LOS NGELES POLICE COMMIS JON

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January 18, 2007

BPC #07-0010

The Honorable Public Safety Committee
The Honorable Planning and Land Use Management Committees
City of Los Angeles
c/o City Clerk's Office
City Hall, Room 395
Los Angeles, CA 90012

Attn: Sharon Gin

Attn: Barbara Greaves

Dear Honorable Members:

RE: FACILITIES THAT DISTRIBUTE MEDICAL MARIJUANA WITHIN THE CITY OF

LOS ANGELES

At the regular meeting of the Board of Police Commissioners held Tuesday, January 16, 2007, the Board APPROVED the Department's report relative to the above matter.

This matter is being forwarded to you for your approval.

Respectfully,

BOARD OF POLICE COMMISSIONERS

DONNA BASULŤO

Acting Commission Executive Assistant

Enclosure

c: Office of Chief of Police

BIC# 01-0010 8

INTRADEPARTMENTAL CORRESPONDENCE

December 22, 2006 8.4

2006

POLICE COMMISSION

TO:

The Honorable Board of Police Commissioners

REVIEWED

FROM:

Chief of Police

CATE

SUBJECT:

REPORT ON FACILITIES THAT DISTRIBUTE MEDICAL MARIJUANA

WITHIN THE CITY OF LOS ANGELES

RECOMMENDED ACTIONS

- 1. That the Board of Police Commissioners (Board) approve and transmit this report on medical marijuana distribution facilities to the City Council, Public Safety and Planning and Land Use Management Committees.
- 2. That the Board recommend the City Council enact a moratorium on any further medical marijuana dispensaries and immediately restrict current and future dispensaries from being located within 1,000 feet of any school, day care facility, church or house of worship, nursery, public park, or any location utilized for the exclusive care of children between the ages of 0-18 years old, and the hours of operation be restricted to the hours of 10:00 A.M. until 6:00 P.M. No facility shall be grandfathered in and all must comply with these conditions within six months of the adoption of the moratorium.
- 3. That the Board recommend the City Council approve and impose the list of restrictions defined in this report on all existing and future medical marijuana dispensaries.

DISCUSSION

Proposition 215, the Compassionate Use Act (CUA) of 1996, made the possession and cultivation of marijuana legal for "qualified patients" and "primary caregivers." Qualified patients included those with specified serious illnesses that had a recommendation from a physician. Primary caregivers were defined as individuals, designated by a patient, who consistently assumed responsibility for the housing, health, and safety of the patient. The CUA absolves patients and caregivers of Sections 11357 and 11358 of the Health and Safety Code pertaining to the possession of and cultivation of medical marijuana for personal medical purposes "upon the written or *oral* recommendation or approval of a physician." It also absolves physicians for recommending marijuana for medical purposes, notwithstanding any other provision of law.

However, the spirit and intent of this Act has been exploited and abused for both profit and recreational drug abuse by many of the medical marijuana dispensaries in the City of Los Angeles. Absent stringent regulations and enforcement actions, these dispensaries have flourished throughout the City of Los Angeles. On November 10, 2005, there were four

dispensaries in the City. As of November 30, 2006, there were 98 known dispensaries, an increase of 2,350%. This has fostered an increase in Part I and Part II crime problems and caused quality of life issues for families and communities, as evidenced by the 110 complaints received from neighbors, business owners, and concerned citizens concerning these dispensaries. At least 12 of these facilities are within 1000 yards of public schools and one shares a fence with a home schooling facility. One clinic blatantly resorted to placing flyers on the windshields of the vehicles parked in and around Grant High School in an obvious effort to entice children. The ad read in part, "It is still legal to own, grow, and smoke medical marijuana as long as you do it properly. Qualification is simple and our experienced physicians are more than happy to help you." The card also stated, "If you do not qualify for a recommendation your visit is free." This was not the intent of the voters when they passed Proposition 215.

CONCLUSION

It is essential that the City of Los Angeles undertake proactive enforcement efforts and controls to regulate these dispensaries and ensure they are operating as the voters originally intended under Proposition 215. It is recommended that the City Council enact a strict ordinance that establishes the criteria by which these medical marijuana dispensaries operate. The attached fact sheet lists 41 recommendations, which would be an excellent foundation for this ordinance, yet allows for the spirit of Proposition 215 as the voters originally intended.

Respectfully,

WILLIAM J. BRATTON

Chief of Police

Attachments

Approved

Seeperaty

MEDICAL MARIJUANA FACILITIES WITHIN THE CITY OF LOS ANGELES December 14, 2006

BACKGROUND

Since the passage of the Compassionate Use Act (CUA) of 1996, a number of medical marijuana facilities have opened throughout the City, resulting in a variety of problems. The City Council Public Safety and Land and Use Management Committees requested the Police Department collaborate with the City Attorney's Office to provide input and recommendations regarding pertinent law enforcement related issues.

FINDINGS

Synopsis of Applicable Laws

Proposition 215 Compassionate Use Act of 1996

Proposition 215, the Compassionate Use Act of 1996, made the possession and cultivation of marijuana legal for "qualified patients" and "primary caregivers." Qualified patients included those with specified serious illnesses that had a recommendation from a physician, and primary caregivers were individuals designated by a patient who has consistently assumed responsibility for the housing, health, and safety of the patient.

Proposition 215 also absolved patients and caregivers of Sections 11357 and 11358 of the Health and Safety (H&S) Code pertaining to the possession of and cultivation of medical marijuana for personal medical purposes "upon the written or *oral* recommendation or approval of a physician." It also absolved physicians for recommending marijuana for medical purposes, notwithstanding any other provision of law. See Proposition 215 Compassionate Use Act of 1996 for additional information. (Addendum No. 1)

Senate Bill 420, 2003

Senate Bill (SB) 420, enacted in 2003, attempted to clarify and implement a **voluntary** program designed to fulfill the intentions of Proposition 215. Since Proposition 215 cannot be amended by an act of the Legislature, SB 420 is wholly voluntary, which is the reason why municipalities are able to prevent medical marijuana dispensaries from operating in their cities. Additionally, SB 420 also requires the State Department of Health Services to establish and maintain a **voluntary** program for the issuance of identification cards to qualified patients and establishes procedures under which a qualified patient with an identification card may use marijuana for medical purposes. Senate Bill 420 also imposes various duties upon county health departments relating to the issuance of Medical Marijuana Identification Cards (MMIC), thus creating a statemandated system.

Senate Bill 420 also grants immunity from arrest for the possession, transportation, delivery, or cultivation of specified amounts of medicinal marijuana: eight ounces of dried marijuana; 6 mature; or 12 immature marijuana plants. The amounts may be increased with a doctor's recommendation. Senate Bill 420 also expanded the definition of primary caregiver to

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employees of health care facilities. Senate Bill 420 also provides for limited compensation for the primary caregiver for "out of pocket" expenses and services, but not for profit. See attached Senate Bill 420 for the full text of the bill. (Addendum No. 2)

Conflicts with Federal Law

According to a report entitled "Legal Issues Surrounding Medical Marijuana Dispensaries" written by Los Angeles Deputy City Attorney Heather Aubrey:

Federal Law prohibits the possession of marijuana for any purpose, including medical purposes. In June 2005, the United States Supreme Court in Gonzalez, et. al. V. Raich, et. al., 125 S. Ct 2195, ruled that under the Federal Controlled Substances Act ("CSA"), possession, cultivation, and sale of marijuana, even though medically prescribed is illegal. The Court reasoned that Congress had the authority under the Commerce Clause to prohibit the local cultivation and use of marijuana for medical purposes, even if that activity was legal under California law. Therefore, individuals who use, cultivate or dispense medical marijuana in California are subject to federal prosecution under existing federal law. Shortly after the Supreme Court's decision, the California Attorney General issued an opinion stating that although the Supreme Court upheld federal law, it did not invalidate the state's medical marijuana law. According to this opinion, the California Use Act was not pre-empted by federal law and the use of medical marijuana under state law was unaffected by the United States Supreme Court's ruling in Gonzales v. Raich.

Los Angeles County Ordinances

On May 23, 2006, the Los Angeles County Board of Supervisors, after a lengthy moratorium, passed ordinances regulating Medical Marijuana Dispensaries and instituting the issuance of MMICs. Ordinance No. 2006-0032, which took effect June 22, 2006, permits medical marijuana providers (providers, collectives, marijuana clubs, and clinics) to operate in Los Angeles County. Under Ordinance No. 2006-0038, the County is expected to start issuing MMICs in the near future; the Los Angeles County Health Department could not provide a definitive date.

These Los Angeles County ordinances apply to medical marijuana dispensaries operating in the unincorporated areas of Los Angeles County. The incorporated areas of Los Angeles County are governed by their own city ordinances and vary widely. See the attached Los Angeles County Medical Marijuana Dispensary Ordinance for the full text of the ordinance. (Addendum No. 3)

Actions by Other Counties / Cities

Currently, seventy cities and six counties have moratoriums on the medical use of marijuana. Thirty-four cities and five counties have bans on the use of medical marijuana. Three of the five counties with bans, Merced, San Diego, and San Bernardino, are currently taking the State of California to court concerning the legality of SB 420 and its violation of Federal law. Seven counties and twenty-four cities have established ordinances regarding medical marijuana. In the

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intervening timeframe between the adoption of an ordinance and its actual implementation, profiteers have initiated their own MMICs and other official looking documents in direct violation of SB 420, which states the County Health Department, or its designee, must issue the MMIC.

Cities	with	Moratoria	(70)
Ciucs	WILLIAM	MULAIVIIA	(///

Albany	Grover Beach	Manteca	Palm Springs	San Luis Obispo
Antioch	Hawaiian Gardens	Marin City	Patterson	San Jacinto
Arroyo Grande	Hawthorne	Marina	Pico Rivera	San Pablo
Bellflower	Healdsburg	Mill Valley	Pinole	Santa Clarita
Buellton	Hermosa Beach	Milpitas	Placentia	Santa Maria
Carpinteria	Indian Wells	Mission Viejo	Pleasanton	Sausalito
Ceres	La Mirada	Monrovia	Pleasant Hill	Seaside
Clearlake	Lawndale	Moorpark	Pomona	Sebastopol
City of Industry	Lake Forest	Newman	Rancho Cordova	Simi Valley
Corona	Livermore	Newport Beach	Redlands	Solvang
Cypress	Lompoc	Oakley	Rohnert Park	Truckee
El Monte	Long Beach	Ontario	Ridgecrest	Turlock
Fairfield	Malibu	Oxnard	Riverbank	Ukiah
Galt	Manhattan Beach	Palm Desert	San Leandro	Windsor

Counties with Moratoria (6)

El Dorado	Merced	Sacramento	Riverside	Contra Costa	Sonoma
		Cities with I	Bans (34)		
Auburn	Dublin	Los Banos	Rock	ilin T	ustin
Clovis	El Cerrito	Modesto	Rose	ville U	nion City
Concord	Folsom	Murrieta	San I	Rafael Y	uba City
Clovis	Fremont	Newark	Susa	nville M	onterey Park
Costa Mesa	Hercules	Pasadena	Teme	ecula C	orona
Cypress	Hesperia	Pismo Bea	ch Torra	ance W	hittier
Davis	Lincoln	Placentia	South	h San Francisco	

Counties with Bans (5)

A A	Manad	Con Diogo	Can Damandina	Critton
Amador	Merced	San Diego	San Bernardino	Sutter

Cities with Established Ordinances (24)

Atascadero	Fort Bragg	Plymouth	Selma
Angels Camp	Hayward	Ripon	Sutter Creek
Berkeley	Jackson	San Francisco	Tulare
Citrus Heights	Martinez	San Jose	Visalia
Dixon	Oakland	Santa Cruz	West Hollywood
Elk Grove	Placerville	Santa Rosa	Whittier

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Counties with Established Ordinances (7)

Alameda

Kern

San Luis Obispo

Santa Clara

Calaveras

Los Angeles

Santa Barbara

On August 16, 2006, the City of Monterey Park joined several other counties and cities in California, including Roseville, Pasadena, and Torrance, and banned medical marijuana dispensaries. The City of Corona has also begun to examine this issue as well. On August 29, 2006, the City of Cypress banned medical marijuana dispensaries from operating within its City limits. The Cities of Placentia and Tustin each passed a 45-day moratorium in an effort to sort out the discrepancies among the California and Federal laws concerning the possession and use of marijuana.

Torrance City Attorney, Robert Acciani, stated that the City of Torrance immediately adopted a moratorium on medical marijuana dispensaries when it was first learned that the Green Cross of Torrance was operating in the City of Torrance. An ordinance was adopted that stated the City of Torrance would allow Medical Marijuana so long as they complied with all City Ordinances, as would be expected of all businesses operating in the City of Torrance. The City of Torrance has an ordinance that states any business operating in the City of Torrance must comply with all local, State, and Federal laws, which effectively precludes the dispensing of medical marijuana as it is a violation of Federal law. Mr. Acciani stated that most municipalities have similar ordinances; it is just a matter of enforcement. Torrance has not received a single legal challenge against their ordinance. They have issued a notice to the Green Cross that they are in violation of the aforementioned ordinance and must relinquish their business permit within 30 days; no legal action has been forthcoming. The Drug Enforcement Administration (DEA) conducted an investigation of Green Cross at the end of October 2006 and closed the dispensary due to a number of violations. The City of Torrance now has no medical marijuana dispensaries.

Monterey Park Sergeant Ruben Echeverria stated that Monterey Park also issued a moratorium to further investigate the issue of medical marijuana. After consulting with several other municipalities, the final solution to the problem was the adoption of the City of Torrance's model to ban medical marijuana dispensaries. Monterey Park, like the City of Torrance, has not incurred any legal challenges to either its moratorium or its business ordinance, which in essence bans medical marijuana dispensaries.

Attorney Kimberly Barlow, who is a contract attorney for several municipalities, including the City of Los Angeles, stated that she drafted an ordinance for both the cities of Costa Mesa and Whittier to ban medical marijuana dispensaries. Both municipalities considered using the City of Torrance model to ban the medical marijuana dispensaries, but desired an ordinance that was very specific and unequivocal. Proponents of medical marijuana usage were in attendance at each City Council session, but no legal challenges have been levied against either of the two cities' ordinances.

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Los Angeles Deputy City Attorney Dena Carreyn, the Neighborhood Prosecutor for the Central Area, was asked about the existence of a City Ordinance stipulating that any business operating in the City of Los Angeles must comply with all local, State, and Federal laws. Ms. Carreyn stated the Los Angeles Municipal Code contains no such ordinance. Ms. Carreyn did state that Federal law takes precedence over State law and that is precisely the reason San Diego County is taking SB 420 to court in an effort to nullify it.

Status of Medical Marijuana Dispensaries in the City of Los Angeles

In July 2005, there were four dispensaries operating in the City of Los Angeles. As of November 30, 2006, Narcotics Division (ND) has identified 98 medicinal marijuana dispensaries operating in the City; the exact number of dispensaries is difficult to determine due to the fact that many circumvent the law and utilize only a telephone number, constantly move, or use other clandestine methods of operation. *This is an increase of 2,350% in medical marijuana dispensaries in a little more than one year*. As of November 16, 2006, the ND Medical Marijuana Coordinator received 110 complaints from neighbors, local business owners, and concerned citizens. One hundred centered in West and Valley Bureaus and two complaints occurring in the Harbor Area. While some of the marijuana for these dispensaries is grown locally for "collectives," some of it is flown in from out of state locations in violation of SB 420. Since no one maintains statistics on sources of marijuana, it is difficult to place an actual percentage of locally grown versus marijuana procured from outside sources. By law, medical marijuana is only to be procured from California sources.

The, ND, Los Angeles Airport (LAX) Detail, Major Enforcement Section, has arrested suspects with large amounts of currency who have admitted they were traveling to Northern California for the purposes of procuring marijuana. The LAX Detail has arrested a total of 44 suspects, seized 665,418 gross grams of marijuana, 209,162 gross grams of cocaine powder, 6,490 gross grams of heroin, 17,317 gross grams of methamphetamine, and \$3,574,648 in U.S. currency from January through September 2006. Again, it is unknown what quantity of these seizures is specifically due to medical marijuana dispensaries as no specific information other than quantities seized was maintained by the ND Crime Analysis Detail.

The 98 documented medical marijuana dispensaries located in the City are operating in the following geographic Areas:

Central Bureau
Central Area – 4
Rampart Area – 1
Hollenbeck Area – 0
Northeast Area – 4
Newton Area – 1

West Bureau
Hollywood Area – 16
Wilshire Area – 5
West Los Angeles Area – 4
Pacific Area – 6

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South Bureau
Southwest Area – 0
Harbor Area – 2
77th Area – 2
Southeast Area – 0

Valley Bureau
Van Nuys Area – 14
West Valley Area – 10
North Hollywood Area – 17
Foothill Area – 3
Devonshire Area – 7
Mission Area – 2

Marijuana seizures have increased in the City of Los Angeles for the time period January through September 2005 versus January through September 2006. Anecdotal evidence, such as the increased number of clinics, suggests that these increased seizures are due to the increase in usage in California since the passage of the CUA. The proponents of the CUA point to the increased seizures and arrests of marijuana users as further evidence of their vilification and targeting of medical marijuana dispensaries for law enforcement action. The increase in seizures and arrests can be attributed to the greater frequency of encountering the drug on the street without the proper credentials per the CUA.

	2005	2006	2005/2006 % Change
Marijuana Seized	7380.87 lbs	17,749.78 lbs	140.48%
Marijuana Arrests	4,720	5,506	16.65%

Proximity of Clinics to Schools

The ND Crime Analysis Detail is completing a comprehensive review of the proximity of all medical marijuana dispensaries to schools, churches, and other community infrastructures. Medical marijuana dispensaries receiving chronic public complaints and within 1,000 feet of Los Angeles Unified School District schools, private schools, and day care centers are located in Reporting Districts (RD) 567 (Harbor); 1524, 1557, 1558, 1562 (North Hollywood); 1072, 1084 (West Valley); 963, 945, 941, 969 (Van Nuys); and 1972 (Mission). Grant High School found a number of flyers placed on students' vehicles advertising the local medical marijuana dispensary and the ease with which marijuana could be obtained. The restriction of locating liquor stores, adult oriented entertainment, and smoke shops within 1,000 feet of any school has been effective and should be extended to medical marijuana dispensaries as well.

Using Google Earth, all medical marijuana dispensaries showed proximity of less than 1,000 yards to a house of worship, public or private school, or other location where children are likely to congregate, such as a public park.

Some dispensaries are located less than a mile from public locations of concern, such as Miracle Healing Alliance, 12805 Victory Boulevard, Van Nuys, which is .86 miles from Grant High School at 13000 Oxnard Street, Van Nuys. Two complaints were received concerning flyers from Miracle Healing Alliance placed on vehicles parked at Grant High School. In fact, a teacher at Grant High School had allowed his students to "borrow" his medicinal marijuana card

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(issued by the dispensary, not issued by the County or its designee card as required by law) to purchase marijuana. Many leaflets and stickers, which are appealing to the youth oriented life style, have been found around school grounds. It is apparent that locations near schools actively target children between the ages of 12 –18 years.

• Miracle Healing Alliance dispensary, 12805-A Victory Boulevard, North Hollywood is located 0.22 miles from the Saint Jane Frances Chool, 0.17 miles from the Saint Jane Frances Church, and 0.05 miles from the Iglesia Christina Pentecostes Church.

On August 10, 2006, a Van Nuys Area patrol officer was dispatched to Grant High School at Oxnard Street and Coldwater Canyon Boulevard to investigate an assault. While walking across campus, the officer observed a pink flyer with a marijuana leaf drawing on it that advertised medical marijuana recommendations could be obtained at the Miracle Healing Alliance dispensary, 12805-A Victory Boulevard, North Hollywood (approximately ½ mile from the school). The card stated, "It is still legal to own, grow, and smoke medical marijuana as long as you do it properly. Qualification is simple and our experienced physicians are more than happy to help you." The card also stated, "If you do not qualify for a recommendation your visit is free."

• NoHo Caregivers, 4296 Vineland Avenue, Studio City, is located a few feet from the Carlson Hospital Home School, 0.18 miles from the Rio Vista Elementary School, 0.25 miles from the Saint Charles School, 0.28 miles from the Oakwood School, and 0.29 miles from the Saint Charles Catholic Church.

On August 22, 2006, a citizen complained to North Hollywood Area Community Police Station about NoHo Caregivers, 4296 Vineland Avenue, Studio City. The source of information, who works nearby, noticed the odor of burning marijuana, which attracted children to the fence from Carlson Hospital Home School, located a few feet behind the dispensary.

• The Medicine Man dispensary, 803 Genesee Avenue, Hollywood, is located .13 miles from the Church of Scientology Mission of Melrose, 0.19 miles from Fairfax Senior High School, 0.25 miles from the Laurel School, and 0.26 miles from the Laurel Elementary School.

On November 12, 2005, the Hollywood Area Narcotics Enforcement Detail arrested a suspect known as "The Medicine Man," who operated a medical marijuana dispensary from his residence at 803 Genesee Ave., Hollywood. Customers could either purchase medical marijuana at his residence or telephone him and he would deliver. A search warrant at his residence netted marijuana, hashish and marijuana-laced candy, pills, scales and \$14,506 in cash that was seized for forfeiture. He was arrested and later convicted of a violation of H&S Section 11359 (Possession for Sales of Marijuana).

Narcotics Division personnel have conducted surveillance on many of these dispensaries and observed young and apparently healthy individuals enter and purchase marijuana. Based upon

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the fact that many of these marijuana dispensaries are actively recruiting and peddling marijuana to the young and healthy, it is readily evident they are not the altruistic caregivers to the chronically ill they purport themselves to be. Their motive is profit driven and the desire to maintain a stable business foundation. Future business growth and *profit* is dependent upon the attraction of healthy youths and adults and their continued recreational use of medical marijuana, not the treatment of specific medical ailments as was intended by the CUA. (Addendum No. 4)

Part I Crimes

There have been many recorded incidents of violence at these dispensaries. In San Pedro, the owner of one dispensary, who was armed with an assault rifle and a handgun, denied a Los Angeles Fire Department Inspector entry. In Van Nuys, a DEA Agent was held captive and was subsequently rescued. The amount of money and marijuana at these dispensaries also make them prime targets for robbery and burglary. The following crimes were recorded at these dispensaries: 5 felony and 7 misdemeanor vandalisms; 3 grand and 5 petty thefts; 21 burglaries; 8 disorderly conducts; 6 robberies; 4 possessions of controlled substances; 6 possessions for sales of marijuana; 5 possessions of marijuana; 5 embezzlements; 3 stolen vehicles; 1 attempted murder; 1 contributing to the delinquency of a minor; 4 arrests for keeping a house of ill fame; 4 for supervising a prostitute; 3 for prostitution; and 3 arrests for pimping. These statistics do not include the area around the location of the dispensaries, only the addresses. This clearly was not the intent of the CUA, which was meant to assist the gravely ill and not for profiteering or recreational drug abuse.

The following tables depict the changes of Part I crimes in the RDs in and around the medical marijuana dispensaries where ND has received complaints. Part I crimes include homicide, rape, robbery, aggravated assault, burglary, grand theft auto, motor vehicle theft, and theft from motor vehicle. The time period under consideration is from July 30, 2006, to October 28, 2006 versus July 30, 2005, to October 29, 2005, and the comparative crime rate of the five RDs receiving the most complaints adjacent to each medical marijuana dispensary. This time frame is arbitrary in nature as ND does not know when the medical marijuana dispensaries actually initiated business. While the factors that influence Part I crimes are varied, the anecdotal evidence and data suggests the significant likelihood that these medical marijuana dispensaries affect crime in adjacent communities. Comparatively, the total Part I crime rate Citywide for the same time period is as follows: Operations-Valley Bureau had an 8.95% reduction; Operations-West Bureau had an 11.36% reduction; Operations-South Bureau had a 14.22% reduction; and Operations-Central Bureau had an 8.44% reduction. It should be noted that a change in the tabulation of child/spousal abuse occurred during the week of May 13, 2006, and those figures are no longer included in Part I crimes. The areas under review are also where ND received the most complaints concerning the blatant sales and use of marijuana.

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Robberies -

Van Nuys Area (14 dispensaries)	28.6% increase
Pacific Area (6 dispensaries)	66.67% decrease
North Hollywood Area (17 dispensaries)	62.5% increase
West Valley Area (10 dispensaries)	200.0% increase
Harbor Area (2 dispensaries)	30.8% decrease
Hollywood Area (16 dispensaries)	11.8% increase

Burglaries

Van Nuys Area (14 dispensaries)	3.9% decrease
Pacific Area (6 dispensaries)	52.2% increase
North Hollywood Area (17 dispensaries)	23.8% decrease
West Valley Area (10 dispensaries)	No Change
Harbor Area (2 dispensaries)	33.3% increase
Hollywood Area (16 dispensaries)	31.0% decrease

Aggravated Assaults

Van Nuys Area (14 dispensaries)	26.7% increase
Pacific Area (6 dispensaries)	33.3% increase
North Hollywood Area (17 dispensaries)	11.8% decrease
West Valley Area (10 dispensaries)	33.3% increase
Harbor Area (2 dispensaries)	57.1% increase
Hollywood Area (16 dispensaries)	No Change

Burglary from Auto

Van Nuys Area (14 dispensaries)	38.0% increase
Pacific Area (6 dispensaries)	17.9% decrease
North Hollywood Area (17 dispensaries)	31.1% decrease
West Valley Area (10 dispensaries)	130.8% increase
Harbor Area (2 dispensaries)	No Change
Hollywood Area (16 dispensaries)	2.5% decrease

(See Addendum No.5 for Charts of Part I Crimes)

CONCLUSION

Recommendations Regarding Medical Marijuana Dispensaries

It is recommended that a moratorium be imposed on further medical marijuana dispensaries in the City of Los Angeles.

It is recommended that, in addition to the moratorium on any further medical marijuana dispensaries, all existing dispensaries shall be restricted from being located within 1,000 feet of any school, day care facility, church or house of worship, nursery, public park, or any location

MEDICAL MARIJUANA FACILITIES WITHIN THE CITY OF LOS ANGELES December 14, 2006

utilized for the exclusive care of children between the ages of 0-18 years old. The hours of operation shall be restricted to the hours of 10:00 A.M. until 6:00 P.M. No facility shall be grandfathered in and must comply with these conditions within six months of the adoption of the moratorium.

It is recommended that the following restrictions be imposed on all new medical marijuana dispensaries and all existing medical marijuana dispensaries. Existing medical marijuana dispensaries shall be allowed 6 months to comply.

- 1. A medical marijuana dispensary may not be located within 1,000 feet of any school, day care facility, church or house of worship, nursery, public park, or any location utilized for the exclusive care of children between the ages of 0-18 years old.
- 2. There may only be one medical marijuana dispensary operating within any three-mile radius and must be easily accessible via public transportation.
- 3. The hours of operation for a medical marijuana dispensary are restricted to the hours of 10:00 A.M. until 6:00 P.M., with no exceptions.
- 4. Pay phones and/or vending machines, if any, shall be located inside the dispensary only. Only outgoing calls shall be allowed to take place from pay phones located on the premises of a medical marijuana dispensary.
- 5. Consistent with Section 25612.5 (a)(1) of the Business and Professions Code, a prominent and permanent sign stating "NO LOITERING IS ALLOWED ON OR IN FRONT OF THESE PREMISES" shall be posted in a place that is clearly visible to patrons of the dispensary. As depicted by the signage, no loitering is allowed on or in front of the premises of the medical marijuana dispensary.
- 6. The applicant shall post signs on the property stating: "No Loitering or Public Drinking," and "It's a Violation of Section 41.27(d) of the Los Angeles Municipal Code to possess any bottle, can, or other receptacle containing any alcoholic beverage which has been opened, seal broken, or the contents of which have been partially removed, on or adjacent to the this premises." Such signs shall be posted in English and the predominant language of the facility's clientele, if different.
- 7. Consistent with Section 25612 of the Business and Professions Code, no signs, advertising, or any other advertising matter used in connection with the medical marijuana dispensary shall be of any obnoxious, gaudy, blatant, or offensive nature and shall, in no matter be contrary to the rules of the City, or obstruct the view of the interior of the premises viewed from outside.
- 8. The facility must have an alarm system, which must be properly permitted and maintained. All alarms will have video and voice surveillance coverage at all times and will have

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redundant power supplies and circuitry to prevent deactivation, either intentional or unintentional. If an alarm system is deactivated, the company monitoring the system must immediately notify the police department.

- 9. During non-business hours, all medicinal marijuana shall be stored in a locked vault, safe, or other secure storage structure preventing the easy theft of the medicinal marijuana. If it is located in a locked vault, safe, or other means, it shall be bolted to the floor or structure of the facility. For purposes of this subsection, the secure storage facility, structure, or safe should allow a response time of at least 15 minutes prior to being breached, for the police to arrive once notified by the alarm company that the dispensary has been potentially burglarized.
- 10. A partition of bullet resistant lexan or similar translucent material capable of stopping a 7.39X39mm projectile weighing 124 grains traveling at 2330 fps shall be installed between the dispensary personnel and the patrons. Drawers shall be used for exchanging the medicinal marijuana and currency, checks, or credit cards.
- 11. Twenty-four hour video surveillance recording of the premises is required in order to facilitate the investigation of crimes associated with the medical marijuana dispensary. Thirty days of surveillance coverage must be maintained for 90 days and must be readily available to the Los Angeles Police Department during normal business hours. All areas of the dispensary and a 100 feet perimeter around the exterior of the dispensary, inclusive of the parking lot, shall be recorded. Additionally, all transactions shall be recorded from above and from behind the location where the transactions take place to facilitate the identification of the subject's facial features in the event of a crime. The resolution of these color cameras will be of sufficient quality to allow for the identification of a subject based upon facial features and other unique physical characteristics in all conditions and all lighting conditions using available ambient lighting.
- 12. During hours of darkness, the medical marijuana dispensary shall illuminate all areas of the premises, including adjacent public sidewalks so that the areas are readily visible by law enforcement personnel. During all hours, the medical marijuana dispensary shall illuminate the entire interior of the building, with particular emphasis on the locations of the counter, the safe, and any location where people are prone to congregate. The lighting must be of sufficient brightness to ensure that the interior is readily visible from the exterior of the building from distance of at least a 100 feet.
- 13. A medical marijuana dispensary must obtain a Los Angeles City Business License, pay Los Angeles City business taxes and any special levies imposed for inspections and the monitoring of the provisions of this ordinance.
- 14. A medical marijuana dispensary must obtain a State Board of Equalization Business Tax License and pay State, City, County, Local taxes, State Sales Tax, and Federal Income and Corporate Tax as required by law.

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- 15. The establishment and operation of any medical marijuana dispensary requires a background check of the owner/operator and all employees. The background check shall consist of a clearance letter from the Department of Justice and fingerprint verification of the identity and criminal history of all employees and potential owners. Disqualification from operating or working in a medical marijuana dispensary shall include any past conviction for any crime specified in California Penal Code Sections 654-678 and/or participation with any group that advocates violence against individuals because of their race, religion, orientation, political affiliation, ethnic origin, nationality, sexual preference, or disability.
- 16. It shall be unlawful for any medical marijuana dispensary to employ any person who is not at least 18 years of age.
- 17. The facility must have adequate licensed and duly bonded security personnel during business hours sufficient for the safety of its employees and clientele. All security guards must be licensed and possess a valid California Department of Consumer Affairs "security guard card" at all times. All security personnel must undergo a thorough background investigation and must not have any gang affiliations. The background investigation must pass the scrutiny of the Police Commission Permitting and Compliance Section, which will create a processing and permitting section for security officers operating at all medical marijuana dispensaries in the City of Los Angeles. All costs for the background audit conducted by the Police Commission shall be borne solely by the medical marijuana dispensary, whether or not the security officer candidate passes the background check. The cost for the background audit will vary depending upon the number of investigative hours utilized to conduct the audit and shall be cost neutral for the City.
- 18. Each medical marijuana dispensary is to dispense a safe product. Consistent with Los Angeles Municipal Code Section, 46.14, DISCLOSURE OF CONTENTS, medical marijuana should be amended to the list of drugs, along with those containing caffeine, ephedrine or phenylpropanolamine that are displayed or offered for sale, or sold, unless the name and quantity of each active ingredient is stated on the label of the container in which such drug is displayed or offered for sale or sold. It is the sole responsibility of each medical marijuana dispensary or its supplier to test their products and list the name, quantity, and percentage of active ingredients on the labels of its products. When the product is dispensed, it shall be in an opaque container, packaged in childproof tamper resistant packaging, sealed, and the contents will be clearly marked with its potency and weight.
- 19. In the interests of public health and safety, the clients of medical marijuana dispensaries should be versed in the hazards of the drugs they ingest. Consistent with the City of Los Angeles Municipal Code Section, 46.13, DISCLOSURE OF HAZARDS, medical marijuana shall be amended to the list of drugs, including those containing caffeine, ephedrine or phenylpropanolamine, that are displayed or offered for sale, or sold unless there appears on the package or container in which said drug is displayed or offered for sale, or

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sold, a label stating "WARNING, DO NOT EXCEED THE RECOMMENDED DOSAGE FOR THIS DRUG AS STATED ON THE LABEL." Such warning shall be in red lettering.

- 20. Must comply with provisions of California Proposition 65, Safe Drinking Water and Toxic Enforcement Act of 1986, a ballot initiative in November 1986. The Proposition was intended by its authors to protect California citizens and the State's drinking water sources and from chemicals known to cause cancer, birth defects or other reproductive harm, and to inform citizens about exposures to such chemicals. As such, all chemicals known to be toxic in the medical marijuana must be listed on the packaging.
- 21. The medical marijuana dispensary shall receive only compensation for actual expenses, including reasonable compensation incurred for services provided to qualified patients or primary caregivers to enable that person to use or transport medical marijuana pursuant to California Health and Safety Code Section 11362.7 et seq., or for payment for out-of-pocket expenses incurred in providing those services, or both.
- 22. Delivery of medical marijuana to qualified patients with valid Medical Marijuana Identification Cards (MMIC) and primary caregivers with a valid MMIC outside the premises of the medical marijuana dispensary is permitted if the person delivering the medical marijuana is a qualified patient with a valid MMIC or a primary caregiver with a valid MMIC who is a member of the medical marijuana dispensary.
- 23. Anytime an employee is terminated, resigns, or is off from work for longer than one month, all alarm codes, keys, and combinations to the safe(s), doors, and gates must be reprogrammed or changed in order to prevent them from being compromised from possible burglaries or theft. This information must be recorded in the transaction ledger, along with the date, time, and locksmith name, number, and address that performed the changes.
- 24. A ledger must be maintained of all transactions. This ledger shall contain the following information: quantity dispensed; type and source of medicinal marijuana dispensed; the recommending doctor's name, address, phone number, and business name; the patient's name; the patient's MMIC number if used; the patient's identification type and number; the patient's address and phone number; and the date and time dispensed. This ledger must be readily available for inspection by the Los Angeles Police Department during normal business hours.
- 25. All print and electronic advertisements for medical marijuana dispensaries, including but not limited to general advertising signs, and newspaper and magazine advertisements, shall include the following language: "Only individuals 18 years and older with legally recognized Medical Marijuana Identification Cards may obtain medical cannabis from medical marijuana dispensaries." The required text shall be a minimum of 2 inches in height except in the case of general advertising signs where it shall be a minimum of 6 inches in height. Oral advertisements for medical marijuana dispensaries, including but not limited to radio and television advertisements shall include the same language. This requirement shall

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remain in effect so long as the system for distributing or assigning MMICs preserves the anonymity of the qualified patient or primary caregiver. Under no circumstances are flyers to be handed out, placed on windshields, residences, or posted. No advertisements are to be directed at children under the age of 18 years or areas where they congregate.

- 26. All litter must be removed from the premises, including the parking lot, sidewalk, and all areas visible to the public within 100 feet of the premises at least twice daily.
- 27. The medical marijuana dispensary shall provide the Police Department, local Council offices, and all neighbors located within fifty (50) feet of the establishment with the name, phone number, and facsimile number of an on-site community relations staff person to whom one can provide notice if there are operating problems associated with the establishment.
- 28. Any graffiti applied to property under control of the medical marijuana dispensary must be reported to the Los Angeles Police Department and then must be removed within 24 hours.
- 29. In accordance with Los Angeles Municipal Code Section 41.50, the smoking of marijuana cigarettes, *or any other mode of ingestion*, in and at least 100 feet around the perimeter of the marijuana dispensary shall be prohibited.
- 30. Medical marijuana dispensaries may not dispense more than <u>one ounce</u> of dried marijuana per qualified patient to a qualified patient or primary caregiver per visit to the medical marijuana dispensary. Medical marijuana dispensaries may not maintain more than ninetynine (99) marijuana plants in up to 100 square feet of total garden canopy measured by the combined vegetative growth area. Medical marijuana dispensaries shall use MMIC numbers to ensure compliance with this provision. If a qualified patient or a primary caregiver has a doctor's recommendation that this quantity does not meet the qualified patient's medical requirements, the qualified patient or the primary caregiver may possess, and the medical marijuana dispensary may dispense, an amount of dried marijuana and maintain a number marijuana plants consistent with those needs. Only the dried mature processed flowers of female marijuana plant or the plant conversion shall be considered when determining allowable quantities of marijuana under this restriction.
- 31. Each medical marijuana dispensary must be operated by a legitimate medical marijuana caregiver as designated in SB 420 and Proposition 215.
- 32. The medical marijuana dispensary shall not hold or maintain a license from the State Department of Alcohol Beverage Control to sell alcoholic beverages, or operate a business that sells alcoholic beverages. Nor shall alcoholic beverages be consumed on the premises or in the public right-of-way within one hundred feet of a medical marijuana dispensary.
- 33. Medical marijuana dispensaries shall meet all the operating criteria for the dispensing of medical marijuana as is required pursuant to California Health and Safety Code Section 11362.7 et seq.

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- 34. Medical marijuana dispensaries shall be operated only as a **collective** in accordance with California Health and Safety Code Section 11326.7 et seq.
- 35. Medical marijuana dispensaries shall sell or distribute only marijuana manufactured and processed in the State of California.
- 36. Medical marijuana dispensaries may sell or distribute marijuana only to members of the medical marijuana dispensary's collective and **one** member outside of the collective.
- 37. Medical marijuana dispensaries that display or sell drug paraphernalia must do so in compliance with California Health and Safety Code Sections 11364.5 and 11364.7.
- 38. The dispensary's Conditional Use Permit (CUP) may be revoked at anytime if the Part I and/or Part II crime rates are increasing due to the actions of the clientele of the medical marijuana dispensary. There must be a preponderance of evidence submitted and the submission of neighborhood complaints and other sources of public information are allowed in the determination whether to revoke a medical marijuana dispensary's permit. There is no appeals process once a permit has been revoked. The dispensary may reapply one year from the date of revocation of their CUP, with the probability of additional operating restrictions placed upon their CUP.
- 39. In accordance with the non-profitability clause of Senate Bill 420, applicants must first obtain a California nonprofit, or become a nonstock corporation organized for religious, charitable, social, educational, recreational or similar purposes formed under the Nonprofit Corporation Law, commencing with California Corporations Code Section 5000.
- 40. Each medical marijuana dispensary must comply with all local, county, and state laws.
- 41. Each medical marijuana dispensary shall be liable for all costs associated with the investigation, prosecution, incarceration, booking, medical treatment, and storage and destruction of evidence, and any other unspecified costs for the failure to comply with the provisions of this ordinance resulting in the arrest and prosecution of any employees, owners, or patrons.

The wanton and flagrant misuse of medical marijuana demeans the spirit and intent of the Compassionate Use Act of 1996, which has been exploited for both the profits of the medical marijuana dispensary operators and the recreational drug users who have been utilizing these facilities. In an effort to further expand this burgeoning market, the profiteers of these medical marijuana dispensaries have sought to exploit the youth of Los Angeles.

Absent stringent regulation and enforcement action, these dispensaries have flourished throughout the City of Los Angeles, fostered an increase in Part I and Part II crime problems, and inflicted collateral damage on quality of life issues for families and communities. Even local

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news organizations have conducted their own investigations and found widespread fraud and profiteering in the manner the Compassionate Use Act has been implemented, contrary to its intent to assist terminally or adversely ill people. In a taped investigation, Channel 2 News depicts a physician handing out medical marijuana recommendations without an examination for \$175 each, cash. The physician does not even stand up from behind his desk. In the physician's waiting room, where there is an hour wait to see him, the prospective "patients" are overheard joking about what they are going to tell the physician they need the medical marijuana recommendation for. (See Addendum No. 6)

It is essential that proactive enforcement efforts and controls be undertaken in the City of Los Angeles to regulate these dispensaries and ensure they are operating as the voters originally intended under Proposition 215, The Compassionate Use Act of 1996. It is recommended that the City Council enact a strict ordinance that establishes the criteria by which these medical marijuana dispensaries operate. The above captioned list of 41 recommendations is an excellent basis for this ordinance, yet allows for the spirit of Proposition 215 as the voters originally intended.

Prepared by:

NARCOTICS DIVISION

Attachments

ADDENDA

- 1. Proposition 215, Compassionate Act, 1996
- 2. Senate Bill 420, 2003
- 3. Los Angeles County Medical Marijuana Dispensary Ordinance
- 4. Significant Medical Marijuana Investigations
- 5. Part I Crimes
- 6. CBS2-KCAL9 LOS ANGELES NEWS: "California Law: Medical Marijuana"

Proposition 215 Compassionate Use Act of 1996

Section 1. Section 11362.5 is added to the California Health and Safety Code, to read:

- 11362.5. (a) This section shall be known and may be cited as the Compassionate Use Act of 1996.
- (b) (1) The people of the State of California hereby find and declare that the purposes of the Compassionate Use Act of 1996 are as follows:
 - (A) To ensure that seriously ill Californians have the right to obtain and use marijuana for medical purposes where that medical use is deemed appropriate and has been recommended by a physician who has determined that the persons health would benefit from the use of marijuana in the treatment of cancer, anorexia, AIDS, chronic pain, spasticity, glaucoma, arthritis, migraine or any other illness for which marijuana provides relief.
 - (B) To ensure that patients and their primary caregivers who obtain and use marijuana for medical purposes upon the recommendation of a physician are not subject to criminal prosecution or sanction.
 - (C) To encourage the federal and state governments to implement a plan for the safe and affordable distribution of marijuana to all patients in medical need of marijuana.
 - (2) Nothing in this act shall be construed to supersede legislation prohibiting persons from engaging in conduct that endangers others, nor to condone the diversion of marijuana for non-medical purposes.
- (c) Notwithstanding any other provision of law, no physician in this state shall be punished, or denied any right or privilege, for having recommended marijuana to a patient for medical purposes.
- (d) Section 11357, relating to the possession of marijuana, and Section 11358, relating to the cultivation of marijuana, shall not apply to a patient, or to a patient's primary caregiver, who possesses or cultivates marijuana for the personal medical purposes of the patient upon the written or oral recommendation or approval of a physician.
- (e) For the purposes of this section, Primary caregiver means the individual designated by the person exempted under this act who has consistently assumed responsibility for the housing, health or safety of that person.
- Sec. 2. If any provision of this measure or the application thereof to any person or circumstance is held invalid, that invalidity shall not affect other provisions or applications of the measure which can be given effect without the invalid provision or application, and to this end the provisions of this measure are severable.

SENATE BILL 420, 2003

BILL NUMBER: SB 420 -- BILL TEXT

INTRODUCED FEBRUARY 20, 2003 BY Senator Vasconcellos

PASSED SENATE SEPTEMBER 11, 2003

PASSED ASSEMBLY SEPTEMBER 10, 2003

(Principal coauthor: Assembly Member Leno. Coauthors: Assembly Members Goldberg, Hancock, and Koretz)

An act to add Article 2.5 (commencing with Section 11362.7) to Chapter 6 of Division 10 of the Health and Safety Code, relating to controlled substances.

LEGISLATIVE COUNSEL'S DIGEST

SB 420, Vasconcellos. Medical marijuana.

Existing law, the Compassionate Use Act of 1996, prohibits any physician from being punished, or denied any right or privilege, for having recommended marijuana to a patient for medical purposes. The act prohibits the provisions of law making unlawful the possession or cultivation of marijuana from applying to a patient, or to a patient's primary caregiver, who possesses or cultivates marijuana for the personal medical purposes of the patient upon the written or oral recommendation or approval of a physician.

This bill would require the State Department of Health Services to establish and maintain a voluntary program for the issuance of identification cards to qualified patients and would establish procedures under which a qualified patient with an identification card may use marijuana for medical purposes. The bill would specify the department's duties in this regard, including developing related protocols and forms, and establishing application and renewal fees for the program.

The bill would impose various duties upon county health departments relating to the issuance of identification cards, thus creating a state-mandated local program.

The bill would create various crimes related to the identification card program, thus imposing a state-mandated local program. This bill would authorize the Attorney General to set forth and clarify details concerning possession and cultivation limits, and other regulations, as specified. The bill would also authorize the Attorney General to recommend modifications to the possession or cultivation limits set forth in the bill. The bill would require the Attorney General to develop and adopt guidelines to ensure the security and non-diversion of marijuana grown for medical use, as specified.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that no reimbursement is required by this act for specified reasons.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. (a) The Legislature finds and declares all of the following:

- (1) On November 6, 1996, the people of the State of California enacted the Compassionate Use Act of 1996 (hereafter the act), codified in Section 11362.5 of the Health and Safety Code, in order to allow seriously ill residents of the state, who have the oral or written approval or recommendation of a physician, to use marijuana for medical purposes without fear of criminal liability under Sections 11357 and 11358 of the Health and Safety Code.
- (2) However, reports from across the state have revealed problems and uncertainties in the act that have impeded the ability of law enforcement officers to enforce its provisions as the voters intended and, therefore, have prevented qualified patients and designated primary caregivers from obtaining the protections afforded by the act.
- (3) Furthermore, the enactment of this law, as well as other recent legislation dealing with pain control, demonstrates that more information is needed to assess the number of individuals across the state who are suffering from serious medical conditions that are not being adequately alleviated through the use of conventional medications.
- (4) In addition, the act called upon the state and the federal government to develop a plan for the safe and affordable distribution of marijuana to all patients in medical need thereof.
- (b) It is the intent of the Legislature, therefore, to do all of the following:
 - (1) Clarify the scope of the application of the act and facilitate the prompt identification of qualified patients and their designated primary caregivers in order to avoid unnecessary arrest and prosecution of these individuals and provide needed guidance to law enforcement officers.
 - (2) Promote uniform and consistent application of the act among the counties within the state.
 - (3) Enhance the access of patients and caregivers to medical marijuana through collective, cooperative cultivation projects.
- (c) It is also the intent of the Legislature to address additional issues that were not included within the act, and that must be resolved in order to promote the fair and orderly implementation of the act.
- (d) The Legislature further finds and declares both of the following:
 - (1) A state identification card program will further the goals outlined in this section.
 - (2) With respect to individuals, the identification system established pursuant to this act must be wholly voluntary, and a patient entitled to the protections of Section 11362.5 of the Health and Safety Code need not possess an identification card in order to claim the protections afforded by that section.

- (e) The Legislature further finds and declares that it enacts this act pursuant to the powers reserved to the State of California and its people under the Tenth Amendment to the United States Constitution.
- SEC. 2. Article 2.5 (commencing with Section 11362.7) is added to Chapter 6 of Division 10 of the Health and Safety Code, to read:

Article 2.5. Medical Marijuana Program

- 11362.7. For purposes of this article, the following definitions shall apply:
- (a) "Attending physician" means an individual who possesses a license in good standing to practice medicine or osteopathy issued by the Medical Board of California or the Osteopathic Medical Board of California and who has taken responsibility for an aspect of the medical care, treatment, diagnosis, counseling, or referral of a patient and who has conducted a medical examination of that patient before recording in the patient's medical record the physician's assessment of whether the patient has a serious medical condition and whether the medical use of marijuana is appropriate.
- (b) "Department" means the State Department of Health Services.
- (c) "Person with an identification card" means an individual who is a qualified patient who has applied for and received a valid identification card pursuant to this article.
- (d) "Primary caregiver" means the individual, designated by a qualified patient or by a person with an identification card, who has consistently assumed responsibility for the housing, health, or safety of that patient or person, and may include any of the following:
 - (1) In any case in which a qualified patient or person with an identification card receives medical care or supportive services, or both, from a clinic licensed pursuant to Chapter 1 (commencing with Section 1200) of Division 2, a health care facility licensed pursuant to Chapter 2 (commencing with Section 1250) of Division 2, a residential care facility for persons with chronic life-threatening illness licensed pursuant to Chapter 3.01 (commencing with Section 1568.01) of Division 2, a residential care facility for the elderly licensed pursuant to Chapter 3.2 (commencing with Section 1569) of Division 2, a hospice, or a home health agency licensed pursuant to Chapter 8 (commencing with Section 1725) of Division 2, the owner or operator, or no more than three employees who are designated by the owner or operator, of the clinic, facility, hospice, or home health agency, if designated as a primary caregiver by that qualified patient or person with an identification card.
 - (2) An individual who has been designated as a primary caregiver by more than one qualified patient or person with an identification card, if every qualified patient or person with an identification card who has designated that individual as a primary caregiver resides in the same city or county as the primary caregiver.
 - (3) An individual who has been designated as a primary caregiver by a qualified patient or person with an identification card who resides in a city or county other than that of the primary caregiver, if the individual has not been designated as a primary caregiver by any other qualified patient or person with an identification card.

- (e) A primary caregiver shall be at least 18 years of age, unless the primary caregiver is the parent of a minor child who is a qualified patient or a person with an identification card or the primary caregiver is a person otherwise entitled to make medical decisions under state law pursuant to Sections 6922, 7002, 7050, or 7120 of the Family Code.
- (f) "Qualified patient" means a person who is entitled to the protections of Section 11362.5, but who does not have an identification card issued pursuant to this article.
- (g) "Identification card" means a document issued by the State Department of Health Services that document identifies a person authorized to engage in the medical use of marijuana and the person's designated primary caregiver, if any.
- (h) "Serious medical condition" means all of the following medical conditions:
 - (1) Acquired immune deficiency syndrome (AIDS).
 - (2) Anorexia.
 - (3) Arthritis.
 - (4) Cachexia.
 - (5) Cancer.
 - (6) Chronic pain.
 - (7) Glaucoma.
 - (8) Migraine.
 - (9) Persistent muscle spasms, including, but not limited to, spasms associated with multiple sclerosis.
 - (10) Seizures, including, but not limited to, seizures associated with epilepsy.
 - (11) Severe nausea.
 - (12) Any other chronic or persistent medical symptom that either:
 - (A) Substantially limits the ability of the person to conduct one or more major life activities as defined in the Americans with Disabilities Act of 1990 (Public Law 101-336).
 - (B) If not alleviated, may cause serious harm to the patient's safety or physical or mental health.
- (i) "Written documentation" means accurate reproductions of those portions of a patient's medical records that have been created by the attending physician, that contain the information required by paragraph (2) of subdivision (a) of Section 11362.715, and that the patient may submit to a county health department or the county's designee as part of an application for an identification card.

- 11362.71. (a) (1) The department shall establish and maintain a voluntary program for the issuance of identification cards to qualified patients who satisfy the requirements of this article and voluntarily apply to the identification card program.
 - (2) The department shall establish and maintain a 24-hour, toll-free telephone number that will enable state and local law enforcement officers to have immediate access to information necessary to verify the validity of an identification card issued by the department, until a cost-effective Internet Web-based system can be developed for this purpose.
- (b) Every county health department, or the county's designee, shall do all of the following:
 - (1) Provide applications upon request to individuals seeking to join the identification card program.
 - (2) Receive and process completed applications in accordance with Section 11362.72.
 - (3) Maintain records of identification card programs.
 - (4) Utilize protocols developed by the department pursuant to paragraph (1) of subdivision (d).
 - (5) Issue identification cards developed by the department to approved applicants and designated primary caregivers.
- (c) The county board of supervisors may designate another health-related governmental or non-governmental entity or organization to perform the functions described in subdivision (b), except for an entity or organization that cultivates or distributes marijuana.
- (d) The department shall develop all of the following:
 - (1) Protocols that shall be used by a county health department or the county's designee to implement the responsibilities described in subdivision (b), including, but not limited to, protocols to confirm the accuracy of information contained in an application and to protect the confidentiality of program records.
 - (2) Application forms that shall be issued to requesting applicants.
 - (3) An identification card that identifies a person authorized to engage in the medical use of marijuana and an identification card that identifies the person's designated primary caregiver, if any. The two identification cards developed pursuant to this paragraph shall be easily distinguishable from each other.
- (e) No person or designated primary caregiver in possession of a valid identification card shall be subject to arrest for possession, transportation, delivery, or cultivation of medical marijuana in an amount established pursuant to this article, unless there is reasonable cause to believe that the information contained in the card is false or falsified, the card has been obtained by means of fraud, or the person is otherwise in violation of the provisions of this article.
- (f) It shall not be necessary for a person to obtain an identification card in order to claim the protections of Section 11362.5.

11362.715. (a) A person who seeks an identification card shall pay the fee, as provided in Section 11362.755, and provide all of the following to the county health department or the county's designee on a form developed and provided by the department:

- (1) The name of the person, and proof of his or her residency within the county.
- (2) Written documentation by the attending physician in the person's medical records stating that the person has been diagnosed with a serious medical condition and that the medical use of marijuana is appropriate.
- (3) The name, office address, office telephone number, and California medical license number of the person's attending physician.
- (4) The name and the duties of the primary caregiver.
- (5) A government-issued photo identification card of the person and of the designated primary caregiver, if any. If the applicant is a person under 18 years of age, a certified copy of a birth certificate shall be deemed sufficient proof of identity.
- (b) If the person applying for an identification card lacks the capacity to make medical decisions, the application may be made by the person's legal representative, including, but not limited to, any of the following:
 - (1) A conservator with authority to make medical decisions.
 - (2) An attorney-in-fact under a durable power of attorney for health care or surrogate decision-maker authorized under another advanced health care directive.
 - (3) Any other individual authorized by statutory or decisional law to make medical decisions for the person.
- (c) The legal representative described in subdivision (b) may also designate in the application an individual, including himself or herself, to serve as a primary caregiver for the person, provided that the individual meets the definition of a primary caregiver.
- (d) The person or legal representative submitting the written information and documentation described in subdivision (a) shall retain a copy thereof.
- 11362.72. (a) Within 30 days of receipt of an application for an identification card, a county health department or the county's designee shall do all of the following:
 - (1) For purposes of processing the application, verify that the information contained in the application is accurate. If the person is less than 18 years of age, the county health department or its designee shall also contact the parent with legal authority to make medical decisions, legal guardian, or other person or entity with legal authority to make medical decisions, to verify the information.
 - (2) Verify with the Medical Board of California or the Osteopathic Medical Board of California that the attending physician has a license in good standing to practice medicine or osteopathy in the state.

- (3) Contact the attending physician by facsimile, telephone, or mail to confirm that the medical records submitted by the patient are a true and correct copy of those contained in the physician's office records. When contacted by a county health department or the county's designee, the attending physician shall confirm or deny that the contents of the medical records are accurate.
- (4) Take a photograph or otherwise obtain an electronically transmissible image of the applicant and of the designated primary caregiver, if any.
- (5) Approve or deny the application. If an applicant who meets the requirements of Section 11362.715 can establish that an identification card is needed on an emergency basis, the county or its designee shall issue a temporary identification card that shall be valid for 30 days from the date of issuance. The county, or its designee, may extend the temporary identification card for no more than 30 days at a time, so long as the applicant continues to meet the requirements of this paragraph.
- (b) If the county health department or the county's designee approves the application, it shall, within 24 hours, or by the end of the next working day of approving the application, electronically transmit the following information to the department:
 - (1) A unique user identification number of the applicant.
 - (2) The date of expiration of the identification card.
 - (3) The name and telephone number of the county health department or the county's designee that has approved the application.
- (c) The county health department or the county's designee shall issue an identification card to the applicant and to his or her designated primary caregiver, if any, within five working days of approving the application.
- (d) In any case involving an incomplete application, the applicant shall assume responsibility for rectifying the deficiency. The county shall have 14 days from the receipt of information from the applicant pursuant to this subdivision to approve or deny the application.
- 11362.735. (a) An identification card issued by the county health department shall be serially numbered and shall contain all of the following:
 - (1) A unique user identification number of the cardholder.
 - (2) The date of expiration of the identification card.
 - (3) The name and telephone number of the county health department or the county's designee that has approved the application.
 - (4) A 24-hour, toll-free telephone number, to be maintained by the department, that will enable state and local law enforcement officers to have immediate access to information necessary to verify the validity of the card.
 - (5) Photo identification of the cardholder.

- (b) A separate identification card shall be issued to the person's designated primary caregiver, if any, and shall include a photo identification of the caregiver.
- 11362.74. (a) The county health department or the county's designee may deny an application only for any of the following reasons:
 - (1) The applicant did not provide the information required by Section 11362.715, and upon notice of the deficiency pursuant to subdivision (d) of Section 11362.72, did not provide the information within 30 days.
 - (2) The county health department or the county's designee determines that the information provided was false.
 - (3) The applicant does not meet the criteria set forth in this article.
- (b) Any person whose application has been denied pursuant to subdivision (a) may not reapply for six months from the date of denial unless otherwise authorized by the county health department or the county's designee or by a court of competent jurisdiction.
- (c) Any person whose application has been denied pursuant to subdivision (a) may appeal that decision to the department. The county health department or the county's designee shall make available a telephone number or address to which the denied applicant can direct an appeal. 11362.745. (a) An identification card shall be valid for a period of one year.
- (b) Upon annual renewal of an identification card, the county health department or its designee shall verify all new information and may verify any other information that has not changed. (c) The county health department or the county's designee shall transmit its determination of approval or denial of a renewal to the department.
- 11362.755. (a) The department shall establish application and renewal fees for persons seeking to obtain or renew identification cards that are sufficient to cover the expenses incurred by the department, including the startup cost, the cost of reduced fees for Medi-Cal beneficiaries in accordance with subdivision (b), the cost of identifying and developing a cost-effective Internet Web-based system, and the cost of maintaining the 24-hour toll-free telephone number. Each county health department or the county's designee may charge an additional fee for all costs incurred by the county or the county's designee for administering the program pursuant to this article.
- (b) Upon satisfactory proof of participation and eligibility in the Medi-Cal program, a Medi-Cal beneficiary shall receive a 50 percent reduction in the fees established pursuant to this section. 11362.76. (a) A person who possesses an identification card shall:
 - (1) Within seven days, notify the county health department or the county's designee of any change in the person's attending physician or designated primary caregiver, if any.
 - (2) Annually submit to the county health department or the county's designee the following:
 - (A) Updated written documentation of the person's serious medical condition.
 - (B) The name and duties of the person's designated primary caregiver, if any, for the forthcoming year.

- (b) If a person who possesses an identification card fails to comply with this section, the card shall be deemed expired. If an identification card expires, the identification card of any designated primary caregiver of the person shall also expire.
- (c) If the designated primary caregiver has been changed, the previous primary caregiver shall return his or her identification card to the department or to the county health department or the county's designee.
- (d) If the owner or operator or an employee of the owner or operator of a provider has been designated as a primary caregiver pursuant to paragraph (1) of subdivision (d) of Section 11362.7, of the qualified patient or person with an identification card, the owner or operator shall notify the county health department or the county's designee, pursuant to Section 11362.715, if a change in the designated primary caregiver has occurred.
- 11362.765. (a) Subject to the requirements of this article, the individuals specified in subdivision (b) shall not be subject, on that sole basis, to criminal liability under Section 11357, 11358, 11359, 11360, 11366, 11366.5, or 11570. However, nothing in this section shall authorize the individual to smoke or otherwise consume marijuana unless otherwise authorized by this article, nor shall anything in this section authorize any individual or group to cultivate or distribute marijuana for profit.
- (b) Subdivision (a) shall apply to all of the following:
 - (1) A qualified patient or a person with an identification card who transports or processes marijuana for his or her own personal medical use.
 - (2) A designated primary caregiver who transports, processes, administers, delivers, or gives away marijuana for medical purposes, in amounts not exceeding those established in subdivision (a) of Section 11362.77, only to the qualified patient of the primary caregiver, or to the person with an identification card who has designated the individual as a primary caregiver.
 - (3) Any individual who provides assistance to a qualified patient or a person with an identification card, or his or her designated primary caregiver, in administering medical marijuana to the qualified patient or person or acquiring the skills necessary to cultivate or administer marijuana for medical purposes to the qualified patient or person.
- (c) A primary caregiver who receives compensation for actual expenses, including reasonable compensation incurred for services provided to an eligible qualified patient or person with an identification card to enable that person to use marijuana under this article, or for payment for out-of-pocket expenses incurred in providing those services, or both, shall not, on the sole basis of that fact, be subject to prosecution or punishment under Section 11359 or 11360.

- 11362.77. (a) A qualified patient or primary caregiver may possess no more than eight ounces of dried marijuana per qualified patient. In addition, a qualified patient or primary caregiver may also maintain no more than six mature or 12 immature marijuana plants per qualified patient.
- (b) If a qualified patient or primary caregiver has a doctor's recommendation that this quantity does not meet the qualified patient's medical needs, the qualified patient or primary caregiver may possess an amount of marijuana consistent with the patient's needs.
- (c) Counties and cities may retain or enact medical marijuana guidelines allowing qualified patients or primary caregivers to exceed the state limits set forth in subdivision (a).
- (d) Only the dried mature processed flowers of female marijuana plant or the plant conversion shall be considered when determining allowable quantities of marijuana under this section.
- (e) The Attorney General may recommend modifications to the possession or cultivation limits set forth in this section. These recommendations, if any, shall be made to the Legislature no later than December 1, 2005, and may be made only after public comment and consultation with interested organizations, including, but not limited to, patients, health care professionals, researchers, law enforcement, and local governments. Any recommended modification shall be consistent with the intent of this article and shall be based on currently available scientific research.
- (f) A qualified patient or a person holding a valid identification card, or the designated primary caregiver of that qualified patient or person, may possess amounts of marijuana consistent with this article.
- 11362.775. Qualified patients, persons with valid identification cards, and the designated primary caregivers of qualified patients and persons with identification cards, who associate within the State of California in order collectively or cooperatively to cultivate marijuana for medical purposes, shall not solely on the basis of that fact be subject to state criminal sanctions under Section 11357, 11358, 11359, 11360, 11366, 11366.5, or 11570.
- 11362.78. A state or local law enforcement agency or officer shall not refuse to accept an identification card issued by the department unless the state or local law enforcement agency or officer has reasonable cause to believe that the information contained in the card is false or fraudulent, or the card is being used fraudulently.
- 11362.785. (a) Nothing in this article shall require any accommodation of any medical use of marijuana on the property or premises of any place of employment or during the hours of employment or on the property or premises of any jail, correctional facility, or other type of penal institution in which prisoners reside or persons under arrest are detained.
- (b) Notwithstanding subdivision (a), a person shall not be prohibited or prevented from obtaining and submitting the written information and documentation necessary to apply for an identification card on the basis that the person is incarcerated in a jail, correctional facility, or other penal institution in which prisoners reside or persons under arrest are detained.
- (c) Nothing in this article shall prohibit a jail, correctional facility, or other penal institution in which prisoners reside or persons under arrest are detained, from permitting a prisoner or a person under arrest who has an identification card, to use marijuana for medical purposes under

circumstances that will not endanger the health or safety of other prisoners or the security of the facility.

- (d) Nothing in this article shall require a governmental, private, or any other health insurance provider or health care service plan to be liable for any claim for reimbursement for the medical use of marijuana.
- 11362.79. Nothing in this article shall authorize a qualified patient or person with an identification card to engage in the smoking of medical marijuana under any of the following circumstances:
- (a) In any place where smoking is prohibited by law.
- (b) In or within 1,000 feet of the grounds of a school, recreation center, or youth center, unless the medical use occurs within a residence.
- (c) On a schoolbus.
- (d) While in a motor vehicle that is being operated.
- (e) While operating a boat.
- 11362.795. (a) (1) Any criminal defendant who is eligible to use marijuana pursuant to Section 11362.5 may request that the court confirm that he or she is allowed to use medical marijuana while he or she is on probation or released on bail.
 - (2) The court's decision and the reasons for the decision shall be stated on the record and an entry stating those reasons shall be made in the minutes of the court.
 - (3) During the period of probation or release on bail, if a physician recommends that the probationer or defendant use medical marijuana, the probationer or defendant may request a modification of the conditions of probation or bail to authorize the use of medical marijuana.
 - (4) The court's consideration of the modification request authorized by this subdivision shall comply with the requirements of this section.
- (b) (1) Any person who is to be released on parole from a jail, state prison, school, road camp, or other state or local institution of confinement and who is eligible to use medical marijuana pursuant to Section 11362.5 may request that he or she be allowed to use medical marijuana during the period he or she is released on parole. A parolee's written conditions of parole shall reflect whether or not a request for a modification of the conditions of his or her parole to use medical marijuana was made, and whether the request was granted or denied.
 - (2) During the period of the parole, where a physician recommends that the parolee use medical marijuana, the parolee may request a modification of the conditions of the parole to authorize the use of medical marijuana.
 - (3) Any parolee whose request to use medical marijuana while on parole was denied may pursue an administrative appeal of the decision. Any decision on the appeal shall be in writing and shall reflect the reasons for the decision.
 - (4) The administrative consideration of the modification request authorized by this subdivision shall comply with the requirements of this section.

- 11362.8. No professional licensing board may impose a civil penalty or take other disciplinary action against a licensee based solely on the fact that the licensee has performed acts that are necessary or appropriate to carry out the licensee's role as a designated primary caregiver to a person who is a qualified patient or who possesses a lawful identification card issued pursuant to Section 11362.72. However, this section shall not apply to acts performed by a physician relating to the discussion or recommendation of the medical use of marijuana to a patient. These discussions or recommendations, or both, shall be governed by Section 11362.5.
- 11362.81. (a) A person specified in subdivision (b) shall be subject to the following penalties:
 - (1) For the first offense, imprisonment in the county jail for no more than six months or a fine not to exceed one thousand dollars (\$1,000), or both.
 - (2) For a second or subsequent offense, imprisonment in the county jail for no more than one year, or a fine not to exceed one thousand dollars (\$1,000), or both.
- (b) Subdivision (a) applies to any of the following:
 - (1) A person who fraudulently represents a medical condition or fraudulently provides any material misinformation to a physician, county health department or the county's designee, or state or local law enforcement agency or officer, for the purpose of falsely obtaining an identification card.
 - (2) A person who steals or fraudulently uses any person's identification card in order to acquire, possess, cultivate, transport, use, produce, or distribute marijuana.
 - (3) A person who counterfeits, tampers with, or fraudulently produces an identification card.
 - (4) A person who breaches the confidentiality requirements of this article to information provided to, or contained in the records of, the department or of a county health department or the county's designee pertaining to an identification card program.
- (c) In addition to the penalties prescribed in subdivision (a), any person described in subdivision
- (b) may be precluded from attempting to obtain, or obtaining or using, an identification card for a period of up to six months at the discretion of the court.
- (d) In addition to the requirements of this article, the Attorney General shall develop and adopt appropriate guidelines to ensure the security and non-diversion of marijuana grown for medical use by patients qualified under the Compassionate Use Act of 1996.
- 11362.82. If any section, subdivision, sentence, clause, phrase, or portion of this article is for any reason held invalid or unconstitutional by any court of competent jurisdiction, that portion shall be deemed a separate, distinct, and independent provision, and that holding shall not affect the validity of the remaining portion thereof.
- 11362.83. Nothing in this article shall prevent a city or other local governing body from adopting and enforcing laws consistent with this article.

SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution for certain costs that may be incurred by a local agency or school district because in that regard this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

In addition, no reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution for other costs mandated by the state because this act includes additional revenue that is specifically intended to fund the costs of the state mandate in an amount sufficient to fund the cost of the state mandate, within the meaning of Section 17556 of the Government Code.

* Footnotes to the above:

11366. Every person who opens or maintains any place for the purpose of unlawfully selling, giving away, or using any controlled substance which is (1) specified in subdivision (b), (c), or (e), or paragraph (1) of subdivision (f) of Section 11054, specified in paragraph (13), (14), (15), or (20) of subdivision (d) of Section 11054, or specified in subdivision (b), (c), paragraph (1) or (2) of subdivision (d), or paragraph (3) of subdivision (e) of Section 11055, or (2) which is a narcotic drug classified in Schedule III, IV, or V, shall be punished by imprisonment in the county jail for a period of not more than one year or the state prison.

- 11366.5. (a) Any person who has under his or her management or control any building, room, space, or enclosure, either as an owner, lessee, agent, employee, or mortgagee, who knowingly rents, leases, or makes available for use, with or without compensation, the building, room, space, or enclosure for the purpose of unlawfully manufacturing, storing, or distributing any controlled substance for sale or distribution shall be punished by imprisonment in the county jail for not more than one year, or in the state prison.
- (b) Any person who has under his or her management or control any building, room, space, or enclosure, either as an owner, lessee, agent, employee, or mortgagee, who knowingly allows the building, room, space, or enclosure to be fortified to suppress law enforcement entry in order to further the sale of any amount of cocaine base as specified in paragraph (1) of subdivision (f) of Section 11054, cocaine as specified in paragraph (6) of subdivision (b) of Section 11055, heroin, phencyclidine, amphetamine, methamphetamine, or lysergic acid diethylamide and who obtains excessive profits from the use of the building, room, space, or enclosure shall be punished by imprisonment in the state prison for two, three, or four years.
- (c) Any person who violates subdivision (a) after previously being convicted of a violation of subdivision (a) shall be punished by imprisonment in the state prison for two, three, or four years.
- (d) For the purposes of this section, "excessive profits" means the receipt of consideration of a value substantially higher than fair market value.

11570. Every building or place used for the purpose of unlawfully selling, serving, storing, keeping, manufacturing, or giving away any controlled substance, precursor, or analog specified in this division, and every building or place wherein or upon which those acts take place, is a nuisance which shall be enjoined, abated, and prevented, and for which damages may be recovered, whether it is a public or private nuisance.

LOS ANGELES COUNTY MEDICAL MARIJUANA DISPENSARY ORDINANCE

Chapter 22.56 CONDITIONAL USE PERMITS, VARIANCES, NONCONFORMING USES, TEMPORARY USES AND DIRECTOR'S REVIEW

22.56.196 Medical marijuana dispensaries.

A. Purpose. This section is established to regulate medical marijuana dispensaries in a manner that is safe, that mitigates potential impacts dispensaries may have on surrounding properties and persons, and that is in conformance with the provisions of California Health and Safety Code section 11362.5 through section 11362.83, inclusive, commonly referred to as the Compassionate Use Act of 1996 and the Medical Marijuana Program.

- B. Conditional use permit required. The establishment and operation of any medical marijuana dispensary requires a conditional use permit in compliance with the requirements of this section.
- C. Application procedure.
 - 1. County department review. In addition to ensuring compliance with the application procedures specified in Sections 22.56.020, 22.56.030, 22.56.040, 22.56.050, and 22.56.085, the director shall send a copy of the application and related materials to the department of health services, sheriff's department, business license commission, and all other relevant county departments for their review and comment.
 - 2. Disclaimer. A warning and disclaimer shall be put on medical marijuana zoning application forms and shall include the following:
 - a. A warning that dispensary operators and their employees may be subject to prosecution under federal marijuana laws; and
 - b. A disclaimer that the county will not accept any legal liability in connection with any approval and/or subsequent operation of a dispensary.
- D. Findings. In addition to the findings required in Section 22.56.090, approval of a conditional use permit for a medical marijuana dispensary shall require the following findings:
 - 1. That the requested use at the proposed location will not adversely affect the economic welfare of the nearby community;
 - 2. That the requested use at the proposed location will not adversely affect the use of any property used for a school, playground, park, youth facility, child care facility, place of religious worship, or library;

- 3. That the requested use at the proposed location is sufficiently buffered in relation to any residential area in the immediate vicinity so as not to adversely affect said area; and
- 4. That the exterior appearance of the structure will be consistent with the exterior appearance of structures already constructed or under construction within the immediate neighborhood, so as to prevent blight or deterioration, or substantial diminishment or impairment of property values within the neighborhood.
- E. Conditions of Use. The following standards and requirements shall apply to all medical marijuana dispensaries unless a variance is granted pursuant to Part 2 of Chapter 22.56:

1. Location.

- a. Dispensaries shall not be located within a 1,000-foot radius of schools, playgrounds, parks, libraries, places of religious worship, child care facilities, and youth facilities, including but not limited to youth hostels, youth camps, youth clubs, etc., and other similar uses.
- b. Dispensaries shall not be located within a 1,000-foot radius of other dispensaries.

2. Signs.

- a. Notwithstanding the wall sign standards specified in subsection A of Section 22.52.880, dispensaries shall be limited to one wall sign not to exceed 10 square feet in area.
- b. Notwithstanding the building identification sign standards specified in subsection A.3 of Section 22.52.930, dispensaries shall be limited to one building identification sign not to exceed two square feet in area.
- c. Notwithstanding the provisions of subsection E of Section 22.52.880 and subsection C of Section 22.52.930, dispensary wall and building identification signs may not be internally or externally lit.
- d. All dispensaries shall display on their wall sign or identification sign, the name and emergency contact phone number of the operator or manager in letters at least two inches in height.
- e. Dispensaries shall post a legible indoor sign in a conspicuous location containing the following warnings:
- i. That the diversion of marijuana for non-medical purposes is a violation of state law;
- ii. That the use of medical marijuana may impair a person's ability to drive a motor vehicle or operate machinery; and
- iii. That loitering on and around the dispensary site is prohibited by California Penal Code section 647(e).

3. Hours of Operation. Dispensary operation shall be limited to the hours of 7:00 a.m. to 8:00 p.m.

4. Lighting.

- a. Lighting shall adequately illuminate the dispensary, its immediate surrounding area, any accessory uses including storage areas, the parking lot, the dispensary's front façade, and any adjoining public sidewalk to the director's satisfaction.
- b. Lighting shall be hooded or oriented so as to deflect light away from adjacent properties.
- 5. Graffiti. The owner(s) of the property on which a dispensary is located shall remove graffiti from the premises within 24 hours of its occurrence.
- 6. Litter. The owner(s) of a property on which a dispensary is located shall provide for removal of litter twice each day of operation from, and in front of, the premises.
- 7. Alcohol prohibited. Provision, sale, or consumption of alcoholic beverages on the grounds of the dispensary, both interior and exterior, shall be prohibited.
- 8. Edibles. Medical marijuana may be provided by a dispensary in an edible form, provided that the edibles meet all applicable county requirements. In addition, any beverage or edible produced, provided, or sold at the facility which contains marijuana shall be so identified, as part of the packaging, with a prominent and clearly legible warning advising that the product contains marijuana and that is to be consumed only with a physician's recommendation.
- 9. On-site consumption. Medical marijuana may be consumed on-site only as follows:
 - a. The smoking of medical marijuana shall be allowed provided that appropriate seating, restrooms, drinking water, ventilation, air purification system, and patient supervision are provided in a separate room or enclosure; and
 - b. Consumption of edibles by ingestion shall be allowed subject to all applicable county requirements.
- 10. Devices for inhalation. Dispensaries may provide specific devices, contrivances, instruments, or paraphernalia necessary for inhaling medical marijuana, including, but not limited to, rolling papers and related tools, pipes,

water pipes, and vaporizers. The above may only be provided to qualified patients or primary caregivers and only in accordance with California Health and Safety Code section 11364.5.

- 11. Security. Dispensaries shall provide for security as follows:
 - a. An adequate and operable security system that includes security cameras and alarms to the satisfaction of the director; and
 - b. A licensed security guard present at all times during business hours. All security guards must be licensed and possess a valid department of consumer affairs "security guard card" at all times.
- 12. Cultivation and cuttings. Marijuana shall not be grown at dispensary sites, except that cuttings of the marijuana plant may be kept or maintained on-site for distribution to qualified patients and primary caregivers as follows:
 - a. The cuttings shall not be utilized by dispensaries as a source for the provision of marijuana for consumption on-site, however, upon provision to a qualified patient or primary caregiver, that person may use the cuttings to cultivate marijuana plants off-site for their own use and they may also return marijuana from the resulting mature plant for distribution by the dispensary.
 - b. For the purposes of this Section, the term "cutting" shall mean a rootless piece cut from a marijuana plant, which is no more than six inches in length, and which can be used to grow another plant in a different location.
- 13. Loitering. Dispensaries shall ensure the absence of loitering consistent with California Penal Code section 647(e).
- 14. Distribution of emergency phone number. Dispensaries shall distribute the name and emergency contact phone number of the operator or manager to anyone who requests it.
- 15. Minors. It shall be unlawful for any dispensary to provide medical marijuana to any person under the age of 18 unless that person is a qualified patient or is a primary caregiver with a valid identification card in accordance with California State Health and Safety Code section 11362.7.
- 16. Compliance with other requirements. Dispensaries shall comply with applicable provisions of the California Health and Safety Code section 11362.5 through section 11362.83, inclusive, and with all applicable county requirements.
- 17. Additional conditions. Prior to approval of any dispensary, the director, hearing officer, or the regional planning commission may impose any other conditions deemed necessary for compliance with the findings specified in

subsection D of this section.

- 18. Release of the county from liability. The owner(s) and permittee(s) of each dispensary shall release the county, and its agents, officers, elected officials, and employees from any injuries, damages, or liabilities of any kind that result from any arrest or prosecution of dispensary owners, operators, employees, or clients for violation of state or federal laws in a form satisfactory to the director.
- 19. County indemnification. The owner(s) and permittee(s) of each dispensary shall indemnify and hold harmless the county and its agents, officers, elected officials, and employees for any claims, damages, or injuries brought by adjacent or nearby property owners or other third parties due to the operations at the dispensary, and for any claims brought by any of their clients for problems, injuries, damages or liabilities of any kind that may arise out of the distribution and/or on- or off-site use of marijuana provided at the dispensary in a form satisfactory to the director.
- F. Previously existing dispensaries. Notwithstanding the provisions of Part 10 (Nonconforming Uses, Buildings and Structures) of Chapter 22.56, dispensaries determined not to be operating illegally which were established prior to the effective date of this ordinance, shall be brought into full compliance with the provisions of this section within one year of the effective date of the ordinance establishing this section.
- G. Liability. The provisions of this Section shall not be construed to protect dispensary owners, permittees, operators, and employees, or their clients from prosecution pursuant to any laws that may prohibit the cultivation, sale, use, or possession of controlled substances. Moreover, cultivation, sale, possession, distribution, and use of marijuana remain violations of federal law as of the date of adoption of the ordinance creating this section and this section is not intended to, nor does it, protect any of the above described persons from arrest or prosecution under those federal laws. Owners and permittees must assume any and all risk and any and all liability that may arise or result under state and federal criminal laws from operation of a medical marijuana dispensary. Further, to the fullest extent permitted by law, any actions taken under the provisions of this section by any public officer or employee of the County of Los Angeles or the County of Los Angeles itself, shall not become a personal liability of such person or the liability of the county. (Ord. 2006-0032 § 4, 2006.)

Los Angeles, CA County Code

Chapter 11.66 MEDICAL MARIJUANA PROGRAM IDENTIFICATION CARD

11.66.010 Medical marijuana program identification card—Applications.

11.66.020 Medical marijuana program identification card — Initial application fee.

11.66.030 Medical marijuana program identification card — Renewal application fee.

11.66.040 Medical marijuana program identification card — County application fee.

11.66.010 Medical marijuana program identification card—Applications.

ADDENDUM NO. 3 LOS ANGELES COUNTY MEDICAL MARIJUANA DISPENSARY ORDINANCE PAGE 5 The county health officer shall provide applications upon request to individuals seeking a medical marijuana program identification card pursuant to Division 10, Chapter 6, Article 2.5 of the Health and Safety Code. (Ord. 2006-0038 § 1 (part), 2006.)

11.66.020 Medical marijuana program identification card — Initial application fee. Every person seeking to obtain a medical marijuana program identification card shall submit a completed application to the county health officer, or his or her designee, and at such time pay the required application fee, as established by the Board of Supervisors. The initial application fee is \$100, except that applicants that receive Medi-Cal benefits at the time of submission of their application shall pay \$50. (Ord. 2006-0038 § 1 (part), 2006.)

11.66.030 Medical marijuana program identification card — Renewal application fee. Every person seeking to renew his or her medical marijuana program identification card shall submit a completed application for renewal to the county health officer, or his or her designee, and at such time pay the required renewal application fee. The renewal application fee is \$100, except that applicants that receive Medi-Cal benefits at the time of submission of their renewal application shall pay \$50. (Ord. 2006-0038 § 1 (part), 2006.)

11.66.040 Medical marijuana program identification card — County application fee. The county health officer shall collect all application fees as required by the California Department of Health Services for each application and renewal application received. The county health officer shall charge an additional application fee, as established by the Board of Supervisors, for each application and renewal application received. This additional fee shall cover all costs incurred by the County of Los Angeles in administering the Medical Marijuana Program pursuant to Division 10, Chapter 6, Article 2.5 of the Health and Safety Code. The county's portion of the application fee shall be combined with the application fee required by the California Department of Health Services to create a single application fee and be collected from the applicant upon receipt of the completed application, as set forth in Sections 11.66.020 and 11.66.030. (Ord. 2006-0038 § 1 (part), 2006.)

SIGNIFICANT MEDICAL MARIJUANA INVESTIGATIONS

Yellow House at 1209 North La Brea Avenue, West Hollywood

On May 6, 2005, officers from the Los Angeles Police Department served a warrant upon the Yellow House, which is one of a chain of seven medical marijuana dispensaries in Oakland, San Francisco, Ukiah, San Leandro, Bakersfield, and El Cajon. The Yellow House was the focus of an investigation into the distribution and illegal sales of marijuana to adults and juveniles.

Evidence was also recovered that demonstrated that the Yellow House was a profitable business enterprise. Fourteen people were arrested, 800 pounds of marijuana and \$242,000 in cash seized (the 14 arrested were never filed on by the District Attorney's Office due to a lack of standardized procedures concerning medicinal marijuana dispensaries). Seized documents indicated \$1.7 million in cash was received from a clientele of approximately 300 people per day during March 2005. An email from the Oakland "dispensary" boasted sales of \$2 million a month and 800 clients daily. The Executive Director, based in Oakland, chastised the Yellow House for not bringing in more clientele. This is a clear violation of Senate Bill 420 (profiteering). It is estimated that the corporation brought in over \$200 million annually in gross receipts. This money was sheltered in the purchase of real estate, exotic automobiles, expanding business operations, and foreign investments.

• United Medical Caregivers Clinic (UMCC), 4520 Wilshire Boulevard, Los Angeles

On March 15, 2005, at approximately 6 p.m., a LAPD Wilshire Division SLO contacted the Wilshire Division Narcotics Enforcement Detail (NED) and reported that a citizen had telephoned complaining about marijuana sales at UMCC, 4520 Wilshire Boulevard. The citizen complained that on numerous occasions he had observed people smoking marijuana joints in the area of Wilshire Boulevard and Muirfield Avenue. The citizen conversed with the people smoking marijuana and inquired where they had obtained the marijuana. He was handed a flyer that made reference to marijuana usage and the letters, "UMCC." The SLO conducted a follow-up investigation to the location and observed a sign with "UMCC parking to rear." The SLO entered the lobby and smelled the heavy odor of marijuana. The SLO went upstairs and spoke with the employees of UMCC. They voluntarily admitted marijuana was on the premises and being sold at the location.

Later the same day, Wilshire NED obtained a search warrant for UMCC and served it at approximately 10:15 p.m. Officers then arrested two operators of the business for 11359 H&S (marijuana for sales). Officers recovered a shotgun, nearly 200 pounds of marijuana and \$186,416 in cash for asset forfeiture.

On April 11, 2005, the seizure of money was adopted for forfeiture by the Drug Enforcement Administration (DEA). Later, while conducting a follow-up investigation at the clinic, DEA agents seized an additional \$131,132 from the owner of UMCC for forfeiture.

Several months later, UMCC moved from 4520 Wilshire Blvd., to 1248 South Fairfax Avenue, adjacent to a church (300 feet), and within a half block of a residential neighborhood. Wilshire Division has since received numerous complaints from residents in the area regarding noise, people coming around at all hours, a rise in vandalism and people aimlessly wandering in the neighborhood.

This dispensary is located .19 miles from the 3 of Life Ministries.

• Fairfax Caregivers, 14303 Ventura Boulevard, Sherman Oaks

On August 11, 2006, an investigation revealed a high school coach provided his medical marijuana recommendation to high school students to enable them to purchase marijuana for recreational use. The 16 and 17-year-olds then went to Fairfax Caregivers, 14303 Ventura Blvd., and purchased marijuana.

On August 28, 2006, unknown suspects tunneled through an adjacent gym into Fairfax Caregivers, 14303 Ventura Blvd., and stole marijuana and cash.

On September 1, 2006, citizens complained (3.19) of people coming out of Fairfax Caregivers, 14303 Ventura Blvd., with large bags of marijuana.

North Valley Caregivers, 15600 Devonshire Street #203, Granada Hills

On January 2, 2006, at 3:15 p.m., an anonymous citizen complained to Mission Division that North Valley Caregivers was possibly selling marijuana. The citizen observed customers leaving with bags of marijuana and sometimes customers used the marijuana in the halls and elevator; when this was observed, the citizen called the police. Mission Division patrol officers responded and contacted their NED for advice on how to handle an allegedly legitimate medical marijuana dispensary.

Upon arrival of the NED they could clearly smell the strong odor of marijuana. The NED was admitted inside the location and encountered two employees. One of them, a security guard, had a prior conviction for the possession and sales of marijuana with a firearm along with numerous other arrests. The guard stated his moniker was "Lil Devil" from the 62nd Street Brims (street gang). He also showed off his gang tattoos and stated his brother was in prison for ordering a murder and that his brother was a major "shot caller" in the Bloods criminal street gang. The NED then obtained a search warrant for the business and recovered several pounds of marijuana, two scales, surveillance camera, miscellaneous records and \$2,820 in cash. The money was successfully forfeited.

On January 12, 2006, at 4 p.m., a source of information complained (3.19) to Mission Division NED that Unit 203 (North Valley Caregivers) put out a letter telling other tenants that Unit 203 would continue to sell marijuana. A person named "Oliver" signed the letter, addressed to "Dear neighbor."

On January 31, 2006, at noon, the same source of information complained (3.19) to Mission Division NED that approximately 60 customers purchased marijuana on January 30, 2006, at 15600 Devonshire St. #203.

On February 2, 2006, at 1:12 p.m., another source of information complained (3.19) to Mission Division NED the marijuana dealer in 203 (North Valley Caregivers), had hired "security" who was threatening and harassing his employees.

Also on February 2, a citizen complained (3.19) to Mission Division NED that he told "Andrew" (owner of North Valley Caregivers), that his customers of the citizen's business were complaining of the marijuana smell in the building and it was adversely affecting his business. North Valley Caregiver's security guard escorted the citizen out of the dispensary. The owner of North Valley Caregivers then went to citizen's office and created a disturbance. The complainant and his employees were fearful for their safety.

On February 8, 2006, a part-time student at California State University at Northridge complained (3.19) to Mission Division NED that flyers had been handed out on campus promoting North Valley Caregivers. The flyers encouraged students to engage in drug use and obtain a "free gram of OG Kush," including, "free gram on your birthday; free edible on your first visit; and free parking always."

On February 13, 2006, another citizen complained (3.19) to Mission Division NED and stated, "The guys from 203 (North Valley Caregivers) are smoking weed in the hallway outside my office. It is 7 o'clock on Sunday night and they are killing my business. Please help."

On March 7, 2006, the same citizen complained (3.19) to Mission Division NED about North Valley Caregivers. The citizen stated, "Suspects sell marijuana. Suspects smoke marijuana. Congregate, loiter and threaten complainants, customers and staff. Suspects have broken security gate and door at complex for access."

On March 8, 2006, the same citizen complained (3.19) to Mission Division NED about North Valley Caregivers. The citizen advised that suspects are purchasing marijuana from a legal, medical marijuana business. The patients are smoking the marijuana inside of the business and in the elevator. The citizen further advised unknown suspects vandalized the magnetic security gate, allowing customers to enter the building during all hours.

On May 10, 2006, an anonymous delivery driver complained (3.19) to Mission Division NED about being threatened by marijuana sellers at North Valley Caregivers (NVC), 15600 Devonshire Street #203. The driver stated the employees of NVC threatened him with bodily harm because he refused to handle their marijuana deliveries. He refused to sign a crime report because he feared physical harm.

This dispensary is located 0.15 miles from the United Methodist Church.

Miracle Healing Alliance, 12805-B Victory Boulevard, North Hollywood

On August 10, 2006, an LAPD Van Nuys Division patrol officer was dispatched to Grant High School at Oxnard Street and Coldwater Canyon Boulevard to investigate an assault. While walking across campus, the officer observed a pink flyer with a marijuana leaf that advertised medical marijuana recommendations could be obtained at 12805-A Victory Boulevard, North Hollywood (approximately ½ mile from the school). The card stated, "It is still legal to own, grow, and smoke medical marijuana as long as you do it properly. Qualification is simple and our experienced physicians are more than happy to help you." The card also stated, "If you do not qualify for a recommendation your visit is free."

On August 12, 2006, a North Hollywood Division officer went to 12805-A Victory Boulevard (back door at the address) to investigate. The officer noted the address is next to a community center, an elementary school, a theater and other businesses. The address 12805 was found to have a "A" and "B" on the mailbox. The officer then went to a metal door and pushed a buzzer. "Subject VK" opened the door and the officer immediately smelled a strong odor of marijuana. When asked if it was a doctor's office, "Subject VK" replied it was and then stated, "This is a medical marijuana clinic and we provide medication to people." "VK" stated he was a volunteer and refused to provide identification to the officer or any information about the business and who worked there or owned it. The officer then placed "VK" in handcuffs and other officers cleared the location for additional persons. Officers recovered an unregistered and loaded handgun, marijuana, two scales, miscellaneous documents and \$337 in cash. "VK" was arrested for 11359 H&S (marijuana sales). One of the two doctors who occupied the front of the building was on three years probation and the other had received a citation for failing to report felony information.

This dispensary is located 0.22 miles from the Saint Jane Frances School, 0.17 miles from the S J F Church, and 0.05 miles from the Iglesia Christina Pentecostes Church.

Holistic Health Care, 10652 Magnolia Boulevard, North Hollywood

On August 2, 2006, a LAPD North Hollywood Division Senior Lead Officer went to Holistic Health Care, 10652 Magnolia Boulevard, to meet the owner and do a walk through. The officer noted the business had a large steel door inside, which is a violation of the Building and Safety Code.

This dispensary is also located 0.21 miles from the Iglesia Pentecostes Marantha Numero Dos Church and 0.24 miles from the Jake Medical Group.

On August 3, 2006, North Hollywood Division patrol officers and a Los Angeles Building and Safety inspector went to Holistic Health Care, 10652 Magnolia Blvd., North Hollywood, which is a medical marijuana dispensary, to conduct an inspection of the business with the owner. The owner did not show up. The Building and Safety inspector issued a "Stop Work Order" because of changes made to the structure without a permit.

RNS-Caregivers United, 10551 Burbank Blvd., North Hollywood

On July 24, 2006, at approximately 4 p.m. North Hollywood Division patrol officers went to RNS-Caregivers United, 10551 Burbank Boulevard, North Hollywood. Before entering the location, they smelled a heavy odor of marijuana being vented out of the location onto the street via a blower. The officers entered the open front door and observed marijuana in plain sight. The officers opined the location was being maintained for the illegal distribution of marijuana and arrested the owner for 11360(a) H&S (sales of marijuana).

This dispensary is located 0.05 miles from the Iglesia De Dios Church, and 0.10 mile from the Ministerio Palabra Verdad Y Vida Church.

• Dispensary (unnamed), 6748 Laurel Canyon Blvd., North Hollywood

On July 2, 2006, North Hollywood Division patrol officers responded to a radio call, "211 Silent, personally activated hold up alarm," at 6748 Laurel Canyon Boulevard, North Hollywood. Upon arrival, the officers learned from the owner that a security guard had accidentally pulled the alarm. The owner allowed officers to check the interior of the building and officers observed a large amount of marijuana in display cases. The officers also encountered an open safe that was large enough to contain a person. The owner gave the officers consent to look into the safe and they observed 15 jars containing marijuana. The owner told the officers he had a permit to sell marijuana to patients with doctor's recommendations. He stated he had a business in San Diego that was closed by police but reopened the next day. He then presented the officers with an Oakland Marijuana Buyers card, but was unable to produce any identification. He also had three scales and was arrested for 11359 H&S (marijuana sales).

This dispensary is located .05 miles from the Monte Sinai Pentecostal Church and .16 miles from the Calvary Temple Pentecostal Holiness Church.

CannaMed of Northridge, 9349 Melvin Avenue, Unit 9, Northridge
On August 30, 2005, a citizen, a citizen complained (3.19) to Devonshire Division about
her 19-year-old son working at CannaMed of Northridge and selling different grades of
marijuana. She further gave a description and personal information about her son and
stated he was a heavy marijuana and drug user and used narcotics while working there.

She observed marijuana plants of various sizes. She provided a CannaMed flyer, dated July 1, 2005, wherein the first 100 patients would receive one free gram of marijuana with a doctor's recommendation and picture identification.

Hollywood Patients' Group, 6115 Selma Avenue, Hollywood

On September 13, 2006, an armed robbery occurred at Hollywood Patients' Group, 6115 Selma Ave., Hollywood. Suspects stole over \$14,000 in cash and marijuana.

• West Valley Caregivers, 23067 Ventura Boulevard, Woodland Hills

On Sunday May 7, 2006, at approximately 4 a.m., LAPD West Valley Division patrol officers responded to a Code 30 alarm at West Valley Caregivers, 23067 Ventura Blvd., Woodland Hills. Upon arrival, they met the owner and observed the front door had been kicked open and unknown suspects had ransacked and trashed the interior. The officers then reviewed digital security footage of the interior and saw three suspects enter and take marijuana and other items. While completing the report, officers found gloves and a bag that had an identification tag with a name and an address.

The officers then conducted a follow-up to the address on the ID tag located just 1.3 miles from the dispensary. At the house, officers found nine young people inside the residence having a pot party. Officers arrested the three subjects observed on the security footage, two 19-year-olds and one 18-year-old. They also seized all of the stolen property except what was smoked and a handgun.

• The Health Center Studio City, 11324 Ventura Boulevard, Studio City

On May 29, 2006, at 11 a.m., a citizen complained (3.19) to North Hollywood Division that a medical marijuana dispensary located in a strip mall at 11324 Ventura Blvd., was selling marijuana illegally and possessed no business license. There was no name on the outside of the dispensary.

This dispensary is located adjacent to the medical marijuana dispensary located at 11314 Ventura Blvd, Health Center of Studio City. It is also located within 0.16 miles of the Studio City Convalescent Hospital.

• Valley Co-Op, 8363 Reseda Boulevard #203A, Northridge

On February 15, 2006, at Los Angeles International Airport, TSA screeners detected money secreted in the carry-on of subject #1 of San Francisco. The screeners notified the LAX Task Force who in turn monitored subject #1 as he boarded a flight bound for Eureka in northern California. Once on board the aircraft, flight attendants believed subject #1 was flying with two other men seated in different spots on the plane. Detectives then boarded the flight and the three consented to step off the flight momentarily. Detectives learned the three men, subject #1, subject #2 of Arcata

(northern California), and subject #3 of San Bernardino, and the owner of a foreign car dealership in Costa Mesa, secreted a total of \$116,390 in their carry-on bags for the purpose of going to northern California to arrange for the purchase of marijuana for their new medical marijuana dispensary (Valley Co-Op) to open at 8363 Reseda Blvd. #203A, Northridge.

This dispensary is located from .09 miles from the Iglesia De Restauracion Filial Reseda Church.

NOTE: Subject #1 is also closely associated with Trichome Holistic Medicine, 7100 Van Nuys Blvd. #204, Van Nuys.

Therapeutic Medicine Health Resource, 14836 Burbank Boulevard, Van Nuys

On May 10, 2006, at approximately 3:50 a.m., LAPD Van Nuys Division patrol officers responded to a burglary investigation at Therapeutic Medicine Health Resource, 14836 Burbank Boulevard. The victim reported unknown suspects used a parking post barrier to attempt to smash open the rear door but were unsuccessful. They then pried open the rear door and entered and ransacked the medical marijuana dispensary and stole approximately \$5,000 in cash and marijuana.

NoHo Caregivers, 4296 Vineland Avenue, Studio City

On August 22, 2006, a citizen complained (3.19) to North Hollywood Division about NoHo Caregivers, 4296 Vineland Avenue, Studio City. The source of information, who works nearby, noticed the odor of burning marijuana, which attracted children to the fence from Carlson Hospital Home School (10952 Whipple, located a few feet behind the dispensary).

This dispensary is also located 0.18 miles from the Rio Vista Elementary Scholl, 0.25 miles from the Saint Charles School, 0.28 miles from the Oakwood School, and 0.29 miles from the Saint Charles Catholic Church.

• Northridge Healing Center, 8349 Reseda Boulevard #D, Northridge

On August 31, 2006, at 9 a.m., a source of information, complained (3.19) to Devonshire Division, who forwarded the information to Juvenile Narcotics, that juvenile patients advised him they were buying marijuana from Northridge Healing Center, 8349 Reseda Blvd. #D, Northridge. The juveniles were also obtaining prescriptions from an unknown doctor.

This dispensary is located 0.09 miles from the Iglesia De Restauracion Filial Reseda Church.

• 3728 Berry Drive, Studio City (vacant house)

Shortly after the incident at Trichome Healing Center in Van Nuys, neighbors heard noises coming from a vacant residence at 3728 Berry Drive, Studio City, and called the police. Patrol officers from North Hollywood Division responded and learned two suspects left a box containing 12 items containing packaged medical marijuana. The officers opined the suspects cleared out a dispensary fearing the DEA after what happened in Van Nuys (the house sat on a residential street approximately ¾ of a mile from two medical marijuana dispensaries at 11314 and 11324 Ventura Boulevard).

• "The Medicine Man" dispensary, 803 Genesee Avenue, Hollywood

On November 12, 2005, the Hollywood Division NED arrested a suspect known as "The Medicine Man," who operated a medical marijuana dispensary from his residence at 803 Genesee Ave., Hollywood. Customers could either purchase medical marijuana at his residence or telephone him and he would deliver. A search warrant at his residence netted marijuana, hashish and marijuana laced candy, pills, scales and \$14,506 in cash that was seized for forfeiture. He was arrested and later convicted of 11359 H&S (possession for sales of marijuana).

This dispensary is located .13 miles from the Church of Scientology Mission of Melrose, 0.19 miles from Fairfax Senior High School, 0.25 miles from the Laurel School, and 0.26 miles from the Laurel Elementary School.

Toluca Lake Collective, 10628 Riverside Drive #1, Toluca Lake

On August 28, 2006, an LAPD North Hollywood Division officer completed a 3.19 on the establishment of the Toluca Lake Collective, 10628 Riverside Drive #1, Toluca Lake (opened on August 24, 2006). The owner is alleged to have been a partner in the now closed Holistic Health Care, 10652 Magnolia Boulevard, North Hollywood.

This dispensary is located 0.24 miles from the Saint Charles Catholic Church and 0.28 miles from the Saint Charles School.

B/T Auto Crimes Percent Change near Medical Marijuana Dispensaries 2005/ 2006 Comparison

Van Nuys

Reporting Districts (RDs)	986	945	963	962	957	Change	
No of B/T Auto Crimes 07/30/06 to 10/28/06		13	16	18	9	13	69
No of B/T Auto Crimes 07/30/05 to 10/29/05		15	7	16	5	7	50
	Percent Change	-13.3%	128.6%	12.5%	80.0%	85.7%	38.0%

Pacific

Reporting Districts (RDs)	1415	1414	1431	1432	. 1444	Change	
No of B/T Auto Crimes 07/30/06 to 10/28/06		2	6	5	3	7	23
No of B/T Auto Crimes 07/30/05 to 10/29/05		5	5	10	3	5	28
	Percent Change	-60.0%	20.0%	-50.0%	0.0%	40.0%	-17.9%

North Hollywood

Reporting Districts (RDs) 1532 1526 1558 1586 1567					Change		
No of B/T Auto Crimes 07/30/06 to 10/28/06		15	9	6	15	6	51
No of B/T Auto Crimes 07/30	14	17	9	28	6	74	
	Percent Change	7.1%	-47.1%	-33.3%	-46.4%	0.0%	-31.1%

West Valley

							Total %
Reporting Districts (RDs) 1072 1073 1084 1066 1015 0						Change	
No of B/T Auto Crimes 07/30/06 to 10/28/06 1 10 6 6				7	30		
No of B/T Auto Crimes 07/30/05 to 10/29/05 1 3 0				6	3	13	
Percent Change 0.0% 233.3% N.C. 0.0% 133.3%						130.8%	

Harbor

							Total %
Reporting Districts (RDs)	558	563	567	557	565	Change	
No of B/T Auto Crimes 07/30/06 to 10/28/06		10	15	12	5	5	47
No of B/T Auto Crimes 07/30/05 to 10/29/05		17	9	9	7	5	47
	Percent Change	-41.2%	66.7%	33.3%	-28.6%	0.0%	0.0%

Hollywood

Reporting Districts (RDs) 645 647 646 669 677						Change	
No of B/T Auto Crimes 07/30	23	13	16	13	12	77	
No of B/T Auto Crimes 07/30	20	17	23	10	9	79	
	Percent Change	15.0%	-23.5%	-30.4%	30.0%	33.3%	-2.5%

Auto Theft Crimes Percent Change near Medical Marijuana Dispensaries 2005/ 2006 Comparison

Van Nuys

Properties (1) and the second							Total %
Reporting Districts (RDs)	1	986	945	963	962	957	Change
No of Auto Theft Crimes 07/30/06 to 10/28/06		16	19	8	18	13	74
No of Auto Theft Crimes 07/30/05 to 10/29/05		9	12	9	3	8	41
	Percent Change	77.8%	58.3%	-11.1%	500.0%	62.5%	80.5%

Pacific

						Total %	
Reporting Districts (RDs)	1415	1414	1431	1432	1444	Change	
No of Auto Theft Crimes 07/30/06 to 10/28/06		_ 2	4	9	1	3	19
No of Auto Theft Crimes 07/30/05 to 10/29/05		2	2	6	2	2	14
	Percent Change	0.0%	100.0%	50.0%	-50.0%	50.0%	35.7%

North Hollywood

							Total %
Reporting Districts (RDs)	1532	1526	1558	1586	1567	Change	
No of Auto Theft Crimes 07/30/06 to 10/28/06		8.	8	8	5	1	30
No of Auto Theft Crimes 07/30/05 to 10/29/05		8	10	10	8	2	38
	Percent Change	0.0%	-20.0%	-20.0%	-37.5%	-50.0%	-21.1%

West Valley

							Total %
Reporting Districts (RDs)	1072	1073	1084	1066	1015	Change	
No of Auto Theft Crimes 07/3	2	1	4	3	7	17	
No of Auto Theft Crimes 07/3	1	0	1	4	5	11	
	Percent Change	100.0%	N.C.	300.0%	-25.0%	40.0%	54.5%

Harbor

70 C 10 E 1							Total %
Reporting Districts (RDs)	558	563	567	557	565	Change	
No of Auto Theft Crimes 07/30/06 to 10/28/06		9	16	12	22	2	61
No of Auto Theft Crimes 07/30/05 to 10/29/05		21	13	10	9	2	55
	Percent Change	-57.1%	23.1%	20.0%	144.4%	0.0%	10.9%

Holiywood

ony wood							
				1			Total %
Reporting Districts (RDs)		645	647	646	669	677	Change
No of Auto Theft Crimes 07/30/06 to 10/28/06		16	12	15	13	2	58
No of Auto Theft Crimes 07/30/05 to 10/29/05		25	8	22	14	6	75
	Percent Change	-36.0%	50.0%	-31.8%	-7.1%	-66.7%	-22.7%

Burglary Crimes Percent Change near Medical Marijuana Dispensaries 2005/ 2006 Comparison

Van Nuys

and the second							
Reporting Districts (RDs)		986	945	963	962	957	Change
No of Burglary Crimes 07/30/06 to 10/28/06		6	6	19	9	9	49
No of Burglary Crimes 07/30/05 to 10/29/05		15	6	12	11	7	51
· · · · · · · · · · · · · · · · · · ·	Percent Change	-60.0%	0.0%	58.3%	-18.2%	28.6%	-3.9%

Pacific

20 (6 H)	All the second second						Total %
Reporting Districts (RDs)		1415	1414	1431	1432	1444	Change
No of Burglary Crimes 07/30/06 to 10/28/06		9	6	9	7	4	35
No of Burglary Crimes 07/30/05 to 10/29/05		2	2	11	4	4	23
<u> </u>	Percent Change	350.0%	200.0%	-18.2%	75.0%	0.0%	52.2%

North Hollywood

97.1					=		Total %
Reporting Districts (RDs)		1532	1526	1558	1586	1567	Change
No of Burglary Crimes 07/30/06 to 10/28/06		7	4	11	8	2	32
No of Burglary Crimes 07/30/05 to 10/29/05		11	8	8	12	3	42
	Percent Change	-36.4%	-50.0%	37.5%	-33.3%	-33.3%	-23.8%

West Valley

The state of the s						Total %	
Reporting Districts (RDs)		1072	1073	1084	1066	1015	Change
No of Burglary Crimes 07/30/06 to 10/28/06		5	6	2	3	10	26
No of Burglary Crimes 07/30/05 to 10/29/05		1	7	8	5	- 5	26
Percent Change		400.0%	-14.3%	-75.0%	-40.0%	100.0%	0.0%

Harbor

							Total %
Reporting Districts (RDs)	558	563	567	557	565	Change	
No of Burglary Crimes 07/30/06 to 10/28/06		7	11	6	9	3	36
No of Burglary Crimes 07/30/05 to 10/29/05		8	11	3	3	2	27
<u> </u>	Percent Change	-12.5%	0.0%	100.0%	200.0%	50.0%	33.3%

Hollywood

	T. A.	11					Total %
Reporting Districts (RDs)		645	647	646	669	677	Change
No of Burglary Crimes 07/30/06 to 10/28/06		10	14	14	5	6	49
No of Burglary Crimes 07/30/05 to 10/29/05		18	1	14	16	22	71
	Percent Change	-44.4%	1300.0%	0.0%	-68.8%	-72.7%	-31.0%

Addendum No. 5

Robbery Crimes Percent Change near Medical Marijuana Dispensaries 2005/ 2006 Comparison

Van Nuys

and the second				- 10-10-10	N.		Total %
Reporting Districts (RDs)		986	945	963	962	957	Change
No of Robbery Crimes 07/30/06 to 10/28/06		8	6	2	5	6	27
No of Robbery Crimes 07/30/05 to 10/29/05		4	4	0	4	9	21
	Percent Change	100.0%	50.0%	N.C.	25.0%	-33.3%	28.6%

Pacific

							Total %
Reporting Districts (RDs)	1415	1414	1431	1432	1444	Change	
No of Robbery Crimes 07/30/06 to 10/28/06		4	0	2	0	1	7
No of Robbery Crimes 07/30/05 to 10/29/05		3	5	10	1	2	21
Percent Change 33.3% -100.0% -80.0% -100.0% -50.0%						-50.0%	-66.7%

North Hollywood

72.							
Reporting Districts (RDs)	1532	1526	1558	1586	1567	Change	
No of Robbery Crimes 07/30/06 to 10/28/06		3	4	1	3	2	13
No of Robbery Crimes 07/30/05 to 10/29/05		1	2	2	3	0	8
	Percent Change	200.0%	100.0%	-50.0%	0.0%	N.C.	62.5%

West Valley

							Total %
Reporting Districts (RDs)		1072	1073	1084	1066	1015	Change
No of Robbery Crimes 07/30/06 to 10/28/06		6	0	2	1	6	15
No of Robbery Crimes 07/30/05 to 10/29/05		0	3	1	0	1	5
	Percent Change	N.C.	-100.0%	100.0%	N.C.	500.0%	200.0%

Harbor

							Total %
Reporting Districts (RDs)		558	563	567	557	565	Change
No of Robbery Crimes 07/30/06 to 10/28/06		1	3	3	8	3	18
No of Robbery Crimes 07/30/05 to 10/29/05		6	7	5	4	4	26
	Percent Change	-83.3%	-57.1%	-40.0%	100.0%	-25.0%	-30.8%

Hollywood

11011y1100a							
	* 1						Total %
Reporting Districts (RDs)		645	647	646	669	677	Change
No of Robbery Crimes 07/30	/06 to 10/28/06	13	10	13	10	11	57
No of Robbery Crimes 07/30	/05 to 10/29/05	13	4	15	7	12	51
	Percent Change	0.0%	150.0%	-13.3%	42.9%	-8.3%	11.8%

Addendum No. 5

Agg Assault Crimes Percent Change near Medical Marijuana Dispensaries 2005/ 2006 Comparison

Van Nuys

						Total %	
Reporting Districts (RDs)		986	945	963	962	957	Change
No of Agg Aslt Crimes 07/30	/06 to 10/28/06	1	5	4	3	6	19
No of Agg Aslt Crimes 07/30	/05 to 10/29/05	4	1	0	5	5	15
	Percent Change	-75.0%	400.0%	N.C.	-40.0%	20.0%	26.7%

Pacific

					Total %		
Reporting Districts (RDs)		1415	1414	1431	1432	1444	Change
No of Agg Aslt Crimes 07/30/06 to 10/28/06		3	7	5	0	1	16
No of Agg Aslt Crimes 07/30	/05 to 10/29/05	0	1	7	0	4	12
	Percent Change	N.C.	600.0%	-28.6%	N.C.	-75.0%	33.3%

North Hollywood

						Total %	
Reporting Districts (RDs)		1532	1526	1558	1586	1567	Change
No of Agg Aslt Crimes 07/30/06 to 10/28/06		7	3	4	1	. 0	15
No of Agg Aslt Crimes 07/30	Agg Aslt Crimes 07/30/05 to 10/29/05		4	6	2	1	17
	Percent Change	75.0%	-25.0%	-33.3%	-50.0%	-100.0%	-11.8%

West Valley

						Total %	
Reporting Districts (RDs)		1072	1073	1084	1066	1015	Change
No of Agg Aslt Crimes 07/30/06 to 10/28/06		1	2	0	1	8	´ 12
No of Agg Aslt Crimes 07/30.	/05 to 10/29/05	0	1	3	2	3	9
	Percent Change	N.C.	100.0%	-100.0%	-50.0%	166.7%	33.3%

Harbor

					Total %		
Reporting Districts (RDs)		558	563	567	557	565	Change
No of Agg Aslt Crimes 07/30/06 to 10/28/06		12	11	5	5	0	33
No of Agg Aslt Crimes 07/30	/05 to 10/29/05	3	4	7	5	2	21
	Percent Change	300.0%	175.0%	-28.6%	0.0%	-100.0%	57.1%

Hollywood

			į.		5.00	100	Total %
Reporting Districts (RDs)		645	647	646	669	677	Change
No of Agg Aslt Crimes 07/30/06 to 10/28/06		19	2	12	9	7	49
No of Agg Aslt Crimes 07/30	/05 to 10/29/05						0
	Percent Change	N.C.	N.C.	N.C.	N.C.	N.C.	N.C.

Addendum No. 5

CBS2-KCAL9- LOS ANGELES – SOUTHNERN CAPTFORNIA – LA BREAKING NEWS, WEATHER, TRAFFIC, SPORTS, BLOGS, VIDEO, SLIDESHOWS: CALIFORNIA LAW:MEDICAL MARIJUANA

Nov 3, 2006 8:20 pm US/Pacific

California Law: Medical Marijuana

(CBS) LOS ANGELES The assertion that all medical marijuana is headed for seriously ill patients is misleading. Statistics from the California Branch of the National Organization for the Reform of Marijuana Laws (NORML) shows that a survey of Californians reports the top three reported uses of medicinal marijuana:

40% Chronic Pain

- 22% AIDS-Related
- 15% Mood Disorders
- (23% All other categories)

In California there is no state regulation or standard of the cultivation and/or distribution medical marijuana. California leaves the establishment of any guidelines to local jurisdictions, which can widely vary. For example, Marin County allows up to six mature plants, and/or a half-pound dried marijuana. It's neighbor, Sonoma County permits possession of three pounds of marijuana, and allows cultivation up to 99 plants, and physicians may recommend more for "exceptional patients."

Local and state law enforcement counterparts cannot distinguish between illegal marijuana grows and grows that qualify as medical exemptions. Many self-designated medical marijuana growers are, in fact, growing marijuana for illegal, "recreational" use.

Elected law enforcement officials, i.e. Sheriffs and District Attorneys in California have been targeted by the "marijuana lobby." Political action by groups such as NORML have endorsed and supported candidates favorable to medical marijuana. NORML tracks local elections and takes credit for the defeats of anti-marijuana candidates. Last year the DEA arrested a major marijuana trafficker in Humboldt County who was an undeclared candidate for sheriff. The DEA and its local and state counterparts routinely report that large-scale drug traffickers hide behind and invoke Proposition 215, even when there is no evidence of any medical claim. In fact, many large-scale marijuana cultivators and traffickers escape state prosecution because of bogus medical marijuana claims. Prosecutors are reluctant to charge these individuals because of the state of confusion that exists in California. Therefore, high-level traffickers posing as "care givers" are able to sell illegal drugs with impunity.

The California NORML website lists federal defendants for the largest indoor marijuana cultivation operation in the U.S., which occurred in Northern California, as "green prisoners." While unscrupulously claiming to be "medical marijuana" defendants, in fact these two individuals were dangerous, armed fugitives believed to be responsible for drug-related murders and other violence.

DEA's San Francisco Field Division coordinates the statewide Domestic Cannabis Eradication/Suppression Program (DCE/SP). The number of plants eradicated and assets seized represent the largest totals in California history.

(Information from the U.S. Drug Enforcement Administration)

ADDENDA NO. 6 LOS ANGELES NEWS CALIFORNIA LAW: MEDICAL MARIJUANA http://cbs2.com/local/local story 307232432.html