

11-1737

OCT 12 2011

# MOTION

The California Second District Court of Appeal has just ruled, in effect, that local ordinances regulating marijuana dispensaries violate federal law.

This ruling could require the City of Long Beach and other cities, including Los Angeles, to revise or rescind their medical marijuana ordinances. The Court of Appeal ruled that these ordinances which authorize the distribution of marijuana are in direct conflict with the federal Controlled Substances Act, which makes the possession and sale of this drug illegal. Most importantly, this ruling places into doubt the legality of many cities' approaches to regulating marijuana dispensaries by enacting permit-based ordinances which allow officials to decide who can sell the drug.

As we already know (see CF 08-0923-S14), the passage of local medical marijuana ordinances is often correlated with a spike in criminal activity, inasmuch as marijuana availability attracts those who have no medical needs and who simply use it for recreational purposes. While no statistical study has been produced that can prove that there is a causation between medical marijuana dispensaries and criminal activity, it is fair to say that at the very least, there is a statistical correlation. In Los Angeles we have had numerous incidents of robberies and other crimes at medical marijuana dispensaries.

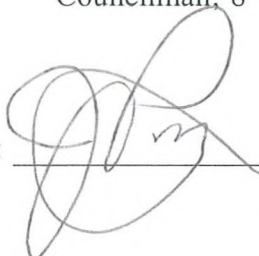
In light of the Court of Appeals ruling and given the facts of negative impact stated above it is prudent for the City to begin the process of moving away from regulating medical marijuana dispensaries and toward eventual elimination of any sanctioned / permitted medical marijuana activity in the City.

I THEREFORE MOVE that the Planning Department with the assistance of the City Attorney be directed to report with recommendations and a plan to phase out the City's current medical marijuana ordinance in conformance with the criminal justice issues identified in this Motion, the recent California Court of Appeals decision voiding the City of Long Beach permit-based marijuana dispensary ordinance, and federal law which firmly makes the possession and sale of this drug illegal.

PRESENTED BY:

  
BERNARD C. PARKS  
Councilman, 8<sup>th</sup> District

SECONDED BY:



October 12, 2012<sub>ak</sub>

ORIGINAL