
Office of the City Clerk, City of Los Angeles

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Council File Number

[05-0872-S1](#)

Title

MEDICAL MARIJUANA DISPENSARIES

Subject

Motion - As the number of medical marijuana dispensaries continues to proliferate, so does the number of citizen complaints and the risk they pose to our communities. This is a problem that law enforcement agencies across the state have identified since marijuana dispensaries are hubs for illegal activity that abuse medical marijuana laws and operate devoid of proper regulation. Both Proposition 215 and SB 420 do not legalize dispensaries that are often "for profit" and operate under the definition of a "primary caregiver." Prop 215 has created confusion among the general public and law enforcement agencies as to what is legal because counties and cities have different regulations in place. As highlighted in a number of recent cases, marijuana dispensaries often operate for profit and are a magnet for crime. In 2005, a dispensary was found to be operating as a wholesale distributor where young people would purchase marijuana then resell it. A number of dispensaries have also been involved in armed robberies and possess illegal firearms. Illegal marijuana dispensaries have been known to operate and advertise in, and/or, close to schools, unlawfully sell marijuana for profit that is later resold in communities, lack the medical expertise to be able to properly dispense marijuana, and routinely sell marijuana to individuals without any legal medical documentation. On May 3, 2005, a Motion (Zine-Reyes) (C.F. 05-0872) was introduced to establish regulations. Until the City of Los Angeles and Los Angeles County establish viable regulations, we must institute an immediate moratorium on illegal medical marijuana dispensaries. THEREFORE MOVE that the City Council instruct the Planning Department, with the assistance of the City Attorney, the Los Angeles Police Department, and the Department of Building and Safety, to prepare an Interim Control Ordinance (ICO) for the term of two (2) six-month periods that prohibits the opening of any new medical marijuana dispensary. FURTHER MOVE that the Interim Control Ordinance not be intended to apply to medical marijuana dispensaries that are legally existing as of the effective date of the ordinance. For this purpose, a legally existing medical marijuana dispensary is a retail establishment that is open for business in compliance with all applicable laws and regulations, including but not limited to land use regulations, has obtained all necessary licenses and permits and is conducted in a building or portion thereof approved for retail occupancy by the effective date of the ordinance. Additionally, the dispensing of edible products must have the approval of the Health Department of the County of Los Angeles, the Department of Building and Safety of the City of Los Angeles and any other agency regulating the consumption of food by the effective date of the ordinance. FURTHER MOVE that the ICO include an Urgency Clause making it effective upon publication.

Last Change Date

09/06/2011

Expiration Date

01/27/2011

Reference Numbers

08-0311-S1;,05-0872-S185

Mover

DENNIS ZINE

Second

TOM LABONGE

Action History for Council File [05-0872-S1](#)

Date Activity

09/06/2011 File expired per Council policy, Council file No. 05-0553.

01/27/2009 Planning and Land Use Management Committee requested City Attorney; Department of City Planning; Police Department; Board of Police Commissioners to report back .

01/27/2009 Planning and Land Use Management Committee continued item to/for 30 days.

01/23/2009 Planning and Land Use Management Committee scheduled item for committee meeting on January 27, 2009.

05/09/2008 City Attorney document(s) referred to Planning and Land Use Management Committee; Public Safety Committee.

Archive History

9-22-06 - This day's Council session

9-22-06 - Ref to Planning and Land Use Management Committee

9-22-06 - File to Planning and Land Use Management Committee Clerk

10-20-06 - Set for Planning and Land Use Management Committee on October 24, 2006

10-24-06 - Planning and Land Use Management Committee Disposition - Refer to Planning Department to prepare Interim Control Ordinance

10-27-06 - Letter to Planning Department per Planning and Land Use Management Committee Clerk

1-9-07 - DUPLICATE ORIGINAL FILE MADE THIS DATE

1-9-07 - File to Planning and Land Use Management Committee Clerk

1-19-07 - Set for Planning and Land Use Management Committee on January 23, 2007

1-23-07 - Planning and Land Use Management Committee Disposition - Report back in 60 days

1-25-07 - ORIGINAL AND DUPLICATE FILES BOUND THIS DATE - to Planning and Land Use Management Committee Clerk

4-9-07 - For ref - Communication from the Los Angeles City Planning Commission, dated April 9, 2007, relative to the proposed Medical Marijuana Dispensary Interim Control Ordinance (Revised Appendix A) to temporarily prohibit the establishment of any new medical marijuana dispensaries citywide. The prohibition would remain in effect for a period of one year, with the possibility of two six-month extensions - CPC 2007-0280 ICO.

4-10-07 - Ref to Planning and Land Use Management Committee - to Committee Clerk

5-11-07 - Set for Planning and Land Use Management Committee on May 15, 2007

5-15-07 - Planning and Land Use Management Committee Disposition - Continued to May 22, 2007

5-21-07 - For ref - Communication from the City Clerk, dated May 21, 2007, relative to Medical Marijuana Dispensaries - Interim Control Ordinance.

5-21-07 - Ref to Planning and Land Use Management Committee - to Committee Clerk

5-22-07 - Planning and Land Use Management Committee Disposition - Approve; request City Attorney to draft Ordinance

5-24-07 - Letter to City Attorney and Los Angeles Police Department per Planning and Land Use Management Committee Clerk

6-26-07 - Planning and Land Use Management Committee Disposition - Receive and File

7-17-07 - For ref - Communication from the City Clerk, dated July 17, 2007, relative to draft ordinance establishing an Interim Control Ordinance which temporarily prohibits opening of any new Medical Marijuana Dispensaries in the City.

7-18-07 - Ref to Planning and Land Use Management Committee - to Committee Clerk

7-18-07 - For ref - Communication from the City Attorney R07-0265, dated July 17, 2007, and a final draft ordinance establishing an Interim Control Ordinance which temporarily prohibits the opening of any new Medical Marijuana Dispensaries in the City.

7-19-07 - Ref to Planning and Land Use Management Committee - to Committee Clerk

7-25-07 - Council Action - Planning and Land Use Management Committee report ADOPTED, SUBJECT TO THE APPROVAL OF THE MAYOR:

1. FIND that this action is exempt from the California Environmental Quality Act, pursuant to Article II, Section 2, Subsection(m) of the City's Environmental Guidelines.
2. ADOPT the July 16, 2007, FINDINGS of the Director of Planning as the FINDINGS of the Council.
3. PRESENT and ADOPT the accompanying ICO temporarily prohibiting the opening of any new Medical Marijuana Dispensaries throughout the City for a period of one year from the effective date of this Ordinance or until a permanent Ordinance is adopted, which establishes permanent citywide regulations regarding Medical Marijuana Dispensaries, whichever occurs first. This ICO, by resolution of the Council, may be extended for two additional periods not to exceed 180 days - Findings ADOPTED - Exempt APPROVED - Ordinance over to AUGUST 1, 2007.

CPC 2007-280 ICO

8-1-07 - Council Action - Ordinance ADOPTED temporarily prohibiting the opening of any new Medical Marijuana Dispensaries throughout the City.

8-1-07 - File to Mayor for signature FORTHWITH

8-10-07 - File to Council and Legislative Processing Clerk

8-16-07 - File to Planning and Land Use Management Committee Clerk OK

8-16-07 - File in files

10-5-07 - This day's Council session - Motion - Parks Mover 2007 / Smith - That, in conjunction with the LAPD report back to Planning and Land Use Management (PLUM) Committee on crime statistics, the City Attorney be requested to provide an opinion on: 1) the legal obligations of the City and Police Department to comply with requests for cooperation and assistance from the Drug Enforcement Agency; 2) the City's potential liability in proceeding with further regulation of medical marijuana dispensaries; and 3) the legality of the City, through land use regulations, to enable businesses to engage in illegal activities as defined by federal law.

10-5-07 - Ref to Public Safety and Planning and Land Use Management Committees

10-5-07 - File to Public Safety Committee Clerk

5-8-08 - For ref - Communication from the City Attorney R08-0129, dated May 5, 2008, relative to providing opinion regarding: 1) the legal obligations of the City and Police Department to comply with requests for cooperation and assistance from the Drug Enforcement Agency; 2) the City's potential liability in proceeding with further regulation of medical marijuana dispensaries; and 3) the legality of the City, through land use regulations, to enable businesses to engage in illegal activities as defined by federal law.

5-9-08 - Ref to Planning and Land Use Management and Public Safety Committees - to Planning and Land Use Management Committee Clerk