

From: Americans for Safe Access Los Angeles [mailto:industry@safeaccessnow.org]

Sent: Sunday, October 10, 2021 3:45 AM

To: Diana Tang <Diana.Tang@longbeach.gov>; Mayor <Mayor@longbeach.gov>; Council District 1 <District1@longbeach.gov>; Ray Morquecho <Ray.Morquecho@longbeach.gov>; Council District 2 <District2@longbeach.gov>; Connor Lock <Connor.Lock@longbeach.gov>; Rahul Sen <Rahul.Sen@longbeach.gov>; Council District 3 <District3@longbeach.gov>; Jack Cunningham <Jack.Cunningham@longbeach.gov>; Council District 4 <District4@longbeach.gov>; Barbara Moore <Barbara.Moore@longbeach.gov>; Council District 5 <District5@longbeach.gov>; Summer Smith <Summer.Smith@longbeach.gov>; Council District 6 <District6@longbeach.gov>; Chork Nim <Chork.Nim@longbeach.gov>; Council District 7 <District7@longbeach.gov>; Celina Luna <Celina.Luna@longbeach.gov>; Council District 8 <District8@longbeach.gov>; Jonathan Kraus <Jonathan.Kraus@longbeach.gov>; Council District 9 <District9@longbeach.gov>; Matthew Hamlett <Matthew.Hamlett@longbeach.gov>; CityAttorney <CityAttorney@longbeach.gov>; Tom Modica <Tom.Modica@longbeach.gov>; CannabisOversight <CannabisOversight@longbeach.gov>; CityClerk <CityClerk@longbeach.gov>

Subject: Submission of Letter Relating to Long Beach City Council Meeting of Monday, October 12, 2021 Agenda Item No. 19 - Medical Cannabis Licenses for Social Equity Cannabis Retailers - File No. 21-1059

-EXTERNAL-

Please find attached our letter relating to the issuance of medical cannabis licenses to Social Equity Retailer Applicants, which we hope the Honorable Members of the Long Beach City Council will consider when taking up Agenda Item No. 19 during its Monday, October 12th meeting. We would deeply appreciate it if this letter could be added to the appropriate council file.

Regards,
Sarah Armstrong JD
Americans for Safe Access
Southern California

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October 5, 2021

To: The Mayor and Honorable Members of the Long Beach City Council

Re: Long Beach City Manager Memo Dated August 5, 2020, Page 6 Option #3
Long Beach City Council Meeting of October 12, 2021, Agenda Item No. 19
File No. 21-1059 Ref. No R9

Dear Mayor and Honorable Member of the Long Beach City Council:

Our organization is writing in reference to the memo cited above, which contains the following language:

“...However, unlike the existing 32 retail operations, any new cannabis storefront retailers approved by the City Council would only be able to sell adult-use cannabis. This is because Measure MM set a on the number of medical cannabis retailers in Long Beach. The maximum number of medical cannabis retail locations in the city could only be changed by voter approval.”

Americans for Safe Access is hopeful that the Council will find a mechanism to allow new cannabis social equity retailers to carry both medical and adult-use licenses. Diversity of ownership is extremely helpful to patients as it provides the opportunity for those who are ill, to access cannabis for therapeutic use provided by those who share a common cultural background with the patient.

Helpful language might be found in Long Beach Municipal Code Section 5.90.060 which states:

“The City Council may increase the number of licensed and permitted medical marijuana dispensaries pursuant to this Chapter but may not reduce them below the thresholds set forth herein. The City Manager shall issue the maximum number of licenses permitted by this Section unless otherwise directed by the City Council.” (emphasis added)

We are respectfully writing to alert you, that if you are unable to issue medical cannabis retail licenses, the social equity candidates you seek to assist, may instead face violent raids, the destruction of their businesses, be subject to federal prosecution and endure long federal prison terms.

The reason for this, is that there is no federal carve-out for those operating cannabis businesses save those who possess a medical license for their business. When you look at the retail licenses on the Department of Cannabis Control Website, the overwhelming majority of licensees have medical licenses in addition to their adult-use licenses.



Founded in 2002, ASA is the largest national nonprofit organization of patients, medical cannabis providers, medical professionals, scientists, and concerned citizens promoting safe and legal access to cannabis for therapeutic use and research, with over 100,000 advocates in all 50 states.

In 2014, our organization, Americans for Safe Access, passed what is popularly known as the “CJS Amendment” as part of the federal Commerce, Justice and Science Omnibus Budget Bill. Our organization has passed the amendment every year since 2014. This amendment defunds federal persecution of those operating lawfully under state medical cannabis programs.

There is no such exemption for those operating legally under state cannabis adult-use programs. If you issue **only** adult-use licenses; your social equity applicants may be vulnerable under federal law, instead of being able to utilize federal law protections created expressly for them. Our organization knows this was never your intention. Moreover, this piece of federal law is well hidden in a yearly budget bill of extraordinary length, and unlikely to have come to the attention of your City Attorney.

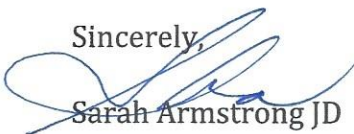
Each year adult-use advocates try to pass a carve-out like the Medical Cannabis CJS amendment. Unfortunately, thus far, they have been unsuccessful. The good news is that to the best of our knowledge, California retailers holding both medical and adult-use licenses have never been harassed by the Federal Government while operating legally under state law. This would seem to indicate that although the retailer is licensed for adult-use, the medical license inoculates them from federal prosecution.

While our organization realizes that you may have difficulties in enlarging the number of medical licenses you need to issue social equity candidates, if your City Attorney investigates the above and finds we are correct in our analysis, it may be that Municipal Code Section 5.90.060 in tandem with the realization that social equity business would be unable to take advantage of federal law protections without Council action, would provide a basis for the City to act.

We urge you to refrain from depriving social equity candidates of the CJS Amendment protections which all Long Beach retailers with medical licenses currently enjoy. Our organization believes this “better safe than sorry” approach is the best insurance the City can offer social equity candidates. We are hopeful that this can be done without further delaying the licensing process.

I can be reached at (805) 279-8229 or industry@safeaccessnow, if you have any questions or concerns.

Sincerely,



Sarah Armstrong JD
Americans for Safe Access
Southern California

Cc: Thomas B. Modica
Charles Parkin



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