

Long Beach Medical Marijuana Ordinance
Key Points of Concern and Recommended Changes
January 19, 2010

Cultivation Onsite

- This requirement is extremely onerous and makes it nearly impossible for collectives to operate under the law. The space requirements, overhead, and limitations on necessary medicine production make this requirement unworkable. We respectfully request that the language be changed to allow members of the collective to cultivate medicine for other members of the same collective.

Edibles

- Edibles are an important medical option for members and patients that are unable to use smoking as a delivery method. Most collectives provide edibles as an option, but few if any, have the equipment or expertise to produce the edibles on site. Qualified members are responsible for the production of edibles used by other members within the collective.

Section 5.87.015 – F. (page 3) requires that edibles be produced on site. We are requesting that language throughout the entire document be amended, such that edibles can be produced offsite and locations of that production be made subject to any inspection that would have been required of the actual collective.

Cultivation and Distribution

- 5.87.015 K (page 5) defines a Medical marijuana Collective as, among other things, a place where cultivation is allowed for medical purposes. We respectfully request that this language be amended to include distribution as well. Though it may be taken for granted that this is the function of the collective, we believe that this specific purpose needs to be included.

Application and Hearing Period

- Page 10 says the Director of Financial Management shall call a hearing to be conducted not later than thirty (60) days. We believe this is a minor typo and would like to confirm that it is in fact 60 days not 30 days.

Schools

- Page 12 says that a collective cannot be located within 1500 feet of a school and 1000 feet of child care facilities, playgrounds, youth centers or another medical marijuana collective. We reviewed the tape, and we believe the intent of the

council was to prohibit collectives within 1500 of a high school and 1000 feet of K-8 schools. We respectfully request that this be clarified in the ordinance.

Federal Law

- Page 14 (N) states that a collective shall comply with all applicable SCAQMD regulations, LA County Sanitation District regulations, City regulations from various departments, as well as **federal**, state and local laws to ensure that the health, safety and welfare of the community, qualified patients and their primary caregivers will not be adversely affected.
- Because there is a lack of clarity between federal and state law related to marijuana, we would appreciate the addition of language that clarifies the intent of this section to be limited to business operations, and not the legality or illegality of the distribution of medical marijuana to patients.

Sale of Soil and Nutrients

- One of the services provided by many collectives is the sale of soil and nutrients to members for the legal cultivation of marijuana plants. This helps to ensure that all plants grown for personal use and for contribution to the collective are as clean and healthy as possible.
- Page 18 (E) seems to require that a separate business license be held by each collective for these sales. We respectfully recommend that this permission be allowed under the Administrative Use Permit

Collective Membership

- Each collective has membership requirements that verify the patients qualifications and requires them to sign documents promising to follow a wide variety of rules and regulations designed to protect the collective, the patient, and the surrounding community. For example, members may be advised that consumption on site, in the parking lot, or within a certain number of feet of the collective is strictly prohibited, and that violation is grounds for termination from the collective. These rules work because well run collectives have security staff and cameras that are used to ensure that the rules are enforceable.
- Page 20 (O) limits patient membership to one collective. It is impossible for any collective to identify or enforce individual patients' membership in any other collective, and our fear is that should someone within a collective be found to have multiple memberships, an innocent collectives right to serve other patients could be jeopardized. We respectfully request that this language be removed or that it is clarified that violation of this section will impact the individual patient and not the entire collective.