

# Medical Marijuana Distribution Facilities

A Sunnyvale Study Issue  
September 14, 2010

# Study questions

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- Should City allow medical marijuana distribution facilities (MMDs)?
  - *Ban*
  - *Allow.*
- Law enforcement concerns about MMDs
  - in general
  - in Sunnyvale
- Other cities
- Federal and State laws
- Recent court cases: findings

# What does the Study not include?

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- Proposition 19 on the November ballot
- Recreational Use of Marijuana
- Medical use of Marijuana

# Approach to the Study

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- Other cities in County and State-wide
- Federal and State law
- Law enforcement groups
- Information from proponents
- Outreach
- Other cities that allow MMDs
- Recent court cases

# Public Outreach Efforts

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- 2 public outreach meetings
- Chamber of Commerce
- Fremont High School PTSA
- On-line survey
- City web page
- Music and Market hand-outs
- Other
  - Neighborhood groups, mobile home parks, medical providers, schools, businesses.

# The Law

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- Federal Laws:
  - Considered a drug with “no currently accepted medical use.”
  - Change in enforcement – 2009
- State Law:
  - 1996 Compassionate Use Act (Prop 215)
  - SB 420 (MMPA) codified regulations under which the possession, distribution, and use of marijuana for medical purposes would be subject
  - State Attorney General guidelines - 2008

# Recent Anaheim court case

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- Did not directly address “preemption” (a city's ability to ban MMDs).
- City can't justify ban of MMDs due to federal law.
- Storefront dispensary could qualify as a cooperative under the CUA/MMPA.
- Prohibition of dispensaries does not violate civil rights
- How it affects Sunnyvale:
  - Restrictions on MMDs (including an outright ban), would have to be evaluated purely as a land use issue

# Other City's approach

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- Santa Clara County cities
  - No city now allows MMDs
  - Banned in 4 cities
  - No ordinance in 5 cities
  - Moratorium in 6 cities
  - Allowed in County of Santa Clara
- Other California cities
  - Varied approaches

# Possible Ramifications

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- If *banned*:
  - No significant enforcement costs necessary
  - Limits impact of marijuana on community, especially children
  - Limits profit-seeking medical marijuana businesses
- If *allowed*:
  - Makes it easier for Sunnyvale citizens to get access to this type of relief
  - Provides opportunities for legitimate collectives and cooperatives to open in City
  - Limited tax revenue available from sales tax

# If allowed, what are the goals?

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- Focus on providing compassionate care, not profit-seeking businesses
- Determine appropriate locations
- Ensure local regulations meet State intent
- Reduce impacts on public safety
- Provide strict operational requirements
- Evaluate flexibility should laws change

# Possible requirements, conditions and criteria

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- Specific approval
  - Limit number, restrict timeframe, limit size of facility, require public hearings, consider RFP process
- Appropriate locations
  - Distance from sensitive uses and other MMDs, limited zoning districts
- Operational requirements
  - DPS background checks, track cultivation, limited hours, non-profit operations
- Business limits
  - Limit retail sales, maximum number of members

# If allowed, effects and concerns

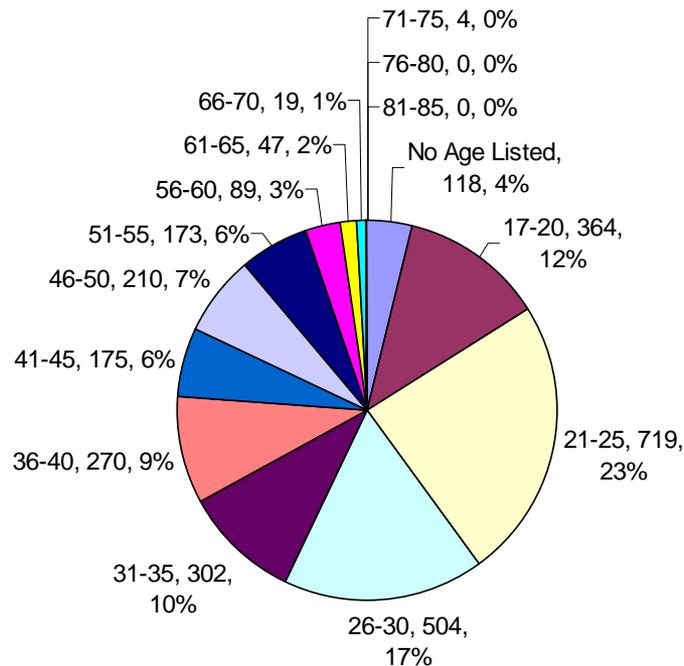
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- Enforcement
- Financial impact
- Social impact
- Abuse of compassionate care intent
- Compatibility with neighbors
- Increase in crime

# DPS Input

## Effects on Students

Dispensary Patients By Age



Daily Marijuana use has been shown to:

1. Cause users to get lower grades and become less likely to graduate, compared to students who do not smoke.
2. Significantly impair skills related to attention, memory and learning even after not smoking for 24 hours.
3. Cause problems in sustaining and shifting attention.
4. Effect the ability to register, organize and use information, even compared to occasional users of marijuana.
5. Impair users' ability to recall words from a list even a week after quitting marijuana use.

# Marijuana Arrests in Sunnyvale

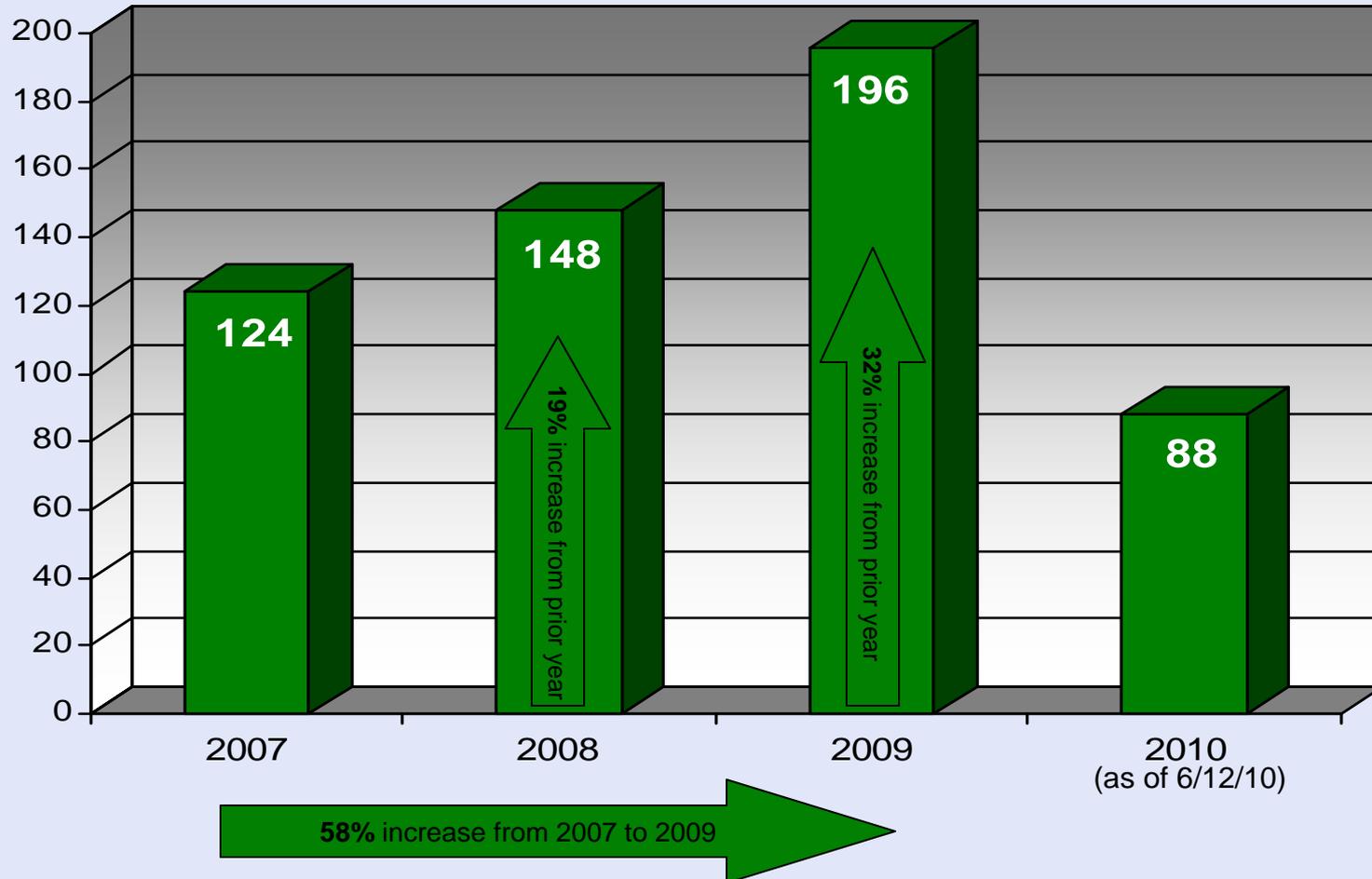
(2007-6/12/10)

June 16, 2010

Only includes arrests in which marijuana was the primary offense.

Only includes arrests for: HS 11357, 11358, 11359, 11360 & VC 23222(B)

From 2007 to 2009, Sunnyvale has experienced a **58%** increase in marijuana arrests. For 2010 if continue with the same rate, will be similar to 2009 statistic.



# Public Hearing Schedule

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- Planning Commission hearing:
  - November 22, 2010
  
- City Council Meeting:
  - December 7, 2010