



OFFICE OF THE DISTRICT ATTORNEY

County of Lake, State of California

Gerhard W. Luck
District Attorney

Jon E. Hopkins
Chief Deputy District Attorney

January 8, 2001

Re: California Compassionate Use Act

Dear

I am in receipt of your request for all training bulletins, directives, and or policies implementing the California Compassionate Use Act in the County of Lake. Although the voters of this state passed the medical marijuana initiative known as Proposition 215 legalizing the use of marijuana for medical purposes, the initiative did not set specific parameters or guidelines nor did the initiative change state and federal laws making the cultivation, processing, sales, transportation, or possession of marijuana legal.

The passage of the initiative *merely* provides those individuals with a doctor's recommendation or prescription for marijuana with a potential defense to a prosecution for marijuana related charges. The defense is limited and available only to an individual who demonstrates that he/she has a medical necessity for the use of marijuana. Prop 215 does not give anybody the right to possess marijuana in unlimited quantities. The passage of Prop 215 did not vest anyone with the legal authority to set "across the board" possession amounts. As the District Attorney for the County of Lake, I have taken an oath of office to uphold both the Federal and California Constitutions and the laws of the State of California. My power and authority is vested therein. I can find no authority that allows me to set a standard for the usage or possession of marijuana. In implementing the spirit and provisions of Prop 215 in Lake County, this office has and will continue to review medical marijuana claims on a case by case basis.

If you have any further questions, please do not hesitate to ask.

Sincerely

A handwritten signature in cursive script that reads "Gerhard W. Luck".

Gerhard W. Luck
District Attorney