

WHEREAS, any official position of the City of Los Angeles with respect to legislation, rules, regulations or policies proposed to or pending before a local, state or federal governmental body or agency must have first been adopted in the form of a Resolution by the City Council with the concurrence of the Mayor; and

WHEREAS, the City of Los Angeles has a long tradition of defending the principle of home rule with regard to any legislation pending before the California Legislature, including any legislation that would impair the City's ability to regulate the dispensing of marijuana; and

WHEREAS, last Friday evening a new legislative effort was launched in the form of a gut-and-amend action to AB 604, which would resurrect two marijuana bills, AB 473 and SB 439, both of which failed to gain sufficient support in their legislative bodies earlier this year; and

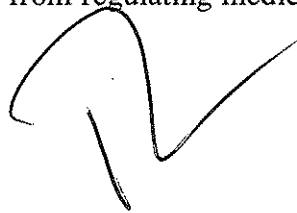
WHEREAS, since the Legislature has only four days in which to act for the current session, efforts are underway to force this bill to the Governor by Thursday, September 12, 2013; and

WHEREAS, AB 604 would violate the principle of home rule, it redefine dispensaries, it alters the City's ability to use its local zoning ordinances, it at a minimum reduces if not eliminates the impact of the recent US Supreme Court decision to allow communities to ban marijuana dispensary locations and it reduces the impact of the recently passed PROP D, limiting the number of locations, in the City; and

WHEREAS, the objectionable features of AB 604 include the following:

- 1) Local government's ability to prevent marijuana trafficking in their communities is severely undermined. AB 604 strikes a body blow at local government's ability to prevent marijuana trafficking. While it does acknowledge that local governments have the ability to adopt local ordinances that "ban or regulate the location, operation, or establishment of a cannabis dispensary," it also narrows the definition of what constitutes a dispensary. Under AB 604 a "dispensary" means a "mandatory commercial registrant that dispenses cannabis or medical cannabis products through a retail storefront." Thus, as long as it's not a storefront operation, it's not a dispensary and therefore beyond the ability of cities to prevent their operation in local communities. This means that cities may not ban the sale of marijuana that takes place at a cultivation site; **under AB 604, marijuana cultivation operations, processing plants, storage facilities, manufacturing locations, transportation operations and even sales operations (so long as they are not "storefront") can be forced on cities or counties;**
- 2) Massive marijuana recommendation fraud by doctors is not addressed. It does not include a safeguard that marijuana may only be recommended by a patient's primary care physician or a physician to whom the primary care physician refers the patient; and the bill is silent on actual dosage, method of delivery, and an analysis of potential side effects;
- 3) AB 604 contemplates the creation of a massive, for-profit medical marijuana trafficking model that the State can impose on local communities at a time when local law enforcement is dealing with the challenges of realignment and the impending release of thousands of felons by New Year's Eve;
- 4) AB 604 allows parolees out of prison after having committed a murder (presumably more than five years have elapsed after they have been paroled) or even drug dealers, to be involved in commercial medical marijuana operations.

NOW, THEREFORE, BE IT RESOLVED, with the concurrence of the Mayor, that by the adoption of this Resolution, the City of Los Angeles hereby includes in its 2013-2014 State Legislative Program opposition to AB 604 which would effectively pre-empt local governments from regulating medical marijuana operations, as further detailed in the text of this Resolution.



PRESENTED BY:

Bernard C. Parks
BERNARD C. PARKS
Councilman, 8th District

SECONDED BY:

M. Engle

September 10, 2013ak

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