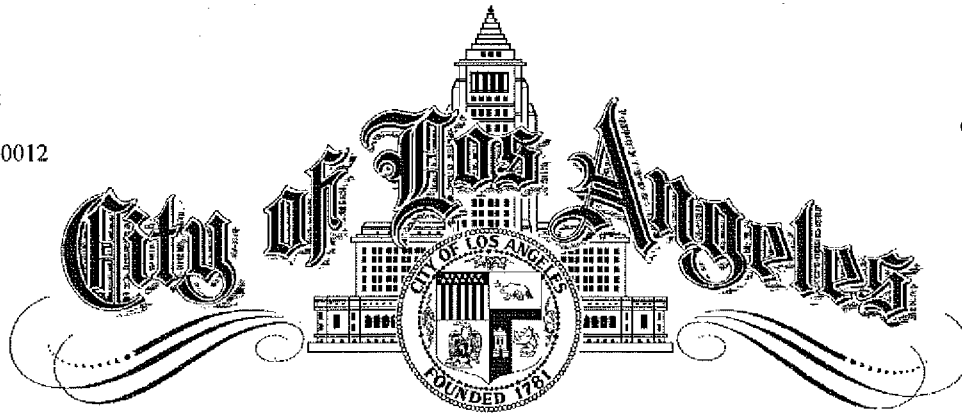


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CARMEN A. TRUTANICH
City Attorney

November 23, 2009

The Honorable City Council
of the City of Los Angeles
Room 395, City Hall
200 North Spring Street
Los Angeles, CA 90012

Re: **Council File No. 08-0923**
Revised Draft Ordinance for Discussion
Establishing Regulations Regarding Medical Marijuana Collectives

Honorable Members:

On November 16, 2009, the Public Safety and Planning and Land Use Management Committees proposed three amendments to the medical marijuana ordinance. At the November 18, 2009 City Council session, Council members submitted amending motions lettered A through P for the reply of this Office. This document responds to each of the amendments and motions. Please refer to our previous formal transmittal letters for prior history and for the recommended CEQA finding. As before, we urge your swift adoption of an ordinance regulating medical marijuana collectives.

How to Read This Document

This document serves as a comprehensive road map to each of the proposed changes. The document has three parts: (1) this cover letter; (2) the revised draft ordinance for discussion purposes only; and (3) several supplemental exhibits to inform your review. In this cover letter, we identify the proposed amendments that **do not** require revised ordinance language. However, for all proposed amendments that **do** require revised ordinance language, that new language can be found in the discussion draft of the ordinance itself. Some of the proposed changes are in conflict with one another. In these instances, we have provided alternative provisions, so that the City Council can debate and choose between competing passages.

Amendments with No New Ordinance Language

- **B. AMENDING MOTION (HAHN - ZINE - ROSENDAHL)**
This motion concerns membership, expense, or cultivation taxes and potential revenues, and seeks a report back from the CLA and the Office of Finance.
- **C. AMENDING MOTION (KORETZ - REYES)**
This motion concerns formulating a plan for the conduct of monthly meetings to discuss protocols and safety, and seeks a report back from the LAPD and LADBS.
- **I. AMENDING MOTION (PERRY - REYES - PARKS)**
This motions concerns obtaining a written opinion from the California Attorney General regarding the sale of medical marijuana, and can be appropriately forwarded to the CLA for implementation.
- **J. AMENDING MOTION (REYES - GARCETTI)**
Recommendations 2-5 of this motion are instructions to the CAO, CLA, LAPD, and LADBS to provide subsequent materials on an annual inspection fee, a zoning ordinance, a fee study to implement the ordinance, a taxing scheme, an intergovernmental task force, and an auditing mechanism to ensure that there are no profits. These motions are appropriately referred to the applicable departments for later reporting.
- **N. AMENDING MOTION (WESSON - SMITH)**
We have not provided revised language consistent with this amending motion. We do not believe that local governments can require collective members to obtain a California Medical Marijuana Identification Card. Under Health and Safety Code Section 11362.71, the state's ID card program is strictly voluntary. Obtaining an ID card is not necessary to prove either qualified patient or primary caregiver status. Such a requirement, as a condition of membership in a collective, appears inconsistent with the Medical Marijuana Program and may violate Health and Safety Code Section 11362.83.

Three Critical Issues for City Council Discussion

There are dozens of substantive language changes offered in the revised draft ordinance. Each will make a material difference in the ability of the City to regulate its medical marijuana collectives. We nonetheless call out three topics as pivotal to your decision-making: (1) this Office continues to advise that the sale of medical marijuana, as distinct from true collective cultivation with limited contributions towards the actual costs of cultivation, is unlawful; (2) we know of no city that has prevented itself from

accessing the books and records of authorized collectives at all reasonable times and we do not believe that Los Angeles will be able to ensure compliance with state and local law absent such customary inspection privileges; and (3) given the fiscal constraints under which both the Police Department and the Department of Building and Safety operate, we believe that capping the number of collectives is an essential and rational mechanism for facilitating the monitoring that the ordinance presumes and that our community both deserves and expects.

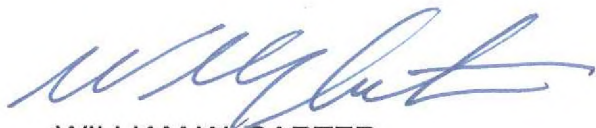
Copies of the revised discussion draft ordinance have been provided to the Los Angeles Police Department, the Department of Building and Safety, and the Department of City Planning, with a request that all comments, if any, be presented directly to your Honorable Body at the time this matter is considered.

If you have any questions regarding this matter, please contact Assistant City Attorney Sharon Siedorf Cardenas at (213) 978-8235 or Deputy City Attorney Heather Aubry at (213) 978-8380. They or another member of this office will be available when you consider this matter to answer any questions you may have.

Sincerely,

CARMEN A. TRUTANICH, City Attorney

By



WILLIAM W. CARTER
Chief Deputy City Attorney

REVISED DRAFT MEDICAL MARIJUANA ORDINANCE

FOR DISCUSSION PURPOSES ONLY

An ordinance adding Article 5.1 to Chapter IV of the Los Angeles Municipal Code and amending Section 91.107.3.2 of the Los Angeles Municipal Code to implement the Compassionate Use Act and the Medical Marijuana Program Act consistent with the provisions of the Acts, but without violating state or federal law.

WHEREAS, although the possession and sale of marijuana remain illegal under both state and federal law, California voters approved the Compassionate Use Act (“CUA”) in 1996 to exempt seriously ill patients and their primary caregivers from criminal liability for possession and cultivation of marijuana for medical purposes; and

WHEREAS, the Medical Marijuana Program Act of 2003 (“MMPA”) provides for the association of primary caregivers and qualified patients to cultivate marijuana for specified medical purposes and also authorizes local governing bodies to adopt and enforce laws consistent with its provisions; and

WHEREAS, the City of Los Angeles enacted an Interim Control Ordinance in 2007 for the temporary regulation of medical marijuana facilities through a registration program, which resulted in the unintended proliferation of storefront medical marijuana dispensaries to a number currently estimated to exceed 500 such locations, presenting a substantial risk of unlawful cultivation, sale, and the illegal diversion of marijuana for non-medical uses; and

WHEREAS, there have been recent reports from the Los Angeles Police Department and the media of an increase in and escalation of violent crime at the location of medical marijuana dispensaries in the City of Los Angeles, and the California Police Chiefs Association has compiled an extensive report detailing the negative secondary effects associated with medical marijuana dispensaries; and

WHEREAS, medical marijuana that has not been collectively or personally grown constitutes a unique health hazard to the public because, unlike all other ingestibles, marijuana is not regulated, inspected, or analyzed for contamination by state or federal government and may, as with samples recently tested by a U.S. Food and Drug Administration laboratory, contain harmful chemicals that could further endanger the health of persons who are already seriously ill and have impaired or reduced immunities; and

WHEREAS, the City of Los Angeles has a compelling interest in ensuring that marijuana is not distributed in an illicit manner, in protecting the public health, safety and welfare of its residents and businesses, in preserving the peace and quiet of the neighborhoods in which medical marijuana collectives operate, and in providing compassionate access to medical marijuana to its seriously ill residents.

NOW, THEREFORE,

**THE PEOPLE OF THE CITY OF LOS ANGELES
DO ORDAIN AS FOLLOWS:**

Section 1. A new Article 5.1 is added to Chapter IV of the Los Angeles Municipal Code to read:

ARTICLE 5.1.

MEDICAL MARIJUANA COLLECTIVE

SEC. 45.19.6. PURPOSES AND INTENT.

It is the purpose and intent of this article to regulate the collective cultivation of medical marijuana in order to ensure the health, safety and welfare of the residents of the City of Los Angeles. The regulations in this article, in compliance with the Compassionate Use Act and the Medical Marijuana Program Act, California Health and Safety Code Sections 11362.5, *et seq.*, ("State Law") do not interfere with a patient's right to use medical marijuana as authorized under State Law, nor do they criminalize the possession or cultivation of medical marijuana by specifically defined classifications of persons, as authorized under State Law. Under State Law, only qualified patients, persons with identification cards, and primary caregivers may cultivate medical marijuana collectively. Medical marijuana collectives shall comply with all provisions of the Los Angeles Municipal Code ("Code"), State Law, and all other applicable local and state laws. Nothing in this article purports to permit activities that are otherwise illegal under federal, state, or local law. *[Amendment source: Agenda Item 10 A. Public Safety and Planning and Land Use Management Joint Committees' Report.]*

SEC. 45.19.6.1. DEFINITIONS.

A. The following phrases, when used in this article, shall be construed as defined in California Health and Safety Code Sections 11006.5, 11018, 11362.5 and 11362.7:

- "Attending physician;"**
- "Concentrated Cannabis;"**
- "Identification card;"**
- "Marijuana;"**
- "Person with an identification card;"**
- "Primary caregiver;" and**
- "Qualified patient."**

B. The following phrases, when used in this article, shall be construed as defined below. Words and phrases not defined here shall be construed as defined in Sections 11.01, 12.03, 45.19.5, 45.21, and 56.45 of this Code.

“Location.” The lot or portion of a lot that is used by a medical marijuana collective.

“Medical marijuana.” Marijuana used for medical purposes in accordance with California Health and Safety Code Section 11362.5

“Medical marijuana collective (“collective”).” An incorporated or unincorporated association, composed solely of four or more qualified patients, persons with identification cards, and designated primary caregivers of qualified patients and persons with identification cards (collectively referred to as “members”) who associate at a particular location to collectively or cooperatively cultivate marijuana for medical purposes, in strict accordance with California Health and Safety Code Sections 11362.5, *et seq.*

“Member engaged in the management.” A member with responsibility for the establishment, organization, registration, supervision, or oversight of the operation of a collective, including but not limited to members who perform the functions of president, vice president, director, operating officer, financial officer, secretary, treasurer, or manager of the collective.

SEC. 45.19.6.2. REGISTRATION.

A. Registration Required. No collective shall operate until after it has filed a registration form in accordance with the provisions of this article, has paid any adopted registration fee, and its registration has been accepted as complete by the Department of Building and Safety.

B. Preinspection and Certificate of Occupancy Required. Prior to filing a registration form with the Department of Building and Safety, a collective shall provide plans of the collective location including details of any proposed alterations and a radius map signed by an architect or civil engineer licensed in the State of California to show compliance with the standards set forth in Section 45.19.6.3 A of this article and compliance with Chapters I and IX of the Code for the new agricultural occupancy. A collective shall obtain a written preinspection report from the Department of Building and Safety after the Department verifies the accuracy of the plans and radius map submitted and performs all required research (planning/zoning records). A preinspection fee pursuant to Section 91.107.3.2 of this Code, plus a research fee for a minimum of three hours of time pursuant to Section 98.0415 (f) of this Code, shall be paid to the Department of Building and Safety at the time of a request for preinspection. The Department of Building and Safety shall submit its written preinspection report to the collective stating any conditions that must be met or permits that must be obtained in order to accomplish the required building alterations and to change the occupancy of the building. If the preinspection report finds noncompliance of the location or of the proposed alterations with the standards set forth in Section 45.19.6.3 A of this article or Chapters I and IX of this Code, a subsequent preinspection may be required, for which an additional preinspection fee shall be paid.

C. Location Priority Status. Upon issuance of: (1) a written preinspection report by the Department of Building and Safety verifying that the proposed location complies with Sections 45.19.6.3 A. 1 through 4 of this article, and (2) all required building permits if the preinspection report specifies alterations, the collective shall obtain priority status for that location, except that a blind drawing shall be conducted by the Department of Building and Safety to select the one collective that obtains priority status between two or more collectives with conflicting locations under this article that simultaneously fulfill the requirements of this provision. This priority status shall become invalid if the building permits are revoked or expire. During the time that the location priority status is valid, no preinspection for another collective shall be conducted or approved if its location conflicts under the provisions of this article with the location that has priority status. *[Amendment source: Agenda Item 10 L. Amending Motion (Huizar –Smith)]*

D. Notice of Preinspection. Prior to accepting a request for preinspection, the Department of Building and Safety shall require proof that the collective has provided written notice to the Police Department, all property owners and occupants within and outside the City that are within 200 feet of the exterior boundaries of the location, and to the City Council member and the Certified Neighborhood Council representing the area in which the collective is located, of: the preinspection request, including a copy of the plans filed pursuant to Section 45.17.6.2 B; the location of the collective; the name, telephone number, and address of a person authorized to accept service of process for the collective; the name(s), telephone number(s), and address(es) of each member engaged in the management of the collective; and the onsite telephone number at the collective and the name of the onsite member responsible for receiving, logging, and responding to complaints regarding the collective. This notification shall be sent by certified mail, postage prepaid, and return receipt requested. Notices to property owners shall be sent to the last known name and address as shown on the records of the City Clerk or the records of the County Assessor; notices to occupants of all residential, commercial and industrial property can be mailed to "occupant". *[Amendment sources: Agenda Item 10 H. Amending Motion (Koretz –Reyes-Rosendahl) and Agenda Item 10 L. Amending Motion (Huizar –Smith)]*

E. Registration Form. Upon receipt of a Department of Building and Safety preinspection report and a Certificate of Occupancy verifying compliance with the standards set forth in Section 45.19.6.3 A of this article, the collective shall file a registration form with the Department of Building and Safety. The registration form shall require the following accurate and truthful information: the address and physical description (e.g., one-story commercial building, etc.) of the location at and upon which the collective is located; the name, telephone number, and address of a person authorized to accept service of process for the collective; the name(s), telephone number(s), and address(es) of each member engaged in the management of the collective; the onsite telephone number at the collective and the name of the onsite member responsible for receiving, logging, and responding to complaints regarding the collective; and any other information reasonably required to show that the collective complies with this article. *[Amendment source: Agenda Item 10 H. Amending Motion (Koretz –Reyes-Rosendahl)]*

Consent Provisions: Choose One Alternative

In addition, the registration form shall confirm the consent by the collective, without requirement for a search warrant, subpoena or court order, for the inspection and copying by the Police Department of the recordings and records required to be maintained under Sections 45.19.6.3 B.1 and 45.19.6.4 of this article, except that records containing patient medical information shall be made available by the collective to the Police Department only pursuant to a properly executed search warrant, subpoena, court order, or other means conforming with due process under the law. *[Amendment source: Agenda Item 10 J. Amending Motion (Reyes –Garcetti)]*

or

In addition, the registration form shall confirm the consent by the collective, without requirement for a search warrant, subpoena or court order, for the inspection and copying by the Police Department of the recordings and records required to be maintained under Sections 45.19.6.3 B.1 and 45.19.6.4 of this article, provided that records containing patient medical information shall be maintained confidentially by the Police Department, which may disclose the records in confidence to the City Attorney, the District Attorney, and to any court of competent jurisdiction, where they shall remain confidential pursuant to the court's protective order.

or

~~In addition, the registration form shall confirm the consent by the collective, without requirement for a search warrant, subpoena or court order, for the inspection and copying by the Police Department of the recordings and records required to be maintained under Sections 45.19.6.3 B.1 and 45.19.6.4 of this article. *[Amendment source: Agenda Item 10 D. Amending Motion (Koretz –Reyes)]*~~

The collective shall file an updated registration form quarterly, but only if there were changes during the previous quarter to any of the information provided in the initial registration form or any change in status of compliance with the regulations set forth in Section 45.19.6.3. If a collective has been cited for a public nuisance, the updated registration form shall include the names of all of the members of the collective. A change of location cannot be accomplished by an updated registration form, but shall instead require a new preinspection and registration. Each and every member who is engaged in the management of the collective shall print his or her name and sign the initial registration form and any subsequent updated registration form, under penalty of perjury certifying that all information contained in the registration form is true and correct. It shall be the sole responsibility of the members engaged in the management of the collective to ensure that all forms and documents are submitted as required by this article and that the information provided is accurate, complete and timely submitted. *[Amendment source: Agenda Item 10 J. Amending Motion (Reyes –Garcetti)]*

F. Additional Registration Documents. As attachments to the original and any subsequently updated registration form, the collective shall provide to the Department of Building and Safety: (1) proof that the property owner of the location, and

landlord if applicable, was given written notice sent by certified mail, postage prepaid, and return receipt requested that the collective intends to file the registration form and that the owner of the location, and landlord if applicable, has received a copy of the information contained in the registration form; (2) for each member engaged in the management of the collective, a fully legible copy of one government-issued form of identification, such as a social security card, a state driver's license or identification card, or a passport; and (3) the collective's Certificate of Occupancy for the cultivation use.

G. Completed Registration. The Department of Building and Safety shall mail proof of a completed registration and any subsequent updated registration to the person authorized to accept service of process on behalf of the collective, to the owner of the location, and to the local City Council and Neighborhood Council offices. *[Amendment source: Agenda Item 10 L. Amending Motion (Huizar –Smith)]*

H. Registration Null and Void. A registration accepted as complete under this article shall become null and void upon the cessation of marijuana cultivation at the location for 90 days or longer, upon the relocation of the collective to a different location, or upon a violation by the collective or any of its members of a provision of this article.

SEC. 45.19.6.3. REGULATIONS.

The location at or upon which a collective cultivates and provides medical marijuana to its members must meet the following requirements:

A. Preinspection Requirements.

1. The location shall comply with the provisions of Chapters I and IX of the Code, including as they pertain to the agricultural marijuana cultivation use. Permits for a change of use, any alterations to the building, and a Certificate of Occupancy shall be obtained from the Department of Building and Safety;

2. No collective shall abut or be located across the street or alley from or have a common corner with a lot improved with an exclusively residential building or mixed use building containing residential units; *[Amendment source: Agenda Item 10 O. Amending Motion (Wesson –Reyes)]*

3. No collective shall be located within a ~~4,000~~-500-foot radius of a school, public park, public library, religious institution, licensed child care facility, youth center, hospital, medical facility, substance abuse rehabilitation center, or within a 1,000-foot radius of any other medical marijuana collective(s). The distances specified in this subdivision shall be the horizontal distance measured in a straight line from the property line of the school, public park, public library, religious institution, licensed child care facility, youth center, hospital, medical facility, substance abuse rehabilitation center, or other medical marijuana collective(s), to the closest property line of the lot on which the collective is

located without regard to intervening structures; *[Amendment source: Agenda Item 10 J. Amending Motion (Reyes –Garcetti)]*

4. There shall be a maximum of one collective for every 57,000 residents of the City, and the maximum number of collectives in the City shall be capped at 70. The collectives shall be distributed geographically by community plan area. No community plan area shall have more collectives than its population divided by 57,000. The population of the City and whether these citywide and community plan area caps are sufficient to meet the needs of qualified patients and their primary caregivers shall be reviewed and these numbers may be revised every 5 years. No upward adjustment in the citywide and community plan area caps shall occur without the identification of additional Police Department resources for monitoring and enforcement. [Amendment source: Agenda Item 10 L. Amending Motion (Huizar –Smith)]

5. Exterior building lighting and parking area lighting for the location must be in compliance with Sections 93.0104, 93.0107 and 93.0117 of the Code. In addition, the location shall be equipped with lighting fixtures of sufficient intensity to illuminate all interior areas of the lot with an illumination of not less than 1.5 foot-candles evenly distributed as measured at floor level;

6. Any exterior signs and any interior signs visible from the exterior shall be unlighted;

7. Windows and roof hatches of the building or portion of the building where the collective is located shall be secured from the inside with bars so as to prevent unauthorized entry, and shall be equipped with latches that may be released quickly from the inside to allow exit in the event of emergency in compliance with all applicable building code provisions;

8. Exterior doors to the collective shall remain locked from the outside to prevent unauthorized ingress to the premises of the collective. Ingress shall be allowed by means of a remote release operated from within the premises of the collective. In all cases, doors shall remain openable from the inside to allow egress without the use of a key or special knowledge. If installed, access-controlled egress doors shall comply with Section 1008.1.3.4 of the California Building Code;

9. A sign shall be posted in a conspicuous location inside the structure at the location advising: "This collective is registered in accordance with the laws of the City of Los Angeles. The sale of marijuana and the diversion of marijuana for non-medical purposes are violations of State law. The use of marijuana may impair a person's ability to drive a motor vehicle or operate heavy machinery. Loitering at the location of a medical marijuana collective for an illegal purpose is prohibited by California Penal Code Section 647(h).";

10. A sign shall be posted at the entrance to the location containing the name and functioning telephone number of a 24-hour on-call contact person.
[Amendment source: Agenda Item 10 L. Amending Motion (Huizar –Smith)]

B. Conditions of Operation.

1. The location shall be monitored at all times by web-based closed-circuit television for security purposes. The camera and recording system must be of adequate quality, color rendition and resolution to allow the ready identification of any individual committing a crime anywhere on or adjacent to the location. The recordings shall be maintained for a period of not less than ninety (90) days and shall be made available by the collective to the Police Department upon request.

2. The location shall have a centrally-monitored fire and burglar alarm system and the building or the portion of the building where the collective is located shall contain a fire-proof safe;

3. No cultivation of medical marijuana at the location shall be visible with the naked eye from any public or other private property, nor shall cultivated marijuana or dried marijuana be visible from the building exterior. No cultivation shall occur at the location unless the area devoted to the cultivation is secured from public access by means of a locked gate and any other security measures necessary to prevent unauthorized entry;

4. No manufacture of concentrated cannabis in violation of California Health and Safety Code section 11379.6 is allowed;

5. No collective shall be open or provide medical marijuana to its members between the hours of 8:00 p.m. and 10:00 a.m. This prohibition shall not apply to a qualified patient's use of marijuana for his or her own medical needs if the qualified patient's permanent legal residence is the location;

Compensation: Choose One Alternative

6. No sale of marijuana or of products containing marijuana shall be allowed, nor shall the manufacture of marijuana products for sale be permitted. This prohibition shall not preclude cash contributions by members towards the collective's actual expenses of the growth and cultivation of medical marijuana. All such cash contributions shall be documented in accordance with Section 45.19.6.4;

or

6. Cash contributions, reimbursements, and compensations shall be allowed provided in compliance with State Law; [Amendment sources: Agenda Item 10 A. Public Safety and Planning and Land Use Management Joint Committees' Report and Agenda Item 10 J. Amending Motion (Reyes –Garcetti)]

or

6. No sale for profit of marijuana or of products containing marijuana shall be allowed. Proceeds of not-for-profit sales shall be used only for reasonable employee compensation, reimbursement for the actual expenses of the growth and cultivation of medical marijuana, and the payment of operational expenses such as, but not limited to, rent, utility bills, water bills, and insurance; [Amendment source: Agenda Item 10 F. Amending Motion (Koretz –Reyes)]

7. No persons under the age of eighteen shall be allowed at the location, unless that minor is a qualified patient or person with an identification card and accompanied by his or her licensed attending physician, parent or documented legal guardian;

~~8. No medical marijuana collective shall possess more than 5 pounds of dried marijuana or more than 100 plants of any size at the location.~~ No collective shall possess more dried marijuana or plants per member other than the amounts permitted pursuant to California Health and Safety Code Section 11362.77. No collective shall possess or provide marijuana other than marijuana that was cultivated by the collective: (a) at the location; or (b) at the collective's previous location if that previous location was registered and operated in strict accordance with this article; [Amendment source: Agenda Item 10 J. Amending Motion (Reyes – Garcetti)]

9. The light fixtures required in Section 45.19.6.3 A.4, above, shall be turned on from dusk to dawn;

10. No collective may provide medical marijuana to any persons other than its members who participate in the collective cultivation of marijuana at or upon the location of that collective. No medical marijuana provided to a primary caregiver may be supplied to any person(s) other than the primary caregiver's qualified patient(s) or person(s) with an identification card;

11. No collective shall cause or permit the sale, dispensing, or consumption of alcoholic beverages at the location or in the parking area of the location;

12. No dried medical marijuana shall be stored in buildings that are not completely enclosed, or stored in an unlocked vault or safe, or other unsecured storage structure; nor shall any dried medical marijuana be stored in a safe or vault that is not bolted to the floor or structure of the facility;

13. Medical marijuana may not be inhaled, smoked, eaten, ingested, or otherwise consumed at the location, in the parking areas of the location, or in those areas restricted under the provisions of California Health and Safety Code Section 11362.79. This prohibition shall not apply to a qualified patient's use of marijuana for his or her own medical needs if the qualified patient's permanent legal residence is the location; and

14. Only members of the collective may be engaged in the management of the collective. A person who has been convicted within the previous 10 years of a felony or a crime of moral turpitude, or who is currently on parole or probation for the sale or distribution of a controlled substance, as determined by the Police Department, the City Attorney, or the District Attorney, shall not be engaged directly or indirectly in the management of the collective and, further, shall not manage or handle the receipts and expenses of the collective. No person may be engaged in the management of more than one collective in the City. *[Amendment sources: Agenda Item 10 J. Amending Motion (Reyes –Garcetti) and Agenda Item 10 L. Amending Motion (Huizar –Smith)]*

15. No qualified patient, person with an identification card, or primary caregiver may be a member of more than one collective in the City. *[Amendment source: Agenda Item 10 M. Amending Motion (Zine –Reyes)]*

~~15. Nothing in this article shall prevent members engaged in the collective cultivation of medical marijuana in strict accordance with this article from sharing the actual, out-of-pocket costs of their collective cultivation. Actual, out-of-pocket costs shall not be recovered through the sale of marijuana. Nothing in this article shall pertain to or affect the reimbursements from qualified patients to their primary caregivers pursuant to California Health and Safety Code Section 11362.765. *[Amendment source: Agenda Item 10 A. Public Safety and Planning and Land Use Management Joint Committees' Report.]*~~

Daily Cash Drops: Choose One Alternative

16. Collectives shall not store more than \$200.00 in cash overnight at the location and shall make at least one daily bank drop that includes all cash collected on that day. *[Amendment source: Agenda Item 10 D. Amending Motion (Koretz – Reyes)]*

or

16. Collectives shall not store more than \$200.00 in cash overnight at the location and shall make twice daily bank drops that include all cash collected on that day. *[Amendment source: Agenda Item 10 L. Amending Motion (Huizar –Smith)]*

17. Collectives shall provide a state-licensed and uniformed security guard patrol for a two-block radius surrounding the location during all hours of operation. Security guards shall not possess firearms or tazers. *[Amendment source: Agenda Item 10 G. Amending Motion (Koretz –Reyes)]*

18. Collectives shall operate and maintain an onsite telephone number at the collective for receiving complaints regarding the collective. An onsite member shall be responsible for receiving, logging, and responding to these complaints; *[Amendment source: Agenda Item 10 H. Amending Motion (Koretz –Reyes-Rosendahl)]*

SEC. 45.19.6.4. MAINTENANCE OF RECORDS.

A medical marijuana collective shall maintain records at the location accurately and truthfully documenting: (1) the full name, address, and telephone number(s) of the owner, landlord and/or lessee of the location; (2) the full name, address, and telephone number(s) of all members who are engaged in the management of the collective and the exact nature of each member's participation in the management of the collective; (3) the full name, address, and telephone number(s) of all patient members to whom the collective provides medical marijuana and a copy of every doctor's recommendation or patient identification card; (4) the full name, address, and telephone number(s) of all primary caregiver members to whom the collective provides medical marijuana and a copy of every written designation(s) by the primary caregiver's qualified patient(s) or the primary caregiver's identification card; (5) all contributions, whether in cash or in kind, by the members to the collective and all expenditures incurred by the collective for the cultivation of medical marijuana; (6) an inventory record documenting the dates and amounts of marijuana cultivated at the location, including the amounts of marijuana stored at the location at any given time; (7) a log documenting the date, nature, and response by the collective to all complaints received by the collective; and (8) proof of registration with the Department of Building and Safety in conformance with Section 45.19.6.2 of this article, including evidence of an accepted registration form. These records shall be maintained by the collective for a period of five years and shall be made available by the collective to the Police Department upon request, provided that records containing patient medical information shall be maintained confidentially by the Police Department, which may disclose the records in confidence to the City Attorney, the District Attorney, and to any court of competent jurisdiction, where they shall remain confidential pursuant to the court's protective order. In addition to all other formats that the collective may maintain, these records shall be stored by the collective at the location in a printed format in its fire-proof safe. Any loss, damage or destruction of the records shall be reported to the Police Department within 24 hours of the loss, destruction or damage. *[Amendment sources: Agenda Item 10 H. Amending Motion (Koretz – Reyes-Rosendahl) and Agenda Item 10 J. Amending Motion (Reyes –Garcetti)]*

Provision of Records: Choose One Alternative

These records shall be maintained by the collective for a period of five years and shall be made available by the collective to the Police Department upon request.

or

These records shall be maintained by the collective for a period of five years and shall be made available by the collective to the Police Department upon request, except that records containing patient medical information shall be made available by the collective to the Police Department only pursuant to a properly executed search warrant, subpoena, court order, or other means conforming with due process under the law. *[Amendment sources: Agenda Item 10 A. Public Safety and Planning and Land Use Management Joint Committees' Report and Agenda Item 10 D. Amending Motion (Koretz –Reyes)]*

In addition to all other formats that the collective may maintain, these records shall be stored by the collective at the location in a printed format in its fire-proof safe. Any loss, damage or destruction of the records shall be reported to the Police Department within 24 hours of the loss, destruction or damage. *[Amendment source: Correction requested by the LADBS.]*

SEC. 45.19.6.5. INSPECTION AND ENFORCEMENT RESPONSIBILITIES.

The Department of Building and Safety may enter and inspect the location of any collective between the hours of 10:00 a.m. and 8:00 p.m., or at any reasonable time, to ensure compliance with Section 45.19.6.3 A of this article. In addition, a designated unit within the Police Department may enter and inspect the location of any collective and the recordings and records maintained pursuant to Sections 45.19.6.3 and 45.19.6.4 of this article between the hours of 10:00 a.m. and 8:00 p.m., or at any reasonable time, to ensure compliance with Sections 45.19.6.2, 45.19.6.3 B, 45.19.6.4, 45.19.6.6, 45.19.6.7 and 45.19.6.8 of this article, except that inspection and copying of records that pertain to patient information shall require a search warrant, subpoena or court order. It is unlawful for any owner, landlord, lessee, member (including but not limited to a member engaged in the management), or any other person having any responsibility over the operation of the collective to refuse to allow, impede, obstruct or interfere with an inspection, review or copying of records and closed-circuit monitoring authorized and required under this article, including but not limited to, the concealment, destruction, and falsification of any recordings, records, or monitoring. *[Amendment source: Agenda Item 10 J. Amending Motion (Reyes –Garcetti)]*

SEC. 45.19.6.6. EXISTING MEDICAL MARIJUANA OPERATIONS.

Existing Operations: Choose One Alternative

Any existing medical marijuana collective, dispensary, operator, establishment, or provider that does not comply with the requirements of this article must immediately cease operation until such time, if any, when it complies fully with the requirements of this article; except that any medical marijuana collective, dispensary, operator, establishment, or provider not in compliance with the requirements of this article that (1) was established and operating at its current location prior to September 14, 2007, and (2) registered pursuant to Interim Control Ordinance No. 179,027 with the City Clerk's office before November 12, 2007, and (3) has not been cited by the City for any nuisance violations or other public safety issues, shall immediately ~~cease any for-profit sales of marijuana or product containing marijuana and shall thereafter~~ have 180 days from the effective date of this article during which to fully comply with the requirements of this article or to cease operation. No medical marijuana collective, dispensary, operator, establishment, or provider that existed prior to the enactment of this article shall be deemed to be a legally established use under the provisions of this article, and such medical marijuana collective, dispensary, operator, establishment, or provider shall not be entitled to claim legal nonconforming status. *[Amendment sources: Agenda Item 10 K. Amending Motion (Hahn –Garcetti) and Agenda Item 10 J. Amending Motion (Reyes –Garcetti)]*

or

Any existing medical marijuana collective, dispensary, operator, establishment, or provider that does not comply with the requirements of this article must immediately cease operation until such time, if any, when it complies fully with the requirements of this article. ~~except that any medical marijuana collective, dispensary, operator, establishment, or provider not in compliance with the requirements of this article that (1) was established and operating at its current location prior to September 14, 2007, and (2) registered pursuant to Interim Control Ordinance No. 179,027 with the City Clerk's office before November 12, 2007, and (3) has not been cited by the City for any nuisance violations or other public safety issues, shall immediately cease any sales of marijuana or product containing marijuana and shall thereafter have 180 days from the effective date of this article during which to fully comply with the requirements of this article or to cease operation.~~ No medical marijuana collective, dispensary, operator, establishment, or provider that existed prior to the enactment of this article shall be deemed to be a legally established use under the provisions of this article, and such medical marijuana collective, dispensary, operator, establishment, or provider shall not be entitled to claim legal nonconforming status. *[Amendment source: Agenda Item 10 L. Amending Motion (Huizar –Smith)]*

SEC. 45.19.6.7. COMPLIANCE WITH THIS ARTICLE AND STATE LAW.

A. It is unlawful for any person to cause, permit or engage in the cultivation, possession, distribution or giving away of marijuana for medical purposes except as provided in this article, and pursuant to any and all other applicable local and state laws.

B. It is unlawful for any person to cause, permit or engage in any activity related to medical marijuana except as provided in Health and Safety Code Sections 11362.5 *et seq.*, and pursuant to any and all other applicable local and state laws.

C. It is unlawful for any person to knowingly make any false, misleading or inaccurate statements or representations in any forms, records, filings or documentation required to be maintained, filed or provided to the City under this article, or to any other local, state or federal government agency having jurisdiction over any of the activities of collectives.

SEC. 45.19.6.8. VIOLATION AND ENFORCEMENT.

Each and every violation of this article shall constitute a separate violation and shall be subject to all remedies and enforcement measures authorized by Section 11.00 of this Code. Additionally, as a nuisance per se, any violation of this article shall be subject to injunctive relief, revocation of the certificate of occupancy for the location, disgorgement and payment to the City of any and all monies unlawfully obtained, costs of abatement, costs of investigation, attorney fees, and any other relief or remedy available at law or equity. The City may also pursue any and all remedies and actions available and applicable under local and state laws for any violations committed by the collective and persons related or associated with the collective.

Notwithstanding an initial verification of compliance by the collective with the preinspection requirements set forth in Section 45.19.6.3 A of this article prior to the filing of the registration form, any collective later found to be in violation of any of the preinspection requirements at any time is subject to the enforcement provisions provided in this section.

Sec. 2. Section 91.107.3.2 of the Los Angeles Municipal Code is amended by adding a new item 5 to read:

5. Medical Marijuana Collective Preinspection. A preinspection fee pursuant to Section 45.19.6.2 B of the Los Angeles Municipal Code shall be collected by the Department to verify compliance with Section 49.19.6.3 A of the Los Angeles Municipal Code. The preinspection fee shall be in addition to any other fee that the Department determines is necessary due to the nature of the work involved.

Sec. 3. **Operative Date.**

Operative Date: Choose One Alternative

This ordinance shall not become effective until the registration fee specified in Section 2 of this ordinance becomes effective. In addition, no preinspection pursuant to Section 45.19.6.2 B of the Los Angeles Municipal Code shall be conducted by the Department of Building and Safety, nor shall a registration form pursuant to Section 45.19.6.2 A of the Los Angeles Municipal Code be accepted by the Department of Building and Safety for a period of 180 days from the effective date of this ordinance; except that any medical marijuana collective, dispensary, operator, establishment, or provider that was (1) established and operating at its current location prior to September 14, 2007, and (2) registered pursuant to Interim Control Ordinance No. 179,027 with the City Clerk's office before November 12, 2007, and (3) has not been cited by the City for any nuisance violations or other public safety issues, may have a preinspection done by the Department of Building and Safety and may file a registration form with the Department of Building and Safety during this 180 day period. [Amendment sources: Agenda Item 10 J. Amending Motion (Reyes-Garcetti); Agenda Item 10 K. Amending Motion (Hahn – Garcetti); and Agenda Item 10 P. Amending Motion (Koretz –Rosendahl)]

or

~~No preinspection pursuant to Section 45.19.6.2 B of the Los Angeles Municipal Code shall be conducted by the Department of Building and Safety, nor shall a registration form pursuant to Section 45.19.6.2 A of the Los Angeles Municipal Code be accepted by the Department of Building and Safety for a period of 180 days from the effective date of this ordinance; except that any medical marijuana collective, dispensary, operator, establishment, or provider that was (1) established and operating at its current location prior to September 14, 2007, and (2) registered pursuant to Interim Control Ordinance No. 179,027 with the City Clerk's office before November 12,~~

2007, may have a preinspection done by the Department of Building and Safety and may file a registration form with the Department of Building and Safety during this 180 day period. [Amendment source: Agenda Item 10 L. Amending Motion (Huizar –Smith)]

Sec. 4. Severability. Pursuant to the provisions of Los Angeles Municipal Code Section 11.00 (k), if any provision of this ordinance is found to be unconstitutional or otherwise invalid by any court of competent jurisdiction, that invalidity shall not affect the remaining provisions of this ordinance which can be implemented without the invalid provision, and, to this end, the provisions of this ordinance are declared to be severable.

Sec. 5 The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

I hereby certify that this ordinance was passed by the Council of the City of Los Angeles, at its meeting of _____.

JUNE LAGMAY, City Clerk

By _____
Deputy

Approved _____

Mayor

Approved as to Form and Legality

CARMEN A. TRUTANICH, City Attorney

By _____
SHARON SIEDORF CARDENAS
Assistant City Attorney

Date _____
File No. CF 08-0923

Authorized California Medical Marijuana Facilities

JURISDICTION	POP	SQ MILES	# AUTHORIZED
Albany	17,000	1.7	Cap of 1
Atascadero	26,411	26.7	Cap of 1
Angels Camp	3,150	3	Cap of 1
Berkeley	105,385	10.5	Cap of 3
Cotati	7,170	1.89	Cap of 1
Citrus Heights	87,017	14.3	Cap of 1
Diamond Bar	58,730	15	Cap of 1
Elk Grove	141,430	42.1	0
Fort Bragg	7,026	2.8	0
Jackson	4,317	3.5	Cap of 1
Laguna Woods	18,500	4	0
Malibu	12,575	100.96	Cap of 2
Martinez	35,866	13.5	0
Oakland	420,813	78.2	Cap of 4
Palm Springs	42,350	95.1	Cap of 2
Plymouth	1,050	0.9	Cap of 1
Ripon	14,575	4.2	0
Sebastopol	7,774	1.88	Cap of 2
San Francisco	808,976	231.92	23
San Jose	948,279	461.5	0
Santa Barbara	89,465	41.4	5
Santa Cruz	56,124	15.6	2
Santa Rosa	161,496	104.6	1
Selma	19,444	4.3	0
Sutter Creek	2,945	1.7	0
Tulare	55,935	16.7	2
Visalia	123,670	28.6	0
West Hollywood	34,675	1.9	Cap of 7
Whittier	83,680	14.8	0

POPULATION-BASED DISTRIBUTION OF MMCs BY COMMUNITY PLAN AREA IF CAPPED AT 70, 100, OR 186

	CITYWIDE	4,003,457	PCT OF TOTAL	5	6	11
NORTHEAST LOS ANGELES	258,188	6%	2	6	11	
BOYLE HEIGHTS	92,626	2%	5	7	13	
SOUTHEAST LOS ANGELES	274,583	7%	3	5	9	
WEST ADAMS-BALDWIN HILLS-LEIMERT PARK	182,584	5%	6	7	13	
SOUTH CENTRAL LOS ANGELES	275,400	7%	8	8	15	
WILSHIRE	317,248	8%	4	6	11	
HOLLYWOOD	226,137	6%	1	2	6	
SILVERLAKE-ECHO PARK	82,008	2%	2	3	2	
WESTLAKE	120,476	3%	1	1	2	
CENTRAL CITY	31,900	1%	1	1	2	
CENTRAL CITY NORTH	32,835	1%	1	1	2	
SHERMAN OAKS-STUDIO CITY-TOLUCA LAKE-CAHUENGA PASS	79,028	2%	1	2	4	
NORTH HOLLYWOOD-VALLEY VILLAGE	149,245	4%	3	4	7	
ARLETA-PACOIMA	105,238	3%	2	3	4	
VAN NUYS-NORTH SHERMAN OAKS	168,987	4%	3	4	7	
MISSION HILLS-NORTH HILLS-PANORAMA CITY	145,551	4%	3	4	7	
SUN VALLEY-LA TUNA CANYON	93,228	2%	2	2	4	
SYLMAR	79,741	2%	1	2	4	
GRANADA HILLS-KNOLLWOOD	60,843	2%	1	2	4	
CANOGA PARK-WEST HILLS-WINNETKA-WOODLAND HILLS	185,670	5%	3	5	9	
CHATSWORTH-PORTER RANCH	96,251	2%	2	2	4	
NORTHRIDGE	67,415	2%	1	2	4	
RESEDA-WEST VAN NUYS	106,125	3%	2	3	6	
ENCINO-TARZANA	74,820	2%	1	2	4	
SUNLAND-TUJUNGA-LAKEVIEW TERRACE-SHADOW HILLS-EAST LA TUNA CANYON	62,844	2%	1	2	4	
WESTWOOD	53,491	1%	1	1	2	
WEST LOS ANGELES	77,012	2%	1	2	4	
PALMS-MAR VISTA-DEL REY	122,668	3%	2	3	6	
VENICE	40,843	1%	1	1	2	
WESTCHESTER-PLAYA DEL REY	54,441	1%	1	1	2	
BRENTWOOD-PACIFIC PALISADES	57,513	1%	1	1	2	
BEL AIR-BEVERLY CREST	21,659	1%	0	1	2	
WILMINGTON-HARBOR CITY	80,991	2%	1	2	4	
SAN PEDRO	81,921	2%	1	2	4	
HARBOR GATEWAY	42,075	1%	1	1	2	
PORT OF LOS ANGELES	1,974	0%	0	0	0	
TOTAL POPULATION AS OF OCT 1, 2008	4,003,457		70	100	186	

ONE MEDICAL MARIJUANA COLLECTIVE PER 57,000 PERSONS

ONE MEDICAL MARIJUANA COLLECTIVE PER 40,000 PERSONS

ONE MEDICAL MARIJUANA COLLECTIVE PER 22,000 PERSONS

POPULATION-BASED DISTRIBUTION OF MMCs BY COMMUNITY PLAN AREA IF CAPPED AT 186

	CITYWIDE	4,003,457	PCT OF TOTAL
	NORTHEAST LOS ANGELES	258,188	6%
	BOYLE HEIGHTS	92,626	2%
	SOUTHEAST LOS ANGELES	274,583	7%
	WEST ADAMS-BALDWIN HILLS-LEIMERT PARK	182,564	5%
	SOUTH CENTRAL LOS ANGELES	275,400	7%
	WILSHIRE	317,248	8%
	HOLLYWOOD	226,137	6%
	SILVERLAKE-ECHO PARK	82,008	2%
	WESTLAKE	120,476	3%
	CENTRAL CITY	31,900	1%
	CENTRAL CITY NORTH	32,835	1%
	SHERMAN OAKS-STUDIO CITY-TOLUCA LAKE-CAHUENGA PASS	79,028	2%
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	ARLETA-PACOIMA	105,238	3%
	VAN NUYS-NORTH SHERMAN OAKS	168,987	4%
	MISSION HILLS-NORTH HILLS-PANORAMA CITY	145,551	4%
	SUN VALLEY-LA TUNA CANYON	93,228	2%
	SYLMAR	79,741	2%
	GRANADA HILLS-KNOLLWOOD	60,843	2%
	CANOGA PARK-WEST HILLS-MINNETKA-WOODLAND HILLS	185,670	5%
	CHATSWORTH-PORTER RANCH	96,251	2%
	NORTHRIDGE	67,415	2%
	RESEDA-WEST VAN NUYS	106,125	3%
	ENCINO-TARZANA	74,820	2%
	SUNLAND-TUJUNGA-LAKEVIEW TERRACE-SHADOW HILLS-EAST LA TUNA CANYON	62,644	2%
	WESTWOOD	53,491	1%
	WEST LOS ANGELES	77,012	2%
	PALMS-MAR VISTA-DEL REY	122,666	3%
	VENICE	40,943	1%
	WESTCHESTER-PLAYA DEL REY	54,441	1%
	BRENTWOOD-PACIFIC PALISADES	57,513	1%
	BEL AIR-BEVERLY CREST	21,659	1%
	WILMINGTON-HARBOR CITY	80,991	2%
	SAN PEDRO	81,921	2%
	HARBOR GATEWAY	42,075	1%
	PORT OF LOS ANGELES	1,974	0%
	TOTAL POPULATION AS OF OCT 1, 2008	4,003,457	

CURRENT DISTRIBUTION OF PRE-ICO 186	186 DISTRIBUTED BY POPULATION	CHANGE PER CAPITA IF 186 DISTRIBUTED BY POPULATION
11	11	-
2	4	+2
3	13	+10
7	9	+2
2	13	+11
19	15	-4
21	11	-10
2	6	+4
1	2	+1
2	2	-
7	2	-5
14	4	-10
10	7	-3
1	4	+3
13	7	-6
3	7	+4
1	4	+3
2	4	+2
4	4	-
12	9	-3
3	4	+1
6	4	-2
10	6	-4
5	4	-1
2	4	+2
1	2	-1
5	4	+1
2	6	+2
8	2	-6
3	2	-1
0	2	+2
0	2	+2
2	4	+2
0	4	+4
2	2	-
0	0	-
186	186	-

ONE MEDICAL MARIJUANA COLLECTIVE PER 22,000 PERSONS

POPULATION-BASED DISTRIBUTION OF MMCs PER LAPD DIVISION IF CAPPED AT 70, 100, OR 186

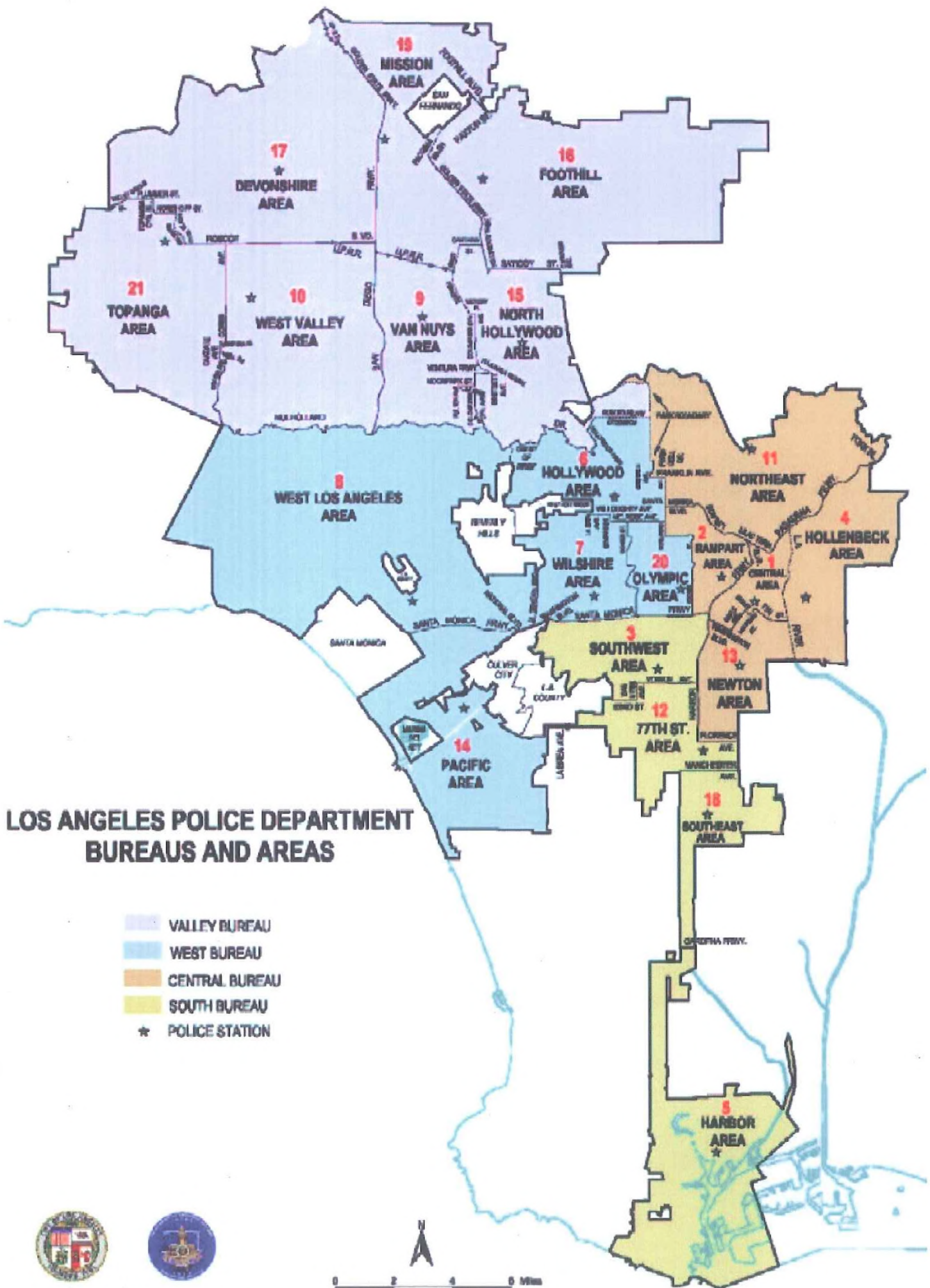
	population	pct. of total	distribution per division		
CENTRAL BUREAU			1	2	4
DIVISION 1; CENTRAL	64,243	1.60%			
DIVISION 2; RAMPART	184,502	4.61%	3	5	9
DIVISION 4; HOLLENBECK	191,016	4.77%	3	5	9
DIVISION 11; NORTHEAST	252,859	6.32%	5	6	11
DIVISION 13; NEWTON	149,875	3.74%	3	4	7
SOUTH BUREAU					
DIVISION 3; SOUTHWEST	195,515	4.88%	4	5	9
DIVISION 5; HARBOR	189,443	4.73%	3	5	9
DIVISION 12; 77TH STREET	179,591	4.49%	3	5	8
DIVISION 18; SOUTHEAST	137,891	3.44%	2	3	7
WEST BUREAU					
DIVISION 6; HOLLYWOOD	147,065	3.67%	3	4	7
DIVISION 7; WILSHIRE	162,158	4.05%	3	4	8
DIVISION 8; WEST LA	237,035	5.92%	4	6	11
DIVISION 14; PACIFIC	217,205	5.43%	4	5	10
DIVISION 20; OLYMPIC	217,126	5.42%	4	5	10
VALLEY BUREAU					
DIVISION 9; VAN NUYS	186,054	4.65%	3	4	9
DIVISION 10; WEST VALLEY	196,840	4.92%	3	5	9
DIVISION 15; NORTH HOLLYWOOD	219,783	5.49%	4	6	10
DIVISION 16; FOOTHILL	203,667	5.09%	3	5	9
DIVISION 17; DEVONSHIRE	219,153	5.47%	4	5	10
DIVISION 19; MISSION	246,825	6.17%	5	6	11
DIVISION 21; TOPANGA	205,848	5.14%	3	5	9
TOTAL POPULATION AS OF OCT 1, 2008*	4,003,693	100%	70	100	186
			ONE MMC PER 57,000 PERSONS	ONE MMC PER 40,000 PERSONS	ONE MMC PER 22,000 PERSONS

* Note: Total persons (includes group quarters population). Group quarters include: dorms, jails/prisons/detention centers, nursing homes/residential hospitals, fraternity/sorority houses, etc.

POPULATION-BASED DISTRIBUTION OF MMCs PER LAPD DIVISION IF CAPPED AT 186

	population	pct of total	CURRENT DISTRIBUTION OF PRE-ICO 186 BY POPULATION	186 DISTRIBUTED BY POPULATION	CHANGE PER DIVISION IF 186 DISTRIBUTED
CENTRAL BUREAU					
DIVISION 1; CENTRAL	64,243	1.60%	8	4	-4
DIVISION 2; RAMPART	184,502	4.61%	3	9	+6
DIVISION 4; HOLLENBECK	191,016	4.77%	4	9	+5
DIVISION 11; NORTHEAST	252,859	6.32%	17	11	-6
DIVISION 13; NEWTON	149,875	3.74%	3	7	+4
SOUTH BUREAU					
DIVISION 3; SOUTHWEST	195,515	4.88%	4	9	+5
DIVISION 5; HARBOR	189,443	4.73%	4	9	+5
DIVISION 12; 77TH STREET	179,591	4.49%	1	8	+7
DIVISION 18; SOUTHEAST	137,891	3.44%	0	7	+7
WEST BUREAU					
DIVISION 6; HOLLYWOOD	147,065	3.67%	11	7	-4
DIVISION 7; WILSHIRE	162,158	4.05%	15	8	-7
DIVISION 8; WEST LA	237,035	5.92%	12	11	-1
DIVISION 14; PACIFIC	217,205	5.43%	13	10	-3
DIVISION 20; OLYMPIC	217,126	5.42%	5	10	+5
VALLEY BUREAU					
DIVISION 9; VAN NUYS	186,054	4.65%	16	9	-7
DIVISION 10; WEST VALLEY	196,840	4.92%	16	9	-7
DIVISION 15; NORTH HOLLYWOOD	219,783	5.49%	20	10	-10
DIVISION 16; FOOTHILL	203,667	5.09%	3	9	+6
DIVISION 17; DEVONSHIRE	219,153	5.47%	13	10	-3
DIVISION 19; MISSION	246,825	6.17%	6	11	+5
DIVISION 21; TOPANGA	205,848	5.14%	12	9	-3
TOTAL POPULATION AS OF OCT 1, 2008*	4,003,693	100%	186	186	
					ONE MMC PER 22,000 PERSONS

* Note: Total persons (includes group quarters population). Group quarters include: dorms, jails/prisons/detention centers, nursing homes/residential hospitals, fraternity/sorority houses, etc.



LOS ANGELES POLICE DEPARTMENT BUREAUS AND AREAS

- VALLEY BUREAU
- WEST BUREAU
- CENTRAL BUREAU
- SOUTH BUREAU
- ★ POLICE STATION



ACCESS TO MEDICAL MARIJUANA RECORDS Other California Cities

To ensure compliance with the City's ordinance regarding medical marijuana collectives, there must be a provision allowing access to and inspection of the collective's records. Without such access, the City will be unable to verify documentation which is critical to ensuring compliance with state law. In short, access to collectives' records is a vital enforcement mechanism.

The draft City ordinance does not seek access to private medical information. The records required to be maintained under the revised discussion draft ordinance do not include documentation of the qualified patient's medical history or condition. The very limited nature of the documentation required for qualified patient members-either a current and valid doctor's recommendation or state identification card-is carefully circumscribed to ensure only that such members are in compliance with state law. A doctor's recommendation is required to use marijuana for medical purposes under the CUA. (§11362.5(A).) A state identification card issued under the voluntary program established under the MMP provides assurance of such recommendation. (§11362.715.) We know of no authority under either federal law (Health Insurance Portability and Accountability Act of 1996; 42 U.S.C. 1320d) or state law (Confidentiality of Medical Information Act; Civil Code §§56-56.37) for the proposition that such limited records constitute private medical records protected from disclosure.

Medical marijuana collectives qualify as "closely regulated businesses." The general rule requiring either consent or a warrant before a government inspection may be conducted of business premises is subject to a major exception for "closely regulated businesses." (See *Colonnade Corp. v. United States* (1970) 397 U.S. 72 [retail liquor dealer]; *United States v. Biswell* (1972) 406 U.S. 311 [business dealing in guns]; *New York v. Burger* (1987) 482 U.S. 691 [automobile junkyard].) The rationale for the exception is that when a person has chosen to engage in a pervasively regulated business, he or she has voluntarily chosen to be subject to governmental regulation and effectively consented to those restrictions. (*People v. Harbor Hut Restaurant* (1983) 147 Cal. App. 3d 1151 [seafood restaurant].) Moreover, the requirement of a warrant could easily frustrate inspection and enforcement relating to such businesses. (*Kim v. Dolch* (1985) 173 Cal. App. 3d 736 [massage parlor].) Examples of businesses where searches without warrants have been upheld include: liquor dealers, firearms dealers, automobile repair shops, automobile junkyards, horse racing, commercial fishing, drug manufacturing, massage parlors, barbershops, dealers in precious metals and gemstones, secondhand goods dealers, pawnbrokers and day care homes.

Several California cities have ordinances which authorize inspection of medical marijuana dispensary records, including patient recommendations and/or state identification cards. A sampling of such provisions and their pertinent language is provided below.

West Hollywood

“Dispensaries shall only dispense medical marijuana to qualified patients and their caregivers as defined by California Health and Safety Code Section 11362.5 (Proposition 215). This shall include possession of a valid doctor’s recommendation, not more than one-year old, for medical marijuana use by the patient.” West Hollywood Municipal Code §19.36.165(E)(7)

“West Hollywood City Code Enforcement Officers, West Hollywood Sheriff’s Deputies or other agents or employees of the City requesting admission for the purpose of determining compliance with these standards shall be given unrestricted access.” West Hollywood Municipal Code §19.36.165(E)(16)

Oakland

“Dispensary shall maintain records of all patients and or patient caregivers using only the identification card number issued by the county, or its agent, pursuant to California Health and Safety Code Section 11362.7 et seq., as a protection of the confidentiality of the cardholders, or a copy of the written recommendation.” Oakland Municipal Code § 5.80.040(E).

“Dispensary shall allow the City Manager or his/her designee to have access to the entities' books, records, accounts, and any and all data relevant to its permitted activities for the purpose of conducting an audit or examination. Books, records, accounts, and any and all relevant data will be produced no later than twenty-four (24) hours after City Manager or his/her designees request.” Oakland Municipal Code § 5.80.040(F).

San Francisco

“SEC. 3313. INSPECTION AND NOTICES OF VIOLATION

(a) The Director may inspect each medical cannabis dispensary regularly and based on complaints, but in no event fewer than two times annually, for the purpose of determining compliance with the provisions of this Article and/or the rules and regulations adopted pursuant to this Article. If informal attempts by the Director to obtain compliance with the provisions of this Article fail, the Director may take the following steps: ... [non-relevant provisions omitted]

(b) The Director may not suspend or revoke a permit issued pursuant to this Article, impose an administrative penalty, or take other enforcement action against a medical cannabis dispensary until the Director has issued a notice of violation and provided the operator an opportunity to be heard and respond as provided in Section 3316.

(c) If the Director concludes that announced inspections are inadequate to ascertain compliance with this Article (based on public complaints or other relevant circumstances), the Director may use other appropriate means to inspect the areas of the

establishment to which patrons have access. If such additional inspection shows noncompliance, the Director may issue either a notice of noncompliance or a notice of violation, as the Director deems appropriate.

(d) Every person to whom a permit shall have been granted pursuant to this Article shall post a sign in a conspicuous place in the medical cannabis dispensary. The sign shall state that it is unlawful to refuse to permit an inspection by the Department of Public Health, or any City peace, fire, planning, or building official or inspector, conducted during the hours the establishment is open to the public and at all other reasonable times, of the areas of the establishment to which patrons have access.

(e) Nothing in this Section shall limit or restrict the authority of a Police Officer to enter premises licensed or permitted under this Article (i) pursuant to a search warrant signed by a magistrate and issued upon a showing of probable cause to believe that a crime has been committed or attempted, (ii) without a warrant in the case of an emergency or other exigent circumstances, or (iii) as part of any other lawful entry in connection with a criminal investigation or enforcement action.”

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TRANSCRIPT

KFI AM640 RADIO - FRIDAY NOVEMBER 20, 2009

LEGEND: KFI = KFI NEWS ANNOUNCER

JB = CALIFORNIA ATTORNEY GENERAL JERRY BROWN

KFI: ... AARON BENDER, KFI NEWS.

KFI: CALIFORNIA'S ATTORNEY GENERAL SAYS HE SUPPORTS EFFORTS
BY L.A. PROSECUTORS TO GO AFTER MARIJUANA DISPENSARIES
SELLING POT TO PATIENTS.

JERRY BROWN SAYS MARIJUANA'S ILLEGAL TO SELL, NO
MATTER WHAT, BUT HE SAYS THE STATE'S MEDICAL MARIJUANA
LAWS ARE VERY CONFUSING ABOUT WHO IS ALLOWED TO
PROVIDE THE DRUG TO PATIENTS.

JB: "UNFORTUNATELY, IN SOME COMMUNITIES, LOS ANGELES IN
PARTICULAR, THERE'S A LOT OF EXPLOITATION AND JUST
GETTING INTO THE, ERR, DRUG BUSINESS, THE DOPE
BUSINESS."

KFI: BROWN SAYS HE HOPES THE COURTS OR THE LEGISLATURE HELP
TO CLARIFY THE LAWS.

KFI: DEMOCRATIC LEADERS HAVE THE SIXTY VOTES THEY NEED TO
KEEP THEIR HEALTH CARE BILL ...