



CITY COUNCIL

Darryl Moore
Councilmember District 2

ACTION CALENDAR
May 21, 2013

To: Honorable Mayor and Members of the City Council
From: Councilmember Darryl Moore, District 2
Subject: Berkeley Medical Marijuana Regulations

RECOMMENDATION

That the City Council postpones taking action on adopting any local medical cannabis regulations in light of several proposals currently being considered by the state legislature.

BACKGROUND

There are currently several pieces of legislation that deal with regulating medical cannabis that are being considered at the state level.

AB 473, authored by Assemblymember Tom Ammiano (D-San Francisco) would create the Division of Medical Cannabis Regulation and Enforcement within the Department of Alcoholic Beverage Control (ABC). The Division would be charged with creating and enforcing guidelines for medical cannabis cultivation, transportation, distribution, testing, etc. The Division would also assess local regulations and set fees for licensing medical cannabis activity in the state. AB 473 recently passed the Committee on Public Safety and is on the way to the Committee on Appropriations.

SB 439, coauthored by Senate President Pro-Tem Darrell Steinberg (D-Sacramento) and Senator Mark Leno (D-San Francisco) will clarify state medical cannabis regulation and the ambiguity regarding the scope of protections offered under Health and Safety Code 11362.765 (SB 420). SB 439 would help create a more professional and transparent medical cannabis program for patients and stakeholders. This bill makes the rights and responsibilities of cooperatives and collectives more clear. In doing so, SB 439 simplifies the job of operators, regulators, local municipalities and law enforcement. The bill would also help reassure concerned community members that local access points are accountable under state law and well-regulated under the Attorney General's guidelines.

Since state law would override local regulations, the City Council should postpone adopting new local regulations until we have seen what kinds of state regulations are to be adopted. This would prevent wasted cost and staff time in the event that local regulation is incompatible with adopted state regulation. This postponement developing

or adopting new local regulations should not interfere with the city's ability to enforce its current zoning regulations as it pertains to medical marijuana uses.

FISCAL IMPACTS OF RECOMMENDATION

Unknown

CONTACT PERSON

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