

Arrested development

The proposed Greenleaf Compassion Center is caught between conflicting state and federal government policies addressing medical marijuana. What's a law-abiding health care practitioner to do?

BY DANIEL COMBS
The word "criminal" does not go through my head when I meet Dr. Seth Bock. The tall, broad-shouldered owner of Newport Acupuncture and Wellness Spa in Middletown has a patient face that's quick to break into a smile. When he talks, his measured voice betrays a deep passion for his work — true sadness for seeing people in pain and undisturbed joy about the benefits of natural medicine.

For the past two years, Bock has been on a boulder's journey that has taken him deep into the murky world of politics and law. Hurdle after hurdle he has jumped, only to meet impenetrable force fields of shifting political sentiment. His project — to open a compassion center in Portsmouth for the legal distribution of medical marijuana — has come to symbolize the intrinsically polarizing topic of the plant's acceptance in our society. Bock would serve as the chief executive officer of the proposed Greenleaf Compassion Center, which he seeks to open in a 2,400-square-foot one-story facility at 200 High Point Ave., Portsmouth.

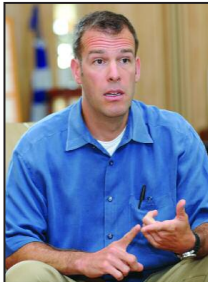
"There are patients out there in really dire situations," he explained to me. "I've treated many patients with cancer over the years and (marijuana) is something that's come up over and over again, and it helps people in ways that other medicines cannot." The state of Rhode Island has maintained a steadfast culture of dichotomy on the topic of medical marijuana. Bock's endeavor to legitimize his proposed center echoes a tug of war over legitimizing the plant's status.

In 2006, the General Assembly overrode then Gov. Donald L. Carcieri's veto to legalize the use of medical marijuana for qualified patients. So for the past five years, patients with debilitating medical conditions such as HIV, cancer, hepatitis, epilepsy and Chvostka's disease have been able to legally medicate with marijuana after receiving approval from their doctor. Yet for many of the approximately 3,700 patients in the state's Medical Marijuana Program, access has remained an enormous hurdle.

In June of 2009, the state legislature once again overrode Carcieri's veto and approved state-licensed compassion centers in an effort to alleviate the access problem that arose from a strained and often abused caregiver system. The move echoed an earlier U.S. Department of Justice announcement that it would cease prosecution of medical marijuana facilities so long as they complied with state laws and guidelines. The state Department of Health solicited applications for compassion centers and after two rounds of review, approved licenses for three applicants last January: Greenleaf along with Summit Medical

'It helps people in ways that other medicines cannot.'

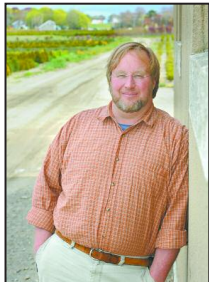
DR. SETH BOCK, chief executive officer, Greenleaf Compassion Center



Acupuncturist Dr. Seth Bock assembled a plan and a team to treat patients who would benefit from the use of medical marijuana but a federal decree last spring has put the project on hold. PHOTO BY DANIEL COMBS

'Our first goal is to get people safe, affordable medicine.'

BRUCE VANIECK, horticulture director, Greenleaf Compassion Center



Bruce Vanieck grows plants for a living. But he was 'humbled' by his experience growing medical quality marijuana, which takes four months to cultivate from seed to smoke. PHOTO BY DANIEL COMBS

Compassion Center in Warwick and the Thomas C. Slater Compassion Center in Providence. But on April 29 of this year, the Justice Department, through U.S. Attorney Peter Nerochia, delivered a letter to Rhode Island Gov. Lincoln D. Chafee written by Deputy Attorney General James Cole apparently contradicting the earlier stance. Cole stated the Justice Department is "committed to the enforcement of the Controlled Substances Act in all States." The letter explicated this new policy by claiming to be in reference to prosecuting "large scale drug trafficking," and makes clear that the Jus-

stice Department considers Rhode Island's three state-approved compassion centers to fall into that category, meaning they could be subject to federal prosecution. Which brings us back to that label "criminal." If Chafee fights back against the federal decree and gives a go-ahead to the state's three approved compassion centers, Bock and the other operators could be prosecuted for drug trafficking and face up to five years in prison. While unlikely, the threat is enough to make Bock consider scaling back Greenleaf's operation to below the 100-plant threshold that results in

the mandatory minimum federal sentencing if he were to get the green light to proceed. Despite the federal stance outlined in that April 29 memo, New Jersey Gov. Chris Christie announced July 19 the state would move forward with opening six compassion centers, saying the benefits of "compassionate pain relief" outweighed the risk of federal prosecution. But so far, Chafee has made no such announcement and appears in no hurry to lift the hold on the compassion centers. Chafee's Chief Legal Officer Claire Richards stated, "Right now, he's still working through the issue. He hasn't arrived at a decision one way or the other."

Some, including the Rhode Island Chapter of the American Civil Liberties Union, have called into question the very legality of Chafee's stalling of the program, in essence a veto-like move to a piece of legislation already pushed through with a gubernatorial veto. They would be correct in their allegation, Richards explained, if there was not an "intervening supreme federal law on the same issue."

'Building an efficient system'

When it comes to those plants, which, after all are the axis on which this whole issue turns, Bock looked locally for a grower. "It's not as though one person has all this specialized training, that by itself wouldn't be enough," Bock explained. "There are individuals that know a lot more than I do, specifically about marijuana, but they might not have any business experience... the state was really looking for a breadth of knowledge and a strong team."

Which is where Greenleaf's Horticulture Director Bruce Vanieck comes in. Vanieck, who owns and operates the 300-acre Rhode Island Nurseries in Middletown, is committed to, above all else, getting people the medicine they need.

"Our first goal is to get people safe, affordable medicine," Vanieck said. "Building an efficient system is hardest — we want a good yield from what we're putting in so that we can put a good price on our medicine."

He shares Bock's passion for healing, and while you would never hear him use the word "expert" to describe himself, his breadth of knowledge about the plant is undeniably impressive. "Different strains have different medicinal qualities... a different range of cannabinoids, which produce different effects on the brain and therefore have different medical benefits," he described. "We'd want to grow the spectrum of strains, both hydroponically and in soil, that we'd need in order to deal with each patient's symptoms individually."

Despite his command of the subject of marijuana cultivation, Vanieck admits that growing the medicine at the highest level of quality is one of the hardest things he has ever tried. It takes a good four months from seed to smoke, he explained. "I've been growing plants all my life and I was humbled when I started growing (marijuana)."

In their 236-page application for license approval (viewable on the health department's website), Bock, Vanieck and their three other partners — pharmacist Dennis Bock as chief compliance officer, Dr. David Cunningham as medical director and Richard Kolesch, who owns The Wellness Company, which oversees the administration of vaccines to schoolchildren, as chief financial officer — provide a rough outline of the cultivation system they intend to build. With security risks inherently high for any marijuana-growing warehouse, the state mandated an equally high security response, also outlined in the Greenleaf proposal. Specific details of the security system have been withheld from the website, but the application explains that with the help of a retired narcotics detective who sits on Greenleaf's board of directors, the growing facility would be protected by a series of heavy metal shutters and that the entire property would be monitored by 24-hour high-definition video cameras.

Proponents of compassion centers hold that their very existence would act as a preventative measure to caregivers growing more than they should. Bock explained that if one were to total up all the compassion center's patients — proposed to be 243 by the end of its second full fiscal year — and how much medical marijuana those people would be personally allowed, the center is only allowed to possess less than that total amount at one time. In theory Greenleaf could act as an instrument to decrease the amount of marijuana being distributed as a whole.

The medicine would not be moved by drug dealers; it would not be grown in small scale by a large group of scattered, hard-to-oversee individuals. The centralized location of a compassion center allows the state to rigorously enforce its guidelines while ensuring that patients in the area have a safe place to get their medicine. "From a law enforcement perspective it's totally logical to want to have compassion centers," Bock sighed. Does that sound like a criminal to you?

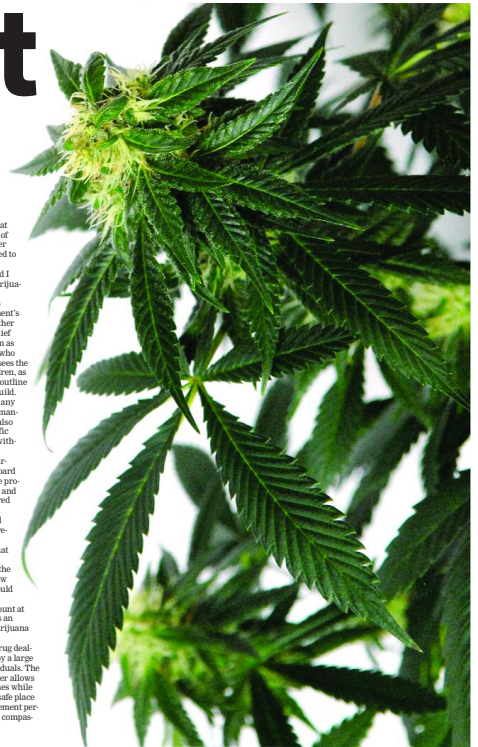


PHOTO BY DANIEL COMBS