



Pothead told to butt out

But court aids medicinal use

By **SAM PAZZANO**
Courts Bureau

Ontario's highest court has ended the province's reefer madness.

In a landmark decision released yesterday, the Court of Appeal ended a two-year period where it was legal to possess personal amounts of weed.

But medicinal pot users won freer access to marijuana, lawyer Alan Young said.

Young, Paul Burstein, Leora Shemesh and other lawyers represented ill people who successfully challenged Canada's medicinal marijuana regulations because they were forced to buy pot on the black market.

Fix regulations

In January, a Superior Court judge struck down the regulations as unconstitutional and ordered them fixed within six months or Ottawa would then have to supply pot to patients.

That decision paved the way for legal pot for everyone —

until yesterday's ruling.

"Although Parliament may subsequently choose to change it, that prohibition is now no longer invalid, but of full force and effect," stated the decision.

"Those who establish medical need are simply exempted from it. This consequence removes the cloud of uncertainty from the marijuana prohibition ... a cloud which we were told ... created very considerable confusion for courts and law enforcement agencies alike."

A bill decriminalizing pot is before the House of Commons.

"It was legal to smoke yesterday and today it isn't. But it was a decision that tried to make everyone happy," Shemesh said. "Rules were relaxed so that licensed producers may make money for their work and before they couldn't."

"The court has removed the incredibly stupid and onerous burden that a medicinal pot user needed two specialists to okay its use," Burstein said. "Someone requiring life-threatening heart surgery needed only one specialist's opinion, but a medicinal marijuana user needed two."

Compassion clubs

Burstein said the decision "gives strong support to compassion clubs," which his client Warren Hitzig was charged with running on Bathurst St.

"This case never was about recreational use, but all of a sudden everyone got the benefit of that decision," Burstein said. "That recreational case is now before the Supreme Court of Canada."

Toronto Police Chief Julian Fantino praised the court's decision that "cleared up the cloud of uncertainty."

"In essence, it will be business as usual."

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— David Lucas, SUN

MARYLYNNE CHAMNEY, left, and Alison Myrden legally smoke their pot outside Toronto's Osgoode Hall yesterday where Ontario's Court of Appeal gave medicinal pot users freer access to marijuana. Both women are exemptees.