

1           5.89.055     Temporary Exemption.

2           Unless otherwise extended by the City Council, the provisions of this  
3 Chapter, which prohibit and ban dispensary and cultivation sites in the City  
4 shall not be applicable until August 12, 2012, to those applicants of certain  
5 dispensaries or cultivation sites that were successful participants in a lottery  
6 conducted by the City on September 20, 2010, and were not otherwise  
7 excluded by the amendment adopted pursuant to ORD-11-0013, which  
8 amended the definition of “park” or “public park” in former Chapter 5.87 of  
9 this Code. This temporary exemption is enacted in recognition of the fact  
10 that even though no permits have been issued, said applicants may have  
11 expended funds in good faith to facilitate their operations in accordance with  
12 the provisions of Chapter 5.87 of the Municipal Code at the time it was in  
13 existence and before the decision in Pack v. City of Long Beach was issued  
14 by the California Court of Appeal. A complete list of those applicants  
15 eligible for a temporary exemption pursuant to the terms of this Section is  
16 attached hereto and incorporated herein by this reference. Said list shall  
17 exist as an uncodified provision of this Chapter.

18           The temporary exemption established pursuant to this Section shall  
19 not be construed to protect applicants, dispensary or cultivation site owners,  
20 permittees, operators, and employees or their members from state or  
21 federal laws that may prohibit cultivation, sale, use, or possession of  
22 controlled substances. Moreover, cultivation, sale, possession, distribution,  
23 and use of marijuana remain violations under federal law as of the date of  
24 the adoption of this Chapter, and this Section is not intended to, nor does it,  
25 protect any of the above described persons or entities from arrest or  
26 prosecution under those federal laws.

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5.89.020 Definitions.

E. "Medical Marijuana Dispensary or Dispensary" means any association, business, facility, use, establishment, location, delivery service, cooperative, collective, or provider, whether fixed or mobile, that possesses, cultivates, distributes, or makes available medical marijuana to any person, including: a Primary Caregiver, a Qualified Patient, or a patient with an Identification Card. The term "Medical Marijuana Dispensary" does not include three (3) or fewer qualified patients or their primary caregivers who associate at a particular location or property in the City to collectively or cooperatively cultivate or distribute medical marijuana amongst themselves in accordance with all applicable provisions of state law.