BOB BLUMENFIELD

Councilmember, Third District

October 25, 2016

Herb J. Wesson, President and Members
Los Angeles City Council
200 N. Spring Street
Los Angeles, CA 90012

RE: Regulation of Medical and Recreational Adult Use Marijuana (Council File No. 14-0366-S5)

Dear Council President Wesson:

The City of Los Angeles faces an unprecedented need for a sensible, enforceable, and fair regulatory environment for cannabis in light of the potential passage of California State Proposition 64 which would allow adult recreational use. The City also must address the shortcomings and unintended consequences of the City of Los Angeles Proposition D, passed in 2013, which sought to regulate medical marijuana in the City but which has proven to be an unwieldy system that has failed to control the proliferation of dispensaries in neighborhoods throughout the City.

As you know, the City Council must seek voter approval for any tax from the voters, and in order to place a tax measure before the voters on March 7, 2017, the City Council must act to approve an ordinance and ballot language by November 9, 2016. Particularly because the voters of California will decide on Prop. 64 on November 8, this is an extraordinarily short timeline for the development of sound public policy. In light of these realities and my strong desire to implement sensible and enforceable regulatory systems for medical and recreational cannabis, I respectfully request that you consider the following recommendations in your deliberation on Council File No. 14-0366-S5 or any subsequent discussion of cannabis regulation and/or taxation in the City of Los Angeles.

I strongly believe in the ability and need for the elected representatives of the City to provide an open transparent and public process for cannabis regulation, and I am concerned that putting a measure which passes that responsibility onto voters in March is a dereliction of our duty to govern. That is why I would prefer to put before voters only the tax measure that they must decide and provide a substantial and thorough framework for the development of enforcement and licensing requirements by ordinance over the next several months. Specifically, I propose that we develop a ballot measure to ask the voters to approve a tax for cultivation, manufacture, and retail sale businesses involved in cannabis to be decided in consultation with the City Council, City Attorney, Mayor, and relevant City Departments. The amount of this tax must be decided and codified by November 9 to be put forward on the March 7, 2017 ballot.

This ballot measure should also include a framework and deadlines for the development by the City Council of the necessary ordinances, fees, and enforcement mechanisms as follows:
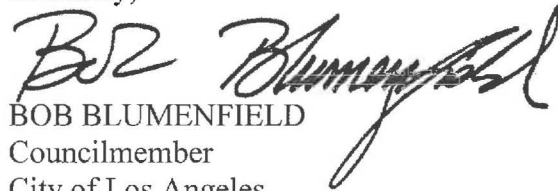
1. To create a regulatory process and structure for the cultivation, processing, distribution and sale of marijuana products and all attendant matters including enforcement of licensing and related oversight (to be known as commercialization), the City Council shall:

    a. Involve all stakeholders in the process of developing the rules, regulations and ordinances necessary to regulate the safe commercialization of marijuana, including but not limited to Neighborhood Council, police officers, school officials, probation officers, civic and service organizations, Chambers of Commerce, and others as may wish to participate; hold hearings in neighborhoods throughout the city to allow for participation of such stakeholders; among, but not limited to, the issues to be considered and resolved through this process shall be:

        i. Rules concerning who may qualify for a license to operate in any of the phases of commercialization;

        ii. Penalties, fines, and other enforcement tools needed to insure strict compliance with licensing and to avoid the type of illegal dispensary proliferation that occurs under Prop D;

        iii. Regulation of transportation of marijuana products within the city;

        iv. Siting of all buildings and facilities involved in all phases of commercialization;

        v. Preventing the over-concentration of businesses involved in commercialization of marijuana;

        vi. Determinations of any necessary land use requirements such as distances to schools, parks, libraries, residences, liquor stores, stores selling candy to children, and other such matters affecting the locations of stores and facilities involved in commercialization of marijuana;

        vii. Constitutional and appropriate measures regarding advertising commercialization of marijuana in such a way as to prohibit exposure to anyone under the age of 21;

        viii. Updating training and protocols to enable police officers to enforce laws against driving while under the influence of marijuana;

        ix. Requirements for auto rental agencies, particularly at airports, to advise visitors to the city regarding the rules concerning driving while under the influence, and other marijuana regulations of which visitors may not be aware;

        x. Any and all other issues that may arise regarding the commercialization of recreational marijuana in the city.

2. The City Council, City Attorney, and Mayor shall ensure that any and all necessary regulations and enforcement mechanisms are adopted and in place so that licenses for commercial, medical or adult use marijuana activity can be issued by January 1, 2018 when such activity will be allowed in the State of California pursuant to the will of the voters.

By asking the voters to authorize the necessary tax measure and grant the City Council the authority to develop sensible strong regulatory and enforcement measures, I believe we can work together to ensure the transparent, thoughtful, and comprehensive public process that this unprecedented change in cannabis policy by the voters of California requires.

Thank you for your consideration.

Sincerely,

BOB BLUMENFIELD
Councilmember
City of Los Angeles