



## Opposing Marijuana Commercialization: key elements to consider

There are several elements that you could address (or spread among your volunteers/spokespersons/community advocates). Of course you probably want to start at the position of opposing and retail sales (medical or otherwise). **The biggest take away** in California has been that marijuana for medicinal use was a ruse to crack the door open to full legalization. The other thing to know is that the State Supreme Court has upheld a jurisdiction's authority to completely ban medical marijuana "dispensaries." So, don't let the pro-side threaten lawsuit. The law is on your side.

<http://www.cacities.org/Top/News/News-Articles/2013/May/Supreme-Court-Upholds-City-of-Riverside's-Medical> *The Court held that neither the state's Compassionate Use Act nor the Medical Marijuana Program limit a city or county from regulating the use of land, and cities and counties retained the authority to provide that medical marijuana dispensaries are not permitted to operate within their borders - See more at:* <http://www.cacities.org/Top/News/News-Articles/2013/May/Supreme-Court-Upholds-City-of-Riverside's-Medical#sthash.mnJWYSjK.dpuf>

The **second most important takeaway** is that medical marijuana is a ruse to open the door for full legalization and commercialization. In California we heard over and over that the medical marijuana industry just wanted regulations. Well, they got regulations at the state level and before they were fully implemented, the new regulations we scrapped

<http://www.cacities.org/Top/News/News-Articles/2017/August/Medical-Marijuana-Regulations-Withdrawn-by-State>

However, if it appears that your city is convinced that they need to adopt some kind of regulations you will need a fall back position. In other words, you still want to be at the table to help craft the regulations even if that isn't what you want. Your voice will be needed to make those regulations as strong as possible. So key components to look at include:

**Minimum age for sale:** 21 years – should also be the minimum age for entry to the stores.

**Zoning:** You want the land-use/zoning regulations to include **buffer zones** (ask for 1,000 ft - they will ask for 600 ft., hang in there and fight for 1,000) around "sensitive uses" (include in that definition: schools, licensed child care centers\*, parks, libraries, drug treatment facilities, churches, and other uses where youth congregate). Also, **residential uses** ("uses" not residentially "zoned" - because residential properties are often grandfathered into industrial and commercial zones). **Zones** should be restricted to industrial or light industrial not commercial. \*child care centers are important because there are so many "licensed in-home"



facilities, this can really help limit the # of eventual locations that can be permitted. Try to ensure that resulting dispensaries are not clustered in one area (typically the poorest in a community) but are distributed evenly among the city's districts.

**Signage:** Ask that outdoor and indoor w/outward facing signage be prohibited other than the business name...no pot leaves or green crosses (you may loose on the green crosses...but you should ask that they be prohibited). Also ask for no sandwich-board signage and no sign-twirlers.

**Delivery:** Ask that delivery be prohibited (you may loose on this) and have a fall back position (but keep it as a fall back) that any delivery needs to associated with a brick-and-mortar location (with an additional permit for delivery). I've pasted below information about the attempt by the industry to roll-back local control associated with delivery. (It failed.)

**Hours of operation:** Try to keep hours as tight as possible but be ready to negotiate.

**Security:** No business permit/license issued to anyone with felony background. No business permitted to any that operated illegally prior to regulations. (Stay strong on this as long as you can...*the best predictor of future behavior is current behavior.*) There are a series of security elements to request that range from lighting to type of security doors, bars on windows, licensed security guards (drug tested) on duty. And much more.

**Record keeping:** seed-to-sale tracking of product, records for members of the "dispensary" - does NJ issue ID cards for medi-pot? If so, dispensaries must be separate from those issuing recommendation cards. Unannounced visits from law enforcement able to examine books.

#### **Other Performance Standards:**

- In states that have or are considering commercialize (adult use) marijuana, advocate that prior to getting a state license/permit a retailer must receive a local (city, county) permit.
  - *This ensures that state law does not pre-empt local control*
- Restricting uses (as defined) to a permanent, locked building is good.
  - *This ensures that delivery businesses are more than just wandering drug dealers, and forces them to be a delivery function of a licensed brick and mortar store.*
- Require security protection and define what that means. To increase security, it could (as many local ordinances do) include a requirement for security guard/s. This is further improved by



requiring the security guards to have completed a security guard certification program and by prohibiting them from medical marijuana use (that they be “drug-free”).

- Prohibit display of merchandise and signs visible from outside.
- Should address “proper” disposal of cannabis remnants or by-products and should define what “proper” means or it leaves it subject to interpretation. Those by-products should be consider bio-hazardous and follow appropriate protocols for disposal as such.