne Justmann, a major advocate of the medical marijuana movement since the first major club in the country opened on Market Street in 1994.

In early 2004, Oakland, which had the largest concentration of pot clubs in the Bay Area, limited the number of clubs in the city to four. Police and club owners say that's when

the explosion of clubs in San Francisco began. This expansion is encouraging to people who view medical marijuana as a half-step to full legalization of the drug. But it hasn't swayed the Drug Enforcement Administration. "According to the federal statutes, there is no such thing as medical marijuana. There is no accepted medical use," said Richard Meyer, spokesman for the DEA. However, "Our No. 1 priority in California is methamphetamine, not marijuana," he said. Marijuana is second, agency officials said.

Fear of eventual federal consequences has stopped many doctors from making recommendations for medical marijuana.

That has created a market for people like Talleyrand, who is one of a handful of doctors who make the bulk of medical marijuana recommendations that allow city residents to obtain an ID card, according Anne Okubo, financial officer at the department of public health who oversees the daily operations of card distribution.

Talleyrand, 37, came to San Francisco in 1995 for residency work at San Francisco General Hospital after graduating from Boston University.

He said he is more fulfilled working with marijuana than practicing traditional Western medicine, and in January 2004, he founded Medicann, an organization of five medical marijuana clinics throughout the state that has grown to 10 clinics today.

Two of those clinics are in San Francisco; others are in Oakland, San Rafael, Santa Cruz, Sacramento and Stockton, and three are in southern California.

Talleyrand's Medicann runs weekly advertisements in local newspapers with "Only \$100 examination fee. Lowest in California," prominently displayed.

The ad lists medical problems considered worthy of a recommendation for a card, including migraines, nausea, chronic pain, backache, menstrual cramps, depression, glaucoma, and other conditions.

"Marijuana has little side effects. If you get to know the patient and they tell you it's helpful, it probably helps them," Talleyrand said. Marijuana is an alternative to over-the-counter painkillers or harsh opiates and other narcotic pain medication, he said.

"Those things really wreck you if you take them long term," he said. "Marijuana is finding a niche where it's the intermediary between the two."

Prop. 215 allowed marijuana recommendations for people with cancer, anorexia, AIDS, chronic pain, spasticity, glaucoma, arthritis, migraine, or "any other illness for which marijuana provides relief." The 1996 proposition's purpose is to ensure "seriously ill Californians have the right to obtain and use marijuana for medical purposes," according to its text.

In San Francisco, doctors sign a physician's statement -- a city document printed on green paper -- listing the patient's name, his or her medical condition, and the doctor's license number and office information. Doctors also decide how long the recommendation is valid, with a limit of two years.

The city verifies the information by calling doctors whose names they don't recognize or -- with the doctors they frequently see -- by making sure the form is complete, Okubo said.

The form is returned to the patient, who pays a \$25 fee for the card, and the only recorded information is the card number, when it was issued and when it expires. The city maintains no list of patient names.

"It's a fairly straightforward process from our point of view," Okubo said.

Talleyrand's clinics have a paid staff of 30 people statewide. About 500 people receive recommendations from his clinics each week -- 10 to 20 are turned away -- and the most common ailment is pain, which accounts for about half of all medical conditions, he said.

Doctors ask patients to bring in documentation of their ailments from their primary physician and then spend about 15 minutes looking at the patient's medical history and deciding whether to give a recommendation, he said. Talleyrand or other doctors will also make diagnoses, but he said that is less common.

"I take every illness seriously," Talleyrand said. "I want to see if the illness is affecting someone's daily life. If they're willing to pay the price and go through the long line of a medical office, it's affecting their life. It's a judgment call. (The law) asks me to decide what is serious in someone's life, and it's a difficult question."

He said the point of advertising his price as the lowest was to contrast against doctors who charge as much as \$300 for a recommendation. Like Talleyrand, several other

doctors in the Bay Area have full-time practices that consist only of making pot recommendations.

6 But not everybody who holds an authentic pot card has seen a doctor. Of the 8,200 current cardholders in San Francisco, 2,132 are designated as caregivers, who under Prop. 215 are responsible for housing, health or safety of the actual patient. These caregivers have the same ability to buy pot as the patient, and San Francisco allows each patient to designate as many as three caregivers.

"They usually come in fours, en masse," said Eileen Shields, spokeswoman for the department of health.

Only signatures from the patient and caregiver are required for the additional cards.

Police Capt. Hettrich said he suspects the only real requirement for getting a patient card is paying an exam fee.

"Because it's so easy to get a medical marijuana card, all the thugs out in Hunters Point, the Bayview and the Western Addition that are members of gangs picked up medical marijuana cards and can possess a half-pound of marijuana," he said, adding that there is now more marijuana for sale on city streets than at any time in his 34 years on the force.

And, while most clubs allow customers to buy only 1 or 2 ounces, a higher half-pound limit was set by new California legislation in 2004. Much of that, according to Hettrich, ends up on the open market.

"What they do with a half-pound is they break it up and go out on the street and sell it," Hettrich said.

While most clubs will only admit card-carrying patients or caregivers, people try to enter with no card or other documentation, club owners say. Those people are given contact information for doctors like Talleyrand, or Dr. R. Stephen Ellis, who runs the www.potdoc.com Web site.

Ellis charges \$250 -- cash only -- for a recommendation. He refused to be interviewed for this article.

Both Kaiser Permanente and Blue Cross allow their doctors to give recommendations -- the organizations do not interfere in doctor-patient relationships, officials said -- but instead of signing the form, many Kaiser doctors provide a letter that is accepted by the city.

Despite police assertions to the contrary, cardholding patients say getting a doctor's recommendation is not just a rubber-stamp procedure.

Darci Sarchetti is 53 years old, disabled, and uses a wheelchair to stay mobile.

"I went to my primary doctor and talked with her about (a recommendation). She didn't feel she knew enough personally about the issue to get involved," said Sarchetti, who was referred to another doctor and received a thorough examination.

"It really isn't that easy to get," she said.

Martin King is HIV-positive, but said his doctor at the Magic Johnson clinic would not sign a recommendation and he instead went to a doctor's co-op for approval.

He buys his marijuana from MendoHealing, a club near 11th and Howard streets that has been the subject of recent complaints.

"This helps me a lot. Who wants to be buying stuff off the street? You don't get the quality, you don't get the quantity. These people are a godsend," King said. MendoHealing's plain brown interior with rows of chairs predominantly occupied by the sick, poor and elderly resembles a Social Security Administration office, though young and healthy people are there, too. On a recent day, 13 people waited in line while the Beatles' "Revolution" played on the stereo. No smoking is allowed inside or in the immediate vicinity.

Twice a week, the club gives out what are known as "compassion joints," which are free marijuana cigarettes for poor patients and are a common feature of clubs. Several hundred people, cards in hand, line up outside MendoHealing on compassion mornings.

The club grows its own supply of marijuana in Mendocino County, which keeps costs down and profits high, said club manager Alan Novey.

"There's money being made, no question," he said.

Other club owners, relying as they do on vendors who operate like door-to-door salesmen, say they do not make huge profits, and some, like Noah Tao Lundling, who operates an Ocean Avenue club, struggle to break even.

Lundling's supply comes from patient-growers who frequent the club. He takes a percentage of the sale, and they get the rest.

"We only take 4 ounces from one person at a time. We're staying out of the big-grow operations. If organized crime tried to get involved, it wouldn't be worth their time," said Lundling, 24.

While Novey's club makes a large profit, he said he gives back to the community. Every month the club donates \$1,000 to the San Francisco Food Bank, he said, and the club helps buy educational supplies for a San Francisco classroom it has adopted.

"We are committed to giving large sums of money to the community, not just taking the money and running," he said.

But the club's popularity -- especially during evening rush hour and compassion joint mornings -- has infuriated nearby residents who say the club has ruined the quiet neighborhood that is tucked away between busy city streets.

"I would be real happy if they left. They've dramatically changed the atmosphere," said Steve Miller, who owns nine units on Lafayette Street.

There is constant traffic and patients often double-park while inside the club, neighbors said. Often, they walk down the block and smoke or sell their marijuana, said one man named Doug, who declined to give his last name. Doug said he does not object to medical marijuana -- he has advanced HIV and is a patient himself, though he grows his own.

On Ocean Avenue, the local merchant association has complained. Merchants worry about violence associated with the clubs -- Lundling was robbed at gunpoint in January - - and they don't like that the two dispensaries in the neighborhood are within a few blocks of one another.

Not all merchants mind.

"I know some people don't like it around here, but I don't care," said Ed Soss, an optometrist whose office, The Contact Lens Place, has been on Ocean Avenue for 35 years and is two doors away from a club.

"Occasionally I smell marijuana. But if people have to have it, let them have it. As far as I'm concerned, they shouldn't outlaw it anyway. It should be legal," he said.

Talleyrand believes medical marijuana is challenging popular myths about medicine -- such as the most basic question: What is medicine? -- and he prefers to think about issues in terms of health.

"In medicine, my job is to assess your health and get you back into a healthy state. Things that help that, I'm an advocate of. ... What is medicine? Good nutrition is good medicine, I think. Good exercise is good medicine. Taking a pill chronically can be bad medicine. It's the same thing with medical marijuana. The goal is to get off the marijuana and get healthy."

Some city officials say bluntly that regulation of medical marijuana is one major step toward a bigger goal.

"Ultimately speaking, if we're able to demonstrate a sound and reasonable system for medical cannabis clubs," said Mirkarimi, one supervisor leading the effort for regulations, "we can make an even more credible case for decriminalizing marijuana altogether."

Note: With 43 medical marijuana dispensaries in San Francisco operating with no oversight, city officials debate how to rein in growth of the shops and those who abuse Prop. 215's intent.