

08-0923

MOTION

SEP 11 2009

In the four years since the Los Angeles City Council first addressed regulations for medical marijuana collectives and cooperatives, there has been significant changes in the landscape surrounding this issue.

Most obvious is the unprecedented and unacceptable proliferation of so-called dispensaries in the City. This has occurred despite the adoption of a moratorium by the Council in 2007. They have increased from a total of four in 2005 to over 700 by some estimates today.

In 2008, the California Attorney General issued guidelines to assist local jurisdictions and law enforcement to implement the Compassionate Use Act approved by voters in 1996 and the Medical Marijuana Program Act adopted by the State Legislature in 2003.

Trial courts and appellate courts, including the Supreme Court, have issued opinions that provide important parameters for individuals and government institutions to follow. A very important focus of these decisions has been the means by which qualified patients may access medical marijuana from collectives and cooperatives.

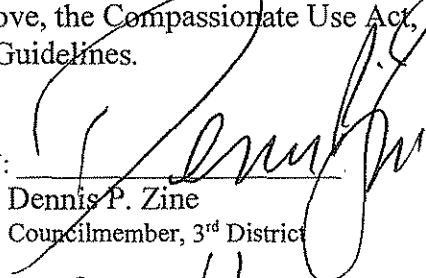
It is imperative that the Council take these things into consideration as we prepare to adopt a permanent ordinance to establish land use regulations and operational guidelines for medical marijuana collectives and cooperatives in the City of Los Angeles.

I THEREFORE MOVE, that the City Attorney be requested to provide a written report to the Council, in closed session as necessary, that specifically analyzes the application of California Health and Safety Code Section 11362.775 which provides legal protections for the association of qualified persons within the State in order to collectively or cooperatively cultivate marijuana for medical purposes. In particular, the written report should analyze the following recent appellate court cases that have interpreted California Health and Safety Code Section 11362.775:

- (1) People v. Hochenadel - 2009
- (2) County of Butte v. Superior Court of Butte County - 2009
- (3) People v. Newcomb - 2009
- (4) People v. Urziceanu - 2005

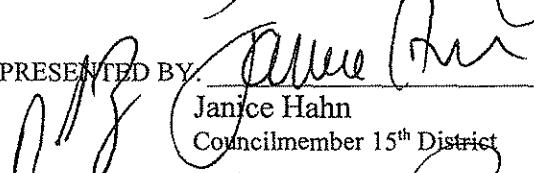
I FURTHER MOVE, that the City Attorney be requested to provide a written report to the Council, in closed session as necessary, that reviews the draft ordinance presented in the Planning and Land Use Committee on June 9, 2009 and any subsequent versions (Communication from Council District One / Council File 08-0923) as it relates to the appellate court decisions above, the Compassionate Use Act, the Medical Marijuana Program Act, and the Attorney General Guidelines.

CO-PRESENTED BY:


  
Dennis P. Zine  
Councilmember, 3<sup>rd</sup> District

SEP 11 2009

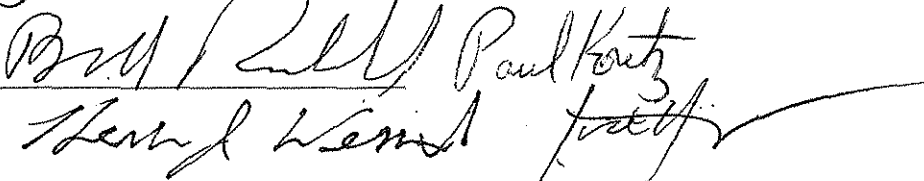
CO-PRESENTED BY:

  
Janice Hahn  
Councilmember 15<sup>th</sup> District

CO-PRESENTED BY:

  
Ed Reyes  
Councilmember, 1<sup>st</sup> District

SECONDED BY:

  
Paul Kutz  
Cheryl Wenzel

PUBLIC WORKS  
BUDGET & FINANCE  
PLANNING & LAND USE MANAGEMENT  
PUBLIC SAFETY  
SEP 11 2009  
ORIGINAL