

Your

**PUBLIC SAFETY and
PLANNING AND LAND USE MANAGEMENT COMMITTEES**

report as follows:

PUBLIC SAFETY and PLANNING AND LAND USE MANAGEMENT COMMITTEES REPORT and ORDINANCES relative to amending the Los Angeles Municipal Code (LAMC) to establish regulations regarding medical marijuana collectives.

Recommendations for Council action:

1. REQUEST that the City Attorney prepare and present an ordinance amending the LAMC to establish regulations regarding medical marijuana collectives, substantially as previously presented and identified as Fifth Revised Draft Ordinance and dated November 13, 2009, and as amended to reflect the following:
 - a. Modify Section 45.19.6 Purpose and Intent to remove the word "federal" from the last sentence.
 - b. Modify Section 45.19.6.3B6 to delete the sentence "No sale or marijuana or of products containing marijuana shall be allowed, nor shall the manufacturing of these products for sale be permitted," and replace with: "Cash contributions, reimbursements, and compensations shall be allowed provided in compliance with State law."
 - c. Modify Section 45.19.62E to require warrants for police searches of records that pertain specifically to patient information.
2. REQUEST that the City Attorney, Police Department, Planning Department, and the Department of Building and Safety provide an analysis of the amendments presented above in Recommendation No. 1, and other amendments proposed during Council consideration of this matter.

Fiscal Impact Statement: None submitted. Neither the City Administrative Officer nor the Chief Legislative Analyst has completed a financial analysis of this report.

Community Impact Statement Submitted: None

SUMMARY

Accompanying a report to Council dated November 13, 2009 (attached to the Council file), the City Attorney presents Fifth Revised Draft Ordinance amending the LAMC to establish regulations regarding medical marijuana collectives.

At their special joint meeting held November 16, 2009, the Public Safety and Planning and Land Use Management Committee discussed this matter with representatives of the City Attorney, and the Police and Planning Departments. During the public comment period, medical marijuana patients, and collective and dispensaries operators expressed opposition to the

Ordinance and urged the Committees to continue this matter for further consideration. Speakers opposed to the Ordinance stated that sale restrictions and the 1000 foot radius distance from sensitive uses would cause many dispensaries to cease operation and restrict the access of patients to medical marijuana. Other speakers expressed concerns regarding the violation of patient privacy resulting from Police Department access to patient records maintained by the collectives. Opponents also urged the Committee to consider the potential tax revenue generated by medical marijuana business activity, and employment opportunities. Speakers felt that more time should be taken by Council to adopt an ordinance that considers the needs of patients who benefit from medical marijuana and that is consistent with the spirit of California Proposition 215.

Members of the public in support of the Ordinance expressed concerns about the on-going proliferation of dispensaries. Statements were made that dispensaries attract nuisance activities such as loitering and driving under the influence. It was also stated that operators of dispensaries are not checked for criminal records.

Councilmembers Rosendahl and Koretz were in attendance and urged the adoption of an ordinance similar to what has been adopted by the City of West Hollywood. Planning and Land Use Management Committee Chair Reyes emphasized the importance of the welfare of patients who need to use medical marijuana to relieve pain. The Councilmember expressed support for the regulation and taxation of medical marijuana, and stated that an opportunity exists for the City of Los Angeles to allow for, as well as to regulate and tax, its safe cultivation by controlling its quality and quantity.

City Attorney staff discussed the differences between the Fifth draft Ordinance and previous versions, as outlined on page 2 of the report to Council. The Ordinance includes enforcement duties of the Police Department and the Department of Building and Safety. Staff indicated that the ordinance does not prohibit against safe access, nor does it prohibit edible medical marijuana - only its sale. According to the City Attorney staff present at the meeting, current state law permits only qualified patients and primary care givers to cultivate. No provisions exist for the taxation of marijuana because it cannot legally be sold.

The Public Safety and Planning and Land Use Management Committees recommended that Council request that the City Attorney prepare another draft ordinance, as amended to reflect the modifications introduced by Councilmember Reyes, as shown above in Recommendation No. 1.

Respectfully submitted,

PUBLIC SAFETY
COMMITTEE

PLANNING AND LAND USE
MANAGEMENT COMMITTEE

- NOT OFFICIAL UNTIL COUNCIL ACTS -

<u>MEMBER</u>	<u>VOTE</u>
SMITH:	YES
CARDENAS:	YES
PERRY:	YES
REYES:	YES
ZINE:	YES

<u>MEMBER</u>	<u>VOTE</u>
REYES:	YES
HUIZAR:	YES
ZINE:	YES