

13-1300-55

**MOTION**

On January 3, 2013, the Los Angeles City Clerk transmitted to the City Council a certified initiative petition proposing an ordinance regulating medical marijuana collectives (MM1 Initiative). On January 7, 2013, the City Clerk transmitted a second certified initiative petition proposing a different ordinance regulating medical marijuana collectives and also increasing the tax the existing tax on medical marijuana collectives to \$60 per each \$1,000 of gross receipts (MM2 Initiative).

One or both of these initiatives will likely be placed on the ballot at the City's upcoming general municipal elections held on May 21, 2013. Although the MM1 and MM2 Initiatives are offered to the public as measures that will regulate medical marijuana businesses and control their proliferation in the City, neither accomplishes these objectives. Due to a number of drafting and policy choices, the MM1 and MM2 Initiatives will lead to the continued unregulated proliferation of medical marijuana businesses and related activities in the City.

The City Council previously identified its own approach to balance the unregulated proliferation of medical marijuana businesses, access by seriously ill patients to medical marijuana, and public safety. That approach provides a limited immunity from enforcement to medical marijuana businesses that comply with specified regulatory and land use restrictions. The City Attorney and Planning Department transmitted a proposed Limited Immunity Ordinance (proposed LIO) to the City Planning Commission (CPC) as Attachment 1 to City Attorney Report No. R12-0364 (Nov. 19, 2012) (City Attorney Report), Council Files 08-0923 and 11-1737, CEQA: ENV-2012-3200-CE, now Council File 11-1737-S4. On November 29, 2012, the CPC adopted the City Attorney Report with minor technical corrections to the proposed LIO, recommended adoption of the proposed LIO, and granted the City Attorney authority to make further corrections to the proposed LIO in response to verbal and written comments received by CPC.

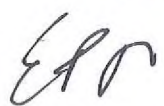
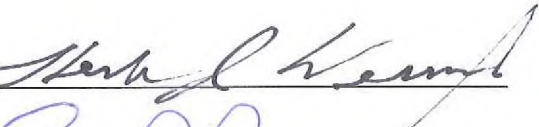
**I THEREFORE MOVE** that the City Attorney be requested to prepare the necessary election ordinance and ballot resolutions to place an ordinance proposition on the May 21, 2013 ballot that would include provisions substantially similar to those of the draft ordinance attached to City Attorney Report No. R12-0364 (Nov. 19, 2012), with additional and/or modified provisions as deemed appropriate, in consultation with the Council President, and including if appropriate an increase in the existing tax on medical marijuana collectives to \$60 per each \$1,000 of gross receipts.

PRESENTED BY:



**PAUL KORETZ**  
Councilmember, 5<sup>th</sup> District

SECONDED BY:



JAN 11 2013

ORIGINAL