

13-0002-586

MAY 22 2013

RULES, ELECTIONS & INTERGOVERNMENTAL RELATIONS

RESOLUTION

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 first have been adopted in the form of a Resolution by the City Council with the concurrence of the Mayor; and

WHEREAS, on May 6, 2013, the California Supreme Court ruled in the case entitled *City of Riverside v. Inland Empire Patient Health and Wellness Center, Inc., et al.*, that cities may ban medical marijuana dispensaries through zoning; and

WHEREAS, SB 439 (Steinberg) would exempt marijuana collectives, cooperatives, entities, and persons from criminal prosecution or punishment, inasmuch as it would permit collectives or cooperatives to be organized as any business entity, thereby allowing medical marijuana to be cultivated and distributed for profit which is inconsistent with Proposition 215, the Compassionate Use Act of 1996, and also in direct violation of federal law; and

WHEREAS, the Compassionate Use Act of 1996 sought to ensure that seriously ill Californians had the right to obtain and use marijuana for medical purposes and has been recommended by a physician for treatment of cancer, anorexia, Acquired Immunodeficiency Syndrome (AIDS), chronic pain, spasticity, glaucoma, arthritis, migraine, or any other illness for which marijuana provides relief; and

WHEREAS, the intent of the Compassionate Use Act of 1996 was to ensure that patients and primary caregivers who obtain and use marijuana for medical purposes upon the recommendation of a physician are not subject to criminal prosecution, and it was surely not to condone the diversion of marijuana for non-medical purposes; and


WHEREAS, the California Narcotics Association and California Police Chiefs Association indicate that SB 439 will expand the distribution of what is classified under Proposition 215 as medical marijuana in California because it will enable other entities that are not patients, or caregivers to cultivate or distribute marijuana; and

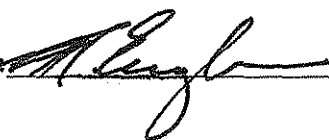
WHEREAS; SB 439 will permit collectives and cooperatives to be organized as any 'business entity' to engage in cultivation or distribution of medical marijuana, thereby implying that medical marijuana may be cultivated and distributed 'for profit', and thus a major expansion of the original intent of Proposition 215, which did not contemplate permitting the creation of for profit medical marijuana businesses; and

WHEREAS, the California Supreme Court recently held that local governments can ban medical marijuana dispensaries through zoning regulations, as well as the federal government's position that marijuana is captured by Schedule I of the 1970 Controlled Substances Act, which is the most restricted category reserved for drugs that have 'no currently accepted medical use', enactment into law of SB 439 would provide legitimacy of the for profit sale of medical marijuana;

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 2013-14 State Legislative Program OPPOSITION to SB 439 (Steinberg), which would exempt marijuana collectives, cooperatives, entities, and persons from criminal prosecution or punishment, inasmuch as it would permit collectives or cooperatives to be organized as any business entity thereby allowing medical marijuana to be cultivated and distributed for profit which is inconsistent with Proposition 215, the Compassionate Use Act of 1996, and also in direct violation of federal law.


MAY 22 2013

PRESENTED BY: 
BERNARD C. PARKS
Councilmember, 8TH District

SECONDED BY: 

ORIGINAL