

Subject: 60 MINUTES STORY ON MEDICAL MARIJUANA

California Pot Shops, Morley Safer, 60 Minutes (CBS News); 12/30/2007

SAFER: Eleven years ago, California became the first of a dozen states in the nation to legalize medical marijuana.

True believers, including many doctors, say pot works to ease pain or counter the side effects of chemotherapy. The National Academy of Sciences agrees, if the drug is carefully used.

Critics see medical use as the gateway to legalizing all marijuana.

Well, how is the California state law working? When we first broadcast this story in September, we found that the answer involves another statute -- the law of unintended consequences.

For one thing, the federal government still views marijuana, medical or otherwise, as illegal, and has been cracking down on dispensaries that sell it.

For another, it's clear there are legions of people buying medical marijuana for the sole purpose of getting high.

For both them and the truly ill in California, it's become an easy matter -- just drop into that little pot shop around the corner.

(BEGIN VIDEOTAPE)

UNIDENTIFIED FEMALE: Good afternoon.

SAFER (voice-over): Just another working day at a dispensary, as they call them, in San Francisco, where, with a note from a doctor, you can buy marijuana for anything you claim ails you, in just about any form.

UNIDENTIFIED FEMALE: Cookies, two or three different kinds of cookies, pies. We have chocolate milk also.

SAFER: In many dispensaries up and down the state, there's a tasting corner where you can sample the wares, and where you'll find any number of satisfied customers.

JAMES KUNTZ: I use medical marijuana for anxiety, neck pain and back pain. It seems to be the only thing that works that's not an opiate derivative.

UNIDENTIFIED MALE: I have a torn ligament in my knee.

SAFER (on camera): How do you take it? Do you smoke it?

UNIDENTIFIED MALE: I smoke it, yes. I use a pipe, you know, little bit at a time, when needed.

SAFER (voice-over): There are hundreds of such stores in the state -- as many as 400 in southern California alone. The people who run them are members of the state's latest entrepreneurial class, calling themselves caregivers. The feds call them something else.

Case in point: A young man of many faces named Luke Scarmazzo.

(on camera): Luke, you've been variously described as a businessman, a hip-hop artist, and, by the government, as a drug dealer. Which of the above apply to you?

LUKE SCARMAZZO: I'm a hip-hop artist first. Because that's what I've always been. And I'm a businessman, second. But I'm not a drug dealer.

SAFER: But you're in the drug business, correct?

SCARMAZZO: Correct.

SAFER: And, like a growing number of people in the business of selling medical marijuana, Luke Scarmazzo found himself and his dispensary on the receiving end of an unannounced early morning raid by the federal Drug Enforcement Administration.

SCARMAZZO: They handcuffed me and put me on my kitchen table. And one of them walked up to me and held his badge up and said, "you knew I'd be coming soon."

SAFER: And did you know they'd be coming?

SCARMAZZO: No.

SAFER: I mean no hint?

SCARMAZZO: No, not at all.

SAFER: No sense that they were on your case?

SCARMAZZO: No.

SAFER (voice-over): The DEA hits a handful of businesses like Scarmazzo's every few weeks. And in his case, business was good. In the town of Modesto, population 200,000, he sold \$4.5 million worth of medical marijuana in two years.

(on camera): You were paid a salary?

SCARMAZZO: Yes.

SAFER: May I ask how much?

SCARMAZZO: Yes. I took home \$13,000 a month.

SAFER: \$13,000 a month?

SCARMAZZO: Yes.

SAFER: That's pretty good money.

SCARMAZZO: Yes. I was working a lot of hours.

SAFER (voice-over): Scarmazzo's lawyer, Tony Capozzi, says the business was above-board, by the book, perfectly legal in California.

TONY CAPOZZI, ATTORNEY: We think this is selective prosecution.

SAFER: Selected, Capozzi says, because of this high-profile video Scarmazzo made. In some scenes, he's a well-tailored businessman, a caregiver. In other shots, he's a different man, flaunting money, pot, babes, attitude, in a manner more in tune with drug dealing than care-giving.

(SINGING) SAFER (on camera): Do you not think that it's easy to perceive that video as him...

CAPOZZI: Yes.

SAFER: ... being a smart ass...

CAPOZZI: Yes.

SAFER: ... and saying, you know, "come and catch me if you can."

CAPOZZI: In hindsight, yes.

SAFER (voice-over): Hindsight -- one more image in the hall of mirrors that medical marijuana in California has become.

The Supreme Court has upheld the DEA's right to go after dispensaries, no matter what state law might say.

And even one of the key proponents of medical marijuana says things have gotten out of hand.

SCOTT IMLER, MINISTER: It's just ridiculous the amount of money that's going through these cannabis clubs. It's absolutely ridiculous.

SAFER: Scott Imler is a minister in the United Methodist Church who's long been active in promoting medical marijuana.

Here he is 11 years ago, working to pass proposition 215, the ballot measure that legalized it. Today, Imler has second thoughts.

IMLER: The purpose of proposition 215 was not to create a new industry. It was to protect legitimate patients from criminal prosecution.

UNIDENTIFIED MALE: Proposition 215 will allow doctors to recommend marijuana to patients who need it.

SAFER: The aim back then, reflected in the television spots, was for a highly regulated system in which licensed pharmacies would dispense medical marijuana to the seriously ill.

Prop 215's backers had people with AIDS, cancer, glaucoma in mind.

IMLER: What happened when we were writing it was, as you can imagine, every patient group in the state -- and they all have their lobbies, you know, the kidney patients and the heart patient -- every patient group wanted to be included in the list. And so we didn't want to get in the position of deciding what it could be used for and what it couldn't be used for. We weren't doctors. We weren't scientists. We weren't researchers. We were just patients with a problem.

SAFER (on camera): What you're saying is you were forced to make it vague.

IMLER: We were, yes.

SAFER (voice-over): So the law voters passed mentioned not only cancer and AIDS, but any other illness for which marijuana provides relief.

A decade later, if you've got a note from a doctor, you can buy medical pot for just about any imaginable condition.

(on camera): Let me just ask you, plain and simple. Is there this proliferation because people are simply using, quote unquote, "medical marijuana" to get high?

IMLER: I think there's -- I think there's a lot of that. And I think, you know, a lot of what we have now is basically pot dealers in storefronts.

For another, it's clear there are legions of people buying medical marijuana for the sole purpose of getting high.

SAFER (voice-over): Many businesses calling themselves dispensaries or cannabis clubs advertise in alternative papers, as do doctors around the state who will give you a quick once-over and, for a price, a permit to buy.

UNIDENTIFIED FEMALE: Hi.

UNIDENTIFIED MALE: How you doing? Here to see the doctor today?

UNIDENTIFIED FEMALE: Yes.

SAFER: Station KCBS went to this Los Angeles clinic, where the waiting room was full of young people joking about what they'd tell the doctor their ailment was.

UNIDENTIFIED FEMALE: Any old thing.

UNIDENTIFIED FEMALE: I can't eat. I can't sleep.

UNIDENTIFIED MALE: Tell him it turns your sex life on.

SAFER: The doctor, James Eisenberg, saw four healthy people sent by KCBS. He rejected a 17-year-old for being underage. But after getting a brief consultation and paying \$175, the other three got their papers. **One complained of dry skin, another of hair loss. The third said high heels hurt her feet.**

DAVID GOLDSTEIN: Do you think someone who complains of foot pain because of high-heeled shoes is a legitimate candidate for medical marijuana?

DR. JAMES EISENBERG: You know, all I can do is take a patient's statements as factual.

SAFER: And in so doing, he is not breaking any state laws.

DON DUNCAN: Some people really prefer the concentrates.

SAFER: Don Duncan is something of an elder statesman in the world of medical marijuana, running three California dispensaries, including this one in Hollywood.

He concedes that compliant doctors are a problem.

(on camera): You're not naive about this, I'm sure. But obviously someone claiming to have a mild back pain, and has a friendly doctor...

DUNCAN: Uh-huh.

SAFER: ...virtually anyone, theoretically, can come in here and buy it legally.

DUNCAN: Absolutely.

SAFER: And I'm sure that happens, correct?

DUNCAN: There's bound to be abuse in the system. You know, our pharmacies are abused by people who want to abuse prescription drugs. And so it's reasonable to assume that our medical cannabis facilities are abused as well. What we really need right now are regulations that address those issues.

SAFER (voice-over): Cities around the state have been tightening the rules.

UNIDENTIFIED MALE: I don't want to see these establishments right next to a school.

SAFER: This city council hearing on limiting the number of dispensaries in west Hollywood was typical. Activists and dispensary owners were out in force, as well as people who said they rely on medical marijuana for relief from serious ailments. An AIDS patient...

UNIDENTIFIED MALE: Medical marijuana equals life -- my life.

SAFER: A man with vascular deterioration.

UNIDENTIFIED MALE: I have a deformity here, and a great deal of pain and discomfort. They help me with that.

SAFER: There's a growing number of local laws limiting the number of dispensaries in a given area and the hours they can operate.

But American ingenuity will always find a way.

Kevin Reed was forced to shut down his San Francisco dispensary because of complaints from neighbors. So he simply went into the delivery business.

KEVIN REED: Green Cross Delivery. This is Michael. How may I help you?

SAFER: Reed is up every morning, turning out a new batch of cookies laced with pot -- part of a delivery menu that includes marijuana strains for every taste -- Snow White, Super Girl, Afghan Dreams, New York Diesel.

REED: If you smoke something like this, it's just going to lay you on the couch. And you really won't be able to work for the rest of the day.

SAFER: Like many in the business, Reed is both caregiver and patient, smoking marijuana, he says, for pain relief.

REED: If I don't smoke marijuana, and then my -- my arthritis in my back just starts to inflame. You know, it starts out mildly but it just gets worse and worse.

SAFER: His couriers fan out across the city, delivering their wares.

UNIDENTIFIED MALE: Pot of gold was good.

SAFER: In theory, all the medical marijuana sold in California is grown by the patients themselves.

DUNCAN: We`re a collective. And what that means is our members grow it. They bring excess medicine here, and we provide it back to the other members. That way we have no entanglement with the illicit market.

SAFER: But skeptics say it doesn`t always work that way, that old- fashioned pot dealers can easily get a compliant doctor to make them patients, and caregivers, too.

IMLER: Most of these cannabis centers are buying their marijuana off the black market. They`re dumping millions of dollars into criminal black market.

SAFER (on camera): Marijuana, what? Coming in from Mexico or wherever.

IMLER: Some of it is. Some of these places sell hashish, which comes in from the Becca Valley in Lebanon.

SAFER: What you`re suggesting is that the traditional black market, or part of the traditional black market, is now legal?

IMLER: Yes. That`s essentially what`s happened.

SAFER (voice-over): Imler believes there are well-meaning dispensary owners doing their best to help the seriously ill. That, says Don Duncan, is his goal.

DUNCAN: We just want to serve our patients and be discreet. Obviously, federal law is still a challenge for us. Because, until federal law changes, we`re at risk from the DEA raiding our facility, confiscating our medicine, even arresting people.

SAFER (on camera): They obviously know you`re here.

DUNCAN: Of course.

SAFER: And you`re concerned that, on a whim, they`ll just decide to bust you.

DUNCAN: They could.

SAFER (voice-over): They could, and they did. Not long after our interview, the DEA raided one of Duncan`s dispensaries, arresting no one, but confiscating the marijuana. Don Duncan got there in time to watch with pro-pot protesters outside.

DUNCAN: They smashed the doors and they ransacked the building and took all of the medicine from the patients and left the place in shambles.

SAFER: As for Luke Scarmazzo, rapper and businessman, he goes on trial soon on drug conspiracy charges in a closely watched case.

In his video, he wins over skeptical authorities with his music and his charm. But real life in federal court could turn out differently.

(on camera): Are you worried?

SCARMAZZO: Worried would be an understatement. I mean, I`m facing a minimum of 20 years and a maximum of life in prison.

SAFER (voice-over): And looking back on a decade of controversy, Reverend Scott Imler concedes that good Samaritans with good intentions weren't enough. He argues it's time for the federal government to step in and legalize and properly control medical marijuana.

IMLER: Until that happens, we're going to have **what we have now**, which **is chaos**.

(END VIDEOTAPE)

(COMMERCIAL BREAK)

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