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Staff Report

ITEM NO. 3F

To: Lemoore City Council
From: Jeff Laws, Chief of Police
Date: April 9, 2012
Subject: AB 2312 – Medical Marijuana

Discussion:

AB 2312 creates the Board of Medical Marijuana Enforcement within the California Department of Consumer Affairs to oversee and regulate the medical marijuana industry in California. This steps on the toes of last year's AB 1300, which provides that local jurisdictions have the authority to regulate the location, operation, or establishment of medical marijuana cooperatives or collectives. The California Supreme Court is now reviewing permissible local regulation of medical marijuana distribution in conjunction with state and federal law in three cases that it accepted this year. This legislation will cause further confusion for both local jurisdiction and state agencies, and creates duplicative efforts between the courts and the legislature. Any legislative action, if even necessary, should be postponed until rulings from the courts are delivered. Additionally, the City of Lemoore already has a municipal code (9-3-11 LMC) in place that regulates medical marijuana dispensaries within the city.

AB 2312 requires cities to permit one medical marijuana dispensary per 50,000 people. This would mandate the City of Lemoore to comply with a standard that would not be the best for our community. Setting a statewide protocol for how local jurisdictions may regulate medical marijuana dispensaries isn't practical in that cities need to decide how their resources are best used. Cities wishing to stray from the regulations presented in this bill would be met with financial burdens associated with analysis, research, and costly elections.

Budget Impact:

It is unknown at this time what the budget impact will be if AB 2312 passes.

Recommendation:

That the Lemoore City Council, by motion, authorizes the Mayor to send the attached letter of opposition to AB 2312.