

Safe Gardening and Medicating:

How to keep your garden safely compliant with the spirit of Prop 215

Have your paperwork together

Keep a copy of your recommendation in your wallet or purse at all times, not in your car.

Post your recommendation in your grow site along with any other pertinent documents. Post the text of California HS 11362.5 in a prominent location. Keep a copy of your medical records, keep a duplicate set off site.

If you use more cannabis than 11362.77(a) guidelines allow try to get a note from your doctor confirming this.

If there are problems that effectively reduces your yield you should have a note from your doctor confirming this.

Use common sense

Don't press the edges of tolerance; leave a buffer below your local guideline maximum. If you decide to go over the guidelines, be ready to fight it in court.

Don't keep lots of baggies around. Keep baggies in the kitchen; keep food or other items in baggies of the same size you use for your marijuana, so it is obvious that you have baggies for non-marijuana use and your marijuana use is personal, not commercial. Don't pre-measure dosages into 1/8 or 1/4 oz., or other quantities that look suspicious. Cannabis stores better in glass jars, and keep it in the dark, not sitting out in plain sight.

Never medicate inside your grow site or home near any door that leads to the outside. Wherever and whenever you medicate, consider safety, discretion and maybe lighting incense to cover the smell. After you medicate, when going into public places, like courts, etc. wear some after-shave or perfume to cover the smell.

If you're going somewhere, medicate before you leave home, or carry something in eaten form. Alternatively, wait until you get where you're going before you medicate. Never smoke while driving your car. First, you shouldn't be distracted from your driving, and secondly, most law enforcement agents know what cannabis smells like. If they think they smell it, or even say they did, it's probable cause to search you and your vehicle. If you must medicate while on the road, pull into a rest area or parking lot and smoke away from your vehicle. Also, don't leave anything in the ashtray or on the dashboard that will arouse suspicion. It's legal, but is it worth the hassle?

Presume that your phone is being taped or monitored and don't incriminate yourself, even jokingly. Never call the police from your home or cell phone. Try to call from a pay phone, preferably in another city, and don't use your real name. If you use a traceable phone line to ask about growing medical marijuana policies or to check on someone who was arrested, police may pay you a visit to talk to you about marijuana and ask to look around. If police show up, use your phone to call your attorney right away. If you need to call a court for trial information, etc., that is not a risk.

In the Garden

Don't be sloppy; get rid of old leaf and stem right away. Anything police find in your garden can and will be used to make you look like a big operation. Keep area small and clean; compost or eliminate stems and leaf, but not in your home trash, because police make "trash runs" to look into garbage cans at night.

Post "No Trespassing" signs in prominent locations. Growing indoors is generally safer than outdoors because of fly-overs, curtilage and nosy neighbors. If you're trying to stay within the square footage but your plants have weak branches that bend out, tie them closer to the central stalk so they don't falsely inflate your net square footage of canopy.

Keep your garden size under control. Grow smaller numbers of large plants rather than larger numbers of small plants. Keep your plant counts down by growing them longer in the vegetative area, prune the central branch and use a grid, or tie down branches to spread them out. One plant with 16 branches can be just as productive as 16 cuttings if you spread it right. Don't start clones too early; one mother is safer than 96 clones. Wait until after you completely harvest and process one crop before you start taking cuttings for the next. Otherwise the plant counts may be combined into a larger garden size than you intended to actually grow. Use a rotating harvest so you only have to replenish a half or less of your plants at any given time.

It is better to be self-sufficient as far as nursery stock goes. Try not to have to get clones from another source. If you do, have a regimen worked out to deal with new stock. Inspect leaves and roots for bugs and stalk problems. Treat immediately. Inspect mother plants' leaves and stalk regularly. Treat immediately. Have a regimen worked out.

If you get an infestation, eliminate sick plants and clean the area completely before you introduce new plants to the garden. Avoid the urge to clone lots and lots of plants to overcome the shortage. It probably won't work and it will definitely push up the plant count to dangerous levels.

When you harvest consider lighting incense inside of all doors leading to the outside as well as in the room you are working in to cover the smell of the cut leaves when you are harvesting.

During the harvest trim bud over a container, preferably a cat or dog food flat (the kind that is about 2" deep comes with plastic over the top). Clip your leaves into one and clip your buds into another one. That way you get rid of having extra plants for law enforcement to count: it will be considered processed marijuana. Also, collect and dry the bud trim to screen for Kif. On an indoor grow, remove all the fan leaves at 4 weeks into flowering. This will do several things: 1) It will decrease your canopy. 2) It will get more light to your bud leaf and lower buds. 3) It will give you fewer leaves to cut off at harvest time. 4) Consider removing the lower branches (suckers) if they are below the canopy, which is roughly 14" down from the top of the plant. The bud they would have added is instead added to the canopy or upper buds, so you don't really lose any growth energy, it just gets re-directed.

If you encounter police and are under investigation

Say "I choose not to speak without my attorney." Don't talk to law enforcement beyond showing them your physician's statement, caregiver contact and patient ID card. Make no references to selling or giving away medicine to other patients or clubs. Have relevant records near garden, keep an attorney's number to call. If you decide to talk to police without an attorney, get out your toothbrush, set your affairs in order and prepare to do some prison time.

Don't talk about the price of marijuana with police. "What's a pound going for"? Best answer: "I want to talk to my attorney". Next best: "I have no idea". Worst: Any dollar amount. They interpret everything you say as evidence that you intend to sell. Don't keep notes with money amounts, fractions or names. No matter what it refers to, police will say these are "customer pay and owes." It doesn't matter that it's your old grocery list, what matters is what police claim it is in court.

Neither consent to nor resist police searches. Don't volunteer any information. Don't discuss dosages with police except to say you use a lot and your supply might not be enough for your needs. Don't talk. Get an attorney.

Talking to your attorney about your dosage and garden

The law allows both cultivation and possession, and does not restrict the amount a patient may grow or possess, as long as it is "reasonable," per the CA Supreme Court *People v Kelly* decision. The *People v Mower* decision places the burden of proof on the District Attorney, not you. A primary caregiver of a patient is allowed to receive reasonable reimbursement for your expenses and labor, in accordance with *People v Peron* (1997) 59 Cal.App.4th 1383, 1398).

Discuss it with your doctor and don't minimize it. If your doctor puts an amount in your medical records, that will act as a top end of the permissible. If you use a couple of ounces per week, tell them. If you eat or vaporize cannabis, mention it. Learn how to talk about and document your dosages; e.g., 4 grams/day = 1 oz/week = 3.25# per year. As a rough rule of thumb federal IND patients are supplied with about 2.15 oz. a week, for smoking. You might need more if you eat it.

A scale can be used for many reasons. A scale can be used for baking, to weigh your personal dosage, to weigh fertilizer and insecticides (the powder kind), to weigh cannabis you buy, mail you send, like Manila envelopes etc. If you have a scale, keep it in the kitchen and away from your medicine, even if you use it for cooking or to track your dosage and supply. Weigh foodstuffs with it. Make it obvious that the scale is part of your household equipment and only incidentally, if at all, used for marijuana. Ohaus Triple Beam or digital scales are excellent, but they produce a strong impression of sales in police officers and prosecutors. If you have an ounce scale or small digital scale, keep it with your postage stamps, since you'll be using it to weigh letters, etc. Have an explanation that you can honestly tell a judge or jury.

Get your County to adopt the SAN / Sonoma County Garden Guidelines

We want to help you. To get documentation and begin a dialogue, contact us. Visit our website, www.safeaccessnow.net/. Prepared by SAN Co-Founder Ralph Sherrow, with cannabis expert witness Chris Conrad.