

MOTION BY SUPERVISOR MICHAEL D. ANTONOVICH

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In October 2015, the Legislature enacted a comprehensive package of bills to establish a statewide regulatory structure for commercial medical marijuana activities. Together, AB 266, AB 243, and SB 643 comprise the Medical Marijuana Regulation and Safety Act ("MMRSA") which regulates licensing and enforcement of commercial medical marijuana activities including cultivation, manufacturing, laboratory testing, distribution, dispensing, and transportation. The MMRSA, which will be administered and overseen by the newly created Bureau of Medical Marijuana Regulations, provides statewide uniform standards and allows local jurisdictions to implement additional standards. It provides a dual licensing structure for commercial medical marijuana activities. It also preserves police power for local jurisdictions to permit, regulate, or ban, medical marijuana activities.

As a result of this new legislation, the County has been receiving inquiries concerning County permitting and licensing for these activities.

Since 2011, the County has banned the dispensing of medical marijuana from storefront locations through its zoning code (Title 22 of the Los Angeles County Code (Planning and Zoning)).

The use of land for the cultivation, manufacture, laboratory testing, or distribution of medical marijuana is not allowed under the County's permissive zoning code, but the County does not have a ban specifically prohibiting these medical marijuana activities.

The County has no regulation or ban against mobile sales or delivery of medical marijuana. Consistent with the provisions of MMRSA, the County does not regulate or ban a qualified patient or a primary caregiver, as defined in Section 11362.7 of the California Health and Safety Code, from cultivating, possessing, storing, manufacturing, transporting or providing medical marijuana.

These medical marijuana activities remain illegal under federal law but MMRSA allows qualified individuals and entities, who possess both state and local permits and licenses, to engage in these activities.

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These activities have been associated with certain risks and crime. Outdoor cultivation, for example, where it is readily observable by neighbors and the general public, increases the risk of trespassing and burglary, and acts of violence in connection with the commission of such crimes or the occupants' attempts to prevent such crimes.

Additionally, outdoor cultivation is often associated with violations of local, State, and federal environmental laws and pesticide regulations, threatening harm to local waterways and groundwater quality, and endangering the public health and safety. Indoor cultivation and the processing, manufacturing, and lab testing of medical marijuana within a residence or other structure used or intended for human occupancy, presents potential health and safety risks to those living in the residence or otherwise occupying the structure, especially to children, including, but not limited to, increased risk of fire from grow light systems, increased risk of adverse chemical reactions, exposure to fertilizers, pesticides, anti-fungus/mold agents, and exposure to potential property crimes.

The mobile sales and delivery of medical marijuana has also been associated with criminal activity. A recent example involves a 24-year-old man who was sentenced to 12 years in state prison on December 14 for robbing a medical marijuana delivery man in Long Beach.

We have a fundamental obligation to protect the quality of life in our unincorporated neighborhoods and communities. Medical marijuana activities involve many issues that could potentially adversely impact our daily lives.

In order for the County to make an informed determination whether to allow, regulate, or ban these activities, a study to determine the impacts of these activities on the County's unincorporated communities should be conducted.

**I, THEREFORE, MOVE that the Board of Supervisors:**

1. Direct the Director of the Department of Regional Planning in cooperation with the Sheriff's Department, Department of Public Health, the Agricultural Commissioner, and other departments as necessary, to undertake a study of the impacts of medical marijuana cultivation, manufacturing, laboratory testing, and distribution in the county unincorporated areas and report back with the results of the study;
2. Direct County Counsel to prepare an interim urgency ordinance prohibiting the establishment of medical marijuana cultivation, manufacturing, laboratory testing, and distribution within all zones in the unincorporated areas in the County for an initial period of 45 days to allow the Department of Regional Planning to conduct a zoning study and make recommendations to the Regional Planning Commission on appropriate land use regulations, if any, that should apply to such land uses and facilities; and

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3. Instruct County Counsel to prepare an ordinance to amend the Los Angeles County Code to prohibit the mobile sales and commercial delivery of medical marijuana throughout the unincorporated areas which ordinance provision may be revisited when the zoning study and related recommendations are considered by the Board.

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