

**Grand Jury Report  
RESPONSE FORM**

**RE: Report Titled: *A Pot Paradox or Bud Bingo?***

***Report Dated: April 20, 2011***

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***Response Form Submitted By:***

John Morley  
Director, Mendocino County Environmental Health  
501 Low Gap Road  
Ukiah, CA 95482

***Response MUST be submitted, per Penal Code §933.05 – due on September 23, 2011***

***I have reviewed the report and submit my responses to the FINDINGS portion of the report as follows:***

- I (we) agree with the Findings numbered:  
1 and 4
- I (we) disagree wholly or partially with the Findings numbered below, and have **attached, as required**, a statement specifying any portion of the Finding that are disputed with an explanation of the reasons therefore.  
6, 7, 11 Without additional information we can not agree or disagree

***I have reviewed the report and submit my responses to the RECOMMENDATIONS portion of the report as follows:***

- The following Recommendation(s) have been implemented and **attached, as required**, is a summary describing the implemented actions:  
\_\_\_\_\_
- The following Recommendation(s) have not yet been implemented, but will be implemented in the future, **attached, as required** is a time frame for implementation:  
\_\_\_\_\_

The following Recommendation(s) require further analysis, and attached as required, is an explanation and the scope and parameters of the planned analysis, and a time frame for the matter to be prepared, discussed and approved by the officer and/or director of the agency or department being investigated or reviewed: (This time frame shall not exceed six (6) months from the date of publication of the Grand Jury Report)

The following Recommendations will NOT be implemented because they are not warranted and/or are not deemed reasonable, attached, as required is an explanation therefore:  
5 and 6

*I have completed the above responses, and have attached, as required the following number of pages to this response form:*

Number of Pages attached: 1

*I understand that responses to Grand Jury Reports are public records. They will be posted on the Grand Jury website: [www.co.mendocino.ca.us/grandjury](http://www.co.mendocino.ca.us/grandjury). The clerk of the responding agency is required to maintain a copy of the response.*

*I understand that I must submit this signed response form and any attachments as follows:*

First Step: E-mail (word documents or scanned pdf file format) to:

- The Grand Jury Foreperson at: [grandjury@co.mendocino.ca.us](mailto:grandjury@co.mendocino.ca.us)
- The Presiding Judge c/o Sally Nevarez: [sally.nevarez@mendocino.courts.ca.gov](mailto:sally.nevarez@mendocino.courts.ca.gov)
- The County's Executive Office: [angeloc@co.mendocino.ca.us](mailto:angeloc@co.mendocino.ca.us)

Second Step: Mail all originals to:

Mendocino County Grand Jury  
P.O. Box 939  
Ukiah, CA 95482

Printed Name: John P. Morley

Title: Deputy Director

Signed: 

Date: July 28, 2011

**MENDOCINO COUNTY HEALTH AND HUMAN SERVICES AGENCY  
MEMO**

<b>Date</b>	<b>July 28, 2011</b>
<b>From</b>	John Morley, HHSA Deputy Director
<b>To</b>	2010-2011 Mendocino County Grand Jury
<b>Subject</b>	Reponse to "A Pot Paradox or Bud Bingo"



The Mendocino County Division of Environmental Health (DEH) is not in a position to offer comment on recommendations 1 – 4, 7 – 9, 11, 12.

In response to recommendations 5 and 6 DEH respectfully disagrees for the following reason: The California Department of Public Health (CDPH) has advised local agencies that edible products containing marijuana may not legally be sold as food pursuant to the Sherman Food, Drug and Cosmetic Law "Sherman Law" (Health and Safety Code Division 104 Part 5) or the California Retail Food Code "CalCode" (Health and Safety Code Part 7). Edibles that contain marijuana meet the statutory definition of "drugs" under the Sherman Law because they are being used in the cure, mitigation, and treatment of disease. The edible merely becomes the drug delivery system.