

08-0923-57

MOTION PLANNING & LAND USE MANAGEMENT

SEP 24 2010

The City Attorney and the City Clerk's Office are currently implementing the Final Ordinance No. 181069, also known as the Medical Marijuana Ordinance.

Los Angeles Municipal Code Section (LAMC) 45.19.6.2(B)(2) states (*emphasis added*):

**SEC. 45.19.6.2(B)(2). REGISTRATION**

2. Notwithstanding the maximum number of collectives described above, every medical marijuana collective, dispensary, operator, establishment, or provider that (1) was registered pursuant to Interim Control Ordinance No. 179,027 with the City Clerk's office on or before November 13, 2007, (2) has operated continuously at its registered location since on or before September 14, 2007, or has both moved once within the City due to an enforcement letter from a federal governmental entity and filed a hardship exemption application pursuant to Interim Control Ordinance No. 179,027, **(3) has the same ownership and management as it identified in its registration with the City Clerk's office,** (4) has not been cited by the City for a nuisance or public safety violation of State or local law, and (5) complies currently or identifies to the City during the preinspection process a new operating location that meets all of the distance requirements of Section 45.19.6.3 A.2 of this article may be eligible to register and operate if it immediately complies with all provisions of State Law, and within 180 days after the effective date of this ordinance completes its compliance in full with each provision of this article.

One interpretation of LAMC Section 45.19.6.2(B)(2)(3) requires that each collective has the exactly identical ownership and management it identified in its registration with the City Clerk's office." This has resulted in the threatened closure of dozens of Medical Marijuana Clinics. In order to avoid unintended closures, clarifying language is necessary.

WE THEREFORE MOVE TO AMEND LAMC Section 45.19.6.2(B)(2)(3) of the Registration Section, by AMENDING the language as follows:

*"has substantially the same ownership and management as it identified in its registration with the City Clerk's office,"*

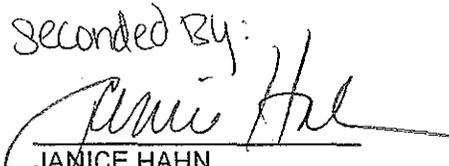
WE FURTHER MOVE THAT "substantially the same ownership and management" be defined in the DEFINITIONS Sections of Final Ordinance No. 181069 as "any pre-ICO Medical Marijuana Collective that has identical ownership and management from their initial ICO filings, or any pre-ICO Medical Marijuana Collective that has added, deleted, or substituted management from their original application, but still maintains at least one primary owner and/or manager from the initial Pre-ICO application."

WE FURTHER MOVE that the City Clerk be directed to review all pre-ICO Medical Marijuana Collectives that re-registered with the City in June 2010 and, for those that were excluded on the basis of LAMC Section 45.19.6.2(B)(2)(3), that the City Clerk be required to reapply this amended Ordinance as to those operators

WE FURTHER MOVE that the City Clerk be directed to grant priority status to any pre-ICO Medical Marijuana Collective that was previously refused priority status, but under the aforementioned clarified definition, should be granted priority status.

PRESENTED BY:

  
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