



OFFICE OF THE CITY ATTORNEY  
Long Beach, California

**ORD-12**

CHARLES PARKIN  
City Attorney

MICHAEL J. MAIS  
Assistant City Attorney

MUNICIPAL COUNCIL

Gary J. Anderson  
Charles M. Gale  
Anne C. Lattime  
Howard D. Russell

MEMBERS

David R. Albers  
C. Geoffrey Allred  
Taylor M. Anderson  
Richard F. Anthony  
William R. Baerg  
Sarah E. Green  
Monica J. Kilaita  
Nicholas J. Masero  
Dawn A. McIntosh  
Lauren E. Misajon  
Matthew M. Peters  
Katrina R. Pickett  
Arturo D. Sanchez  
Chelsea N. Trotter  
Todd Vigus  
Amy R. Webber  
Erin Weesner-McKinley  
Theodore B. Zinger

October 13, 2020

HONORABLE MAYOR AND CITY COUNCIL  
City of Long Beach  
California

**RECOMMENDATION:**

Declare an Ordinance amending the Long Beach Municipal Code by amending Sections 5.90.200 and 5.92.915, all relating to the hours of operation for medical and adult-use marijuana dispensaries, read the first time and laid over to the next regular meeting of the City Council for final reading. (Citywide)

**DISCUSSION**

Pursuant to City Council's request on September 8, 2020 to extend business hours for marijuana dispensaries by two-(2) hours, this ordinance has been prepared and is submitted for your consideration.

It is important to point out that currently the hours of operation for medical marijuana dispensaries and adult-use marijuana dispensaries differ by one-(1) hour. While both are permitted to open at 9:00 a.m., adult-use marijuana dispensaries are required to close at 9:00 p.m., and medical marijuana dispensaries are required to close at 8:00 p.m.

The State does not permit the sale or delivery of cannabis goods past 10:00 p.m. Therefore, in order to increase the hours of operation for adult use marijuana dispensaries by an additional two-(2) hour period, it is necessary to extend both the opening and closing times by one-(1) hour. Under the draft Ordinance, adult-use facilities would be permitted to open at 8:00 a.m., and remain open until 10:00 p.m.

Because medical marijuana dispensaries are currently only permitted to stay open to 8:00 p.m., the draft Ordinance extends their operational hours to 10:00 p.m., thereby accomplishing the two-(2) hour time increase. If the draft Ordinance is adopted, the hours of operation for medical marijuana dispensaries would be 9:00 a.m. to 10:00 p.m.

HONORABLE MAYOR AND CITY COUNCIL

October 13, 2020

Page 2

SUGGESTED ACTION:

Approve recommendation.

Very truly yours,

CHARLES PARKIN, City Attorney

By:   
ARTURO D. SANCHEZ  
Deputy City Attorney

ADS;db A20-05315  
01195376.DOCX

**5.90.200 - Prohibited activity.**

It shall be unlawful for any person to cause, permit or engage in the cultivation, possession, distribution, exchange or giving away of Marijuana for medical or non-medical purposes except as provided in this Chapter. It shall be unlawful for any person to cause, permit or engage in any activity related to Medical Marijuana except as provided in this Chapter and pursuant to all other applicable local and state law. It shall be unlawful for any person to knowingly make any false, misleading or inaccurate state mentor representation in any form, record, filing or documentation required to be maintained, filed or provided to the City of Long Beach under this Chapter. No Medical Marijuana Dispensary shall be open to or provide Medical Marijuana to qualified patients or employees between the hours of 108:00 p.m. and 9:00 a.m. The City Council may increase these hours of operation but may not decrease them. No person under the age of eighteen(18) shall be allowed on the Property, unless that minor is a Qualified Patient and is accompanied by his or her licensed Attending Physician, parent(s) or documented legal guardian. No Medical Marijuana Dispensary, Management Employee or employee shall cause or permit the sale, dispensing, or consumption of alcoholic beverages on the Property or in the parking area of the property. No dried Medical Marijuana shall be stored at the property in structures that are not completely enclosed, in an unlocked vault or safe, in any other unsecured storage structure, or in a safe or vault that is not bolted to the floor of the property. Medical Marijuana may not be inhaled, smoked, eaten, ingested, or otherwise consumed on the Property, or in the parking areas of the Property or in those areas restricted under the provisions of Health and Safety Code § 11362.79.

**5.92.915 - Hours of operation.**

Dispensaries may only be open to the public between the hours of 89:00 a.m. to 109:00 p.m. up to seven (7) days per week. All deliveries of cannabis goods to customers by a Dispensary shall be completed by 10:00 p.m.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE  
CITY OF LONG BEACH AMENDING THE LONG BEACH  
MUNICIPAL CODE BY AMENDING SECTIONS 5.90.200  
AND 5.92.915, ALL RELATING TO THE HOURS OF  
OPERATION FOR MEDICAL AND ADULT-USE  
MARIJUANA DISPENSARIES

WHEREAS, on September 8, 2020, following a recommendation from the  
Budget Oversight Committee (BOC), the Long Beach City Council requested the City  
Attorney to draft an Ordinance amending Long Beach Municipal Code Chapter 5.90  
("Medical Marijuana Businesses") and Chapter 5.92 ("Adult-Use Cannabis Businesses")  
in order to extend the hours of operation for both medical and adult-use cannabis  
operations in the City;

NOW, THEREFORE, the City Council of the City of Long Beach ordains as  
follows:

Section 1. Section 5.90.200 of the Long Beach Municipal Code is  
amended to read as follows:

5.90.200 Prohibited activity.

It shall be unlawful for any person to cause, permit or engage in the  
cultivation, possession, distribution, exchange or giving away of Marijuana for  
medical or non-medical purposes except as provided in this Chapter. It shall  
be unlawful for any person to cause, permit or engage in any activity related  
to Medical Marijuana except as provided in this Chapter and pursuant to all  
other applicable local and state law. It shall be unlawful for any person to  
knowingly make any false, misleading or inaccurate state mentor

1 representation in any form, record, filing or documentation required to be  
2 maintained, filed or provided to the City of Long Beach under this Chapter.  
3 No Medical Marijuana Dispensary shall be open to or provide Medical  
4 Marijuana to qualified patients or employees between the hours of 10:00 p.m.  
5 and 9:00 a.m. The City Council may increase these hours of operation but  
6 may not decrease them. No person under the age of eighteen(18) shall be  
7 allowed on the Property, unless that minor is a Qualified Patient and is  
8 accompanied by his or her licensed Attending Physician, parent(s) or  
9 documented legal guardian. No Medical Marijuana Dispensary, Management  
10 Employee or employee shall cause or permit the sale, dispensing, or  
11 consumption of alcoholic beverages on the Property or in the parking area of  
12 the property. No dried Medical Marijuana shall be stored at the property in  
13 structures that are not completely enclosed, in an unlocked vault or safe, in  
14 any other unsecured storage structure, or in a safe or vault that is not bolted  
15 to the floor of the property. Medical Marijuana may not be inhaled, smoked,  
16 eaten, ingested, or otherwise consumed on the Property, or in the parking  
17 areas of the Property or in those areas restricted under the provisions of  
18 Health and Safety Code § 11362.79.

19  
20 Section 2. Section 5.92.915 of the Long Beach Municipal Code is  
21 amended to read as follows:

22 5.92.915 Hours of operation.

23 Dispensaries may only be open to the public between the hours of 8:00  
24 a.m. to 10:00 p.m. up to seven (7) days per week. All deliveries of cannabis  
25 goods to customers by a Dispensary shall be completed by 10:00 p.m.

26  
27 Section 3. The City Clerk shall certify to the passage of this ordinance by  
28 the City Council and cause it to be posted in three (3) conspicuous places in the City of

1 Long Beach, and it shall take effect on the thirty-first (31st) day after it is approved by the  
2 Mayor.

3  
4 I hereby certify that the foregoing ordinance was adopted by the City  
5 Council of the City of Long Beach at its meeting of \_\_\_\_\_, 2020,  
6 by the following vote:

7  
8 Ayes: Councilmembers: \_\_\_\_\_

9 \_\_\_\_\_

10 \_\_\_\_\_

11 \_\_\_\_\_

12 Noes: Councilmembers: \_\_\_\_\_

13 \_\_\_\_\_

14 Absent: Councilmembers: \_\_\_\_\_

15 \_\_\_\_\_

16 Recusal(s): Councilmembers: \_\_\_\_\_

17 \_\_\_\_\_

18 \_\_\_\_\_

19 \_\_\_\_\_

City Clerk

20 \_\_\_\_\_

21 \_\_\_\_\_

22 Approved: \_\_\_\_\_

(Date)

Mayor

23 \_\_\_\_\_

24 \_\_\_\_\_

25 \_\_\_\_\_

26 \_\_\_\_\_

27 \_\_\_\_\_

28 \_\_\_\_\_

OFFICE OF THE CITY ATTORNEY  
CHARLES PARKIN, City Attorney  
411 West Ocean Boulevard, 9th Floor  
Long Beach, CA 90802-4511