

**IN THE MUNICIPAL COURT OF THE CITY OF BELLINGHAM
WHATCOM COUNTY, WASHINGTON**

CITY OF BELLINGHAM,

Plaintiff

v.

Defendant

GENERAL ORDER RE:
MEDICAL MARIJUANA

THIS MATTER having been considered by the Court, *sua sponte*; the Court finding that the use of marijuana and other intoxicating substances while on supervision for alcohol and drug-related crimes is inconsistent with public safety and efforts to promote sobriety, and that abuse of medical marijuana documents poses an increasing problem, and that federal laws regarding marijuana appear to conflict with state laws, and that the use of marijuana while driving poses a serious risk to public safety,

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. This General Order applies to any Bellingham Municipal Court ("Court") case in which a defendant is ordered, or has been ordered, to refrain from the use of alcohol, intoxicants, and/or illegal drugs as a condition of probation, deferred prosecution, and/or pre-trial release.
2. This General Order shall apply retroactively to all cases described in paragraph one unless the Court has specifically addressed medical marijuana use in a previous written order.
3. Unless an exemption is specifically permitted by written order of the Court, the use or possession of marijuana in any case described in paragraph one shall constitute a violation of probation, deferred prosecution, or pre-trial release conditions.
4. The Court will consider any request for a medical marijuana exemption from a defendant on a probation calendar or domestic violence calendar, to be noted by the defendant seeking an exemption or defendant's attorney. The Court will not grant such a medical marijuana exemption unless all of the following conditions are met by sufficient proof: (1) The defendant must clearly establish that he or she has been diagnosed as suffering from a severe medical illness or injury such as cancer or glaucoma, (2) the defendant must clearly establish that no other form of medicine or treatment will alleviate the defendant's suffering, (3) the defendant must clearly establish that the use of medical marijuana is not inconsistent with

the defendant's court-ordered treatment, (4) the defendant must clearly establish that he or she will not drive under the influence of medical marijuana, and (5) the defendant must clearly establish that the defendant's use of marijuana is consistent with state laws. Simple proof of a medical marijuana certificate or prescription is not sufficient to justify an exemption.

5. An exemption for medical marijuana for purposes of probation is not legally binding in any criminal prosecution under local, state or federal laws. Defendants are advised that possession and/or use of marijuana in violation of any laws may result in criminal prosecution, regardless of any order of the Court.

Dated this 23 day of September, 2011.



JUDGE DEBRA LEV