

CITY OF LOS ANGELES
CALIFORNIA

JUNE LAGMAY
City Clerk

HOLLY L. WOLCOTT
Executive Officer

When making inquiries relative to
this matter, please refer to the
Council File No.



ANTONIO R. VILLARAIGOSA
MAYOR

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July 25, 2012

To All Interested Parties:

City Attorney (w/blue sheet)

The City Council adopted the action(s), as attached, under Council File No. 08-0923-S17, at its meeting held July 24, 2012.



City Clerk
vm

08-0923-517

MAY 09 2012

PLANNING & LAND USE MANAGEMENT

MOTION

The City is in the process of complying with various court rulings controlling its regulation of medical marijuana. On January 26, 2012 the City Planning Commission discussed the matter and moved forward in recommending a "gentle ban" to the City Council until such time as the California Supreme Court issues clearer guidance to cities.

The City has strived for more than seven years to strike a balance between carefully regulating medical marijuana facilities and assuring patient access to medication. The "gentle ban" would eliminate all medical marijuana dispensaries while still providing for distribution by licensed health care facilities and for home-based cultivation by patients and care-givers. This approach may result in a hardship for seriously ill patients who cannot cultivate at home and who lack access to a licensed health care provider or a care-giver who will cultivate for them.

A second more reasonable approach to compliance could include a limited immunity approach whereby the City proceeds forward with a ban on dispensaries but uses its prosecutorial discretion to abstain from any enforcement action against the limited number of dispensaries that do not violate a set of City Council imposed restrictions. This approach would protect neighborhoods while still assuring limited safe access for patients within the confines of ever evolving case law.

I THEREFORE MOVE that the City Attorney report to the Council regarding the gentle ban with limited immunity approach and that an ordinance implementing that approach be presented to the Council as an alternate to the ban approved by the City Planning Commission.

ORIGINAL

MAY 16 2012 - Planning & Land Use Management
REFERRED TO Public Safety

Paul Koretz
PAUL KORETZ

Councilmember, 5th District

ADOPTED

In lieu of committee report

JUL 24 2012

As Amended

LOS ANGELES CITY COUNCIL
ENDORSED BY
see attached motion

[Signature]
MAY 9 2012

[Signature]

VERBAL MOTION

I HEREBY MOVE that Council AMEND Motion (Koretz-Wesson) (Item #18, Council file 08-0923-S17) relative to a limited immunity ordinance approach to regulating medical marijuana businesses:

1. REQUEST the City Attorney and DIRECT the Planning Department and related staff to prepare an ordinance and accompanying California Environmental Quality Act analysis to be presented to the City Planning Commission. This ordinance will ban all post Interim Control Ordinance dispensaries and impose restrictions on the 182 registered facilities.
2. INSTRUCT the Chief Legislative Analyst, City Administrative Officer, City Attorney, Los Angeles Police Department, Department of Building and Safety, and Planning Department to report back in three weeks with a mechanism to fund dedicated enforcement unit such that it allows the city to expeditiously enforce the City adopted Ordinance relative to medical marijuana.

PRESENTED BY _____

PAUL KORETZ
Councilmember, 5th District

SECONDED BY _____

DENNIS P. ZINE
Councilmember, 3rd District

ADOPTED

JUL 24 2012

LOS ANGELES CITY COUNCIL

July 24, 2012

CF 08-0923-S17