



Legislation Details (With Text)

**File #:** 17-0031      **Version:** 1      **Name:** CM - RES/Criminal History Info MMJ  
**Type:** Resolution      **Status:** Adopted  
**File created:** 1/9/2017      **In control:** City Council  
**On agenda:** 1/17/2017      **Final action:** 1/17/2017

**Title:** Recommendation to adopt resolution authorizing state and federal level summary criminal history information for licensing of medical marijuana businesses under Chapter 5.90 of the Long Beach Municipal Code, and authorizing City Manager, or designee, to execute all necessary agreements and amendments, if any, required for access to such information. (Citywide)

**Sponsors:** City Manager

**Indexes:**

**Code sections:**

**Attachments:** 1. 011717-C-3sr&att.pdf, 2. RES-17-0001.pdf

Date	Ver.	Action By	Action	Result
1/17/2017	1	City Council	approve recommendation and adopt	Pass

Recommendation to adopt resolution authorizing state and federal level summary criminal history information for licensing of medical marijuana businesses under Chapter 5.90 of the Long Beach Municipal Code, and authorizing City Manager, or designee, to execute all necessary agreements and amendments, if any, required for access to such information. (Citywide)

On November 8, 2016, the citizens of Long Beach voted to approve Measure MM, which permits and regulates medical marijuana businesses in the City of Long Beach (City), by repealing Chapter 5.89 and adding Chapter 5.90 to the Long Beach Municipal Code (LBMC). Chapter 5.90 of the LBMC (Chapter 5.90) allows for licensed medical marijuana dispensaries, manufacturing facilities, cultivation sites, distribution facilities, and laboratory testing to operate in the City.

In order for a medical marijuana business to be issued a marijuana business license, Chapter 5.90 requires all business owners, managers, and employees to undergo Live Scan fingerprint imaging, and to provide criminal history information to the Long Beach Police Department.

Chapter 5.90 specifically prohibits medical marijuana business owners and managers from, among other things, being convicted within the previous ten years of any violent or serious felony conviction specified in Penal Code Sections 667.5 and 1192.7, having any felony conviction involving fraud, deceit or embezzlement, or being currently on parole or probation for the sale or distribution of a controlled substance. A medical marijuana business is also prohibited from hiring employees with any type of violent or serious felony, any felony conviction involving fraud, deceit or embezzlement, and/or any narcotic drug related

misdemeanor conviction, if that business certifies on its application that, as a condition of its business license, it will not hire employees with the aforementioned criminal histories.

For the City to verify that marijuana business applicants satisfy these conditions, the Police Department will require access to state and federal level summary criminal history information. In order to receive this level of access from the Department of Justice, the City Council must formally authorize the Police Department access to summary criminal history information for employment, licensing, or certification purposes.

This matter was reviewed by Deputy City Attorney Monica J. Kilaita and by Budget Management Officer Rhutu Amin Gharib on January 6, 2017.

City Council action is requested on January 17, 2017, to facilitate the opening of the application process for dispensary licenses on January 23, 2017. The application period for all other medical marijuana business types is still to be determined.

There is no fiscal impact associated with this recommendation.

Approve recommendation.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONG BEACH AUTHORIZING STATE AND FEDERAL LEVEL SUMMARY CRIMINAL HISTORY INFORMATION FOR LICENSING OF MEDICAL MARIJUANA BUSINESSES UNDER CHAPTER 5.90 OF THE LONG BEACH MUNICIPAL CODE, AND AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE ALL NECESSARY DOCUMENTS AND AMENDMENTS, IF ANY, REQUIRED FOR ACCESS TO SUCH INFORMATION

PATRICK H. WEST  
CITY MANAGER