

Insurers consider continuing to cover marijuana

By Justin Pritchard
The Associated Press

UKIAH, Calif. — A growing number of medical marijuana users whose backyard pot plants were stolen by thieves or commandeered by police have succeeded in getting insurance companies to reimburse them for the loss.

But just as medical marijuana

was beginning to gain acceptance as an insurable belonging, the Supreme Court's recent ruling in an Oakland, Calif., case has cast doubt on the future of such payments.

The dollar amounts aren't huge — after all, the missing pot is supposed to keep one person healthy, rather than be sold on the street, where high-grade marijuana is more

expensive than gold. But it's real money to a sickly policyholder. One insurer paid \$12,375 to a man who lost three pounds of pot to an armed intruder.

It's not like anyone with a stash can file a claim. Insurers, which are state-regulated, don't cover illegal property.

But they generally agree that mar-

ijuana becomes a homeowner's bona fide personal property when the policyholder has permission to grow or possess it for medical reasons. That's possible in the eight states where medical marijuana laws are in conflict with federal drug laws — California, Alaska, Arizona, Colorado, Hawaii, Maine, Oregon and Washington.

Major insurance companies have made at least a dozen reimbursements for medical marijuana, according to a series of interviews by The Associated Press. Most of the claims for stolen plants or harvested marijuana have been filed in California.

The claims have forced insurers to enter a legal gray area.

"How do you determine its value? Who is going to be your expert?" asks Lisa Wannamaker, a spokeswoman for Allstate, which has paid four such claims in California. "There's no set process in place on how to deal with it."

Any developing clarity disappeared in May, when the Supreme Court ruled that clubs dispensing medical marijuana according to state laws could not use a "medical necessity" defense against federal anti-drug laws. The court noted that Congress declared that marijuana has no medicinal value.

However, the justices said they specifically did not rule on whether states can experiment with their own laws, or whether Americans have a right to marijuana as a pain remedy.

None of the major insurance companies questioned said they had received new marijuana claims since the ruling in May. A spokesman says State Farm will deny future claims. The other insurers say they will give them renewed scrutiny.

At least three other companies besides Allstate have paid claims on

stolen medical marijuana in California. They include the California State Automobile Association, Travelers Indemnity Co., and OneBeacon, which made the payments when it operated as CGU California Insurance.

In September 1999, Robert DeArland of Fair Oaks became the first person known to be reimbursed for marijuana through household insurance. He received \$6,500 from CGU California Insurance for 13 marijuana plants seized from his garage by sheriffs' deputies.

In less than two years, the California State Automobile Association has made "less than six" such payments, according to Joe Ponkovich, CSAA's manager of claims administration.

One was to a Ukiah man who reported that his backyard plants were chopped down in September 1999. The man, an Air Force veteran who has a doctor's recommendation to smoke marijuana for anxiety-related problems, asked not to be identified to avoid drawing more attention from thieves.

CSAA sent an investigator to talk to local deputies, who confirmed he was registered to grow the plants and had filed a police report. The Ukiah Cannabis Club helped assess the plants' value.

He made the claim at the suggestion of a police officer and couldn't believe it when he got a \$2,500 check for his five plants.

"You've got to go through the motions and the paperwork. And that's what I did with the herb," he said, pointing to the insurance documents that classified each seven-foot stalk under language protecting policyholders against a loss of up to \$500 for "trees, shrubs and other plants."



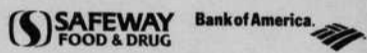
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Broadcasters

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mayer July 23 claiming the rule violates the freedom of the press.

Two weeks ago, Sen. Rick Metsger, D-Welches, a former Portland sportscaster, said he would seek legislative action if the University's final draft isn't much different than the current proposal. Bill Johnstone, the CEO of the Oregon Broadcasters Association, has threatened to take the issue to court if changes aren't made.

On Friday, The Oregonian opined that, "the concept is so ill-conceived in so many ways that you have to wonder whether University of Oregon officials go off on a retreat each year to dream up new ways to offend people and make themselves look foolish."

Moos said the University and the Athletic Department are listening to the concerns and that the policy

was not set in stone when it was presented on July 11.

"We want to make sure we are good listeners," he said. "There will be no action which we feel abridges anyone's First Amendment rights."

Although broadcasters are threatening to take action if the policy isn't changed, ESPN Regional is not threatening similar action if the policy doesn't go into effect as-is. Regional Manager Tim Roberts said he is confident the final draft will quell media concerns and protect his network's contracted rights.

He said the procedure to draft the proposal has been difficult because in March a judge ruled the University had to create a policy that applied to all members of the media, even though ESPN had a problem only with KVAL's "Inside the PAC" program.

"It was an issue of one station, one show," Roberts said.

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The Oregon Daily Emerald is published daily Monday through Friday during the school year and Tuesday and Thursday during the summer by the Oregon Daily Emerald Publishing Co. Inc., at the University of Oregon, Eugene, Oregon. A member of the Associated Press, the Emerald operates independently of the University with offices in Suite 300 of the Erb Memorial Union. The Emerald is private property. The unlawful removal or use of papers is prosecutable by law.

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