

## INTRADEPARTMENTAL CORRESPONDENCE

December 22, 2006

8.4

**TO:** The Honorable Board of Police Commissioners

**FROM:** Chief of Police

**SUBJECT:** REPORT ON FACILITIES THAT DISTRIBUTE MEDICAL MARIJUANA  
WITHIN THE CITY OF LOS ANGELES

### RECOMMENDED ACTIONS

1. That the Board of Police Commissioners (Board) approve and transmit this report on medical marijuana distribution facilities to the City Council, Public Safety and Planning and Land Use Management Committees.
2. That the Board recommend the City Council enact a moratorium on any further medical marijuana dispensaries and immediately restrict current and future dispensaries from being located within 1,000 feet of any school, day care facility, church or house of worship, nursery, public park, or any location utilized for the exclusive care of children between the ages of 0-18 years old, and the hours of operation be restricted to the hours of 10:00 A.M. until 6:00 P.M. No facility shall be grandfathered in and all must comply with these conditions within six months of the adoption of the moratorium.
3. That the Board recommend the City Council approve and impose the list of restrictions defined in this report on all existing and future medical marijuana dispensaries.

### DISCUSSION

Proposition 215, the Compassionate Use Act (CUA) of 1996, made the possession and cultivation of marijuana legal for “qualified patients” and “primary caregivers.” Qualified patients included those with specified serious illnesses that had a recommendation from a physician. Primary caregivers were defined as individuals, designated by a patient, who consistently assumed responsibility for the housing, health, and safety of the patient. The CUA absolves patients and caregivers of Sections 11357 and 11358 of the Health and Safety Code pertaining to the possession of and cultivation of medical marijuana for personal medical purposes “upon the written or *oral* recommendation or approval of a physician.” It also absolves physicians for recommending marijuana for medical purposes, notwithstanding any other provision of law.

However, the spirit and intent of this Act has been exploited and abused for both profit and recreational drug abuse by many of the medical marijuana dispensaries in the City of Los Angeles. Absent stringent regulations and enforcement actions, these dispensaries have flourished throughout the City of Los Angeles. On November 10, 2005, there were four

dispensaries in the City. As of November 30, 2006, there were 98 known dispensaries, an increase of 2,350%. This has fostered an increase in Part I and Part II crime problems and caused quality of life issues for families and communities, as evidenced by the 110 complaints received from neighbors, business owners, and concerned citizens concerning these dispensaries. At least 12 of these facilities are within 1000 yards of public schools and one shares a fence with a home schooling facility. One clinic blatantly resorted to placing flyers on the windshields of the vehicles parked in and around Grant High School in an obvious effort to entice children. The ad read in part, "It is still legal to own, grow, and smoke medical marijuana as long as you do it properly. Qualification is simple and our experienced physicians are more than happy to help you." The card also stated, "***If you do not qualify for a recommendation your visit is free.***" This was not the intent of the voters when they passed Proposition 215.

## CONCLUSION

It is essential that the City of Los Angeles undertake proactive enforcement efforts and controls to regulate these dispensaries and ensure they are operating as the voters originally intended under Proposition 215. It is recommended that the City Council enact a strict ordinance that establishes the criteria by which these medical marijuana dispensaries operate. The attached fact sheet lists 41 recommendations, which would be an excellent foundation for this ordinance, yet allows for the spirit of Proposition 215 as the voters originally intended.

Respectfully,

WILLIAM J. BRATTON  
Chief of Police

Attachments

## FACT SHEET

### MEDICAL MARIJUANA FACILITIES WITHIN THE CITY OF LOS ANGELES

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#### BACKGROUND

Since the passage of the Compassionate Use Act (CUA) of 1996, a number of medical marijuana facilities have opened throughout the City, resulting in a variety of problems. The City Council Public Safety and Land and Use Management Committees requested the Police Department collaborate with the City Attorney's Office to provide input and recommendations regarding pertinent law enforcement related issues.

#### FINDINGS

##### Synopsis of Applicable Laws

##### Proposition 215 Compassionate Use Act of 1996

Proposition 215, the Compassionate Use Act of 1996, made the possession and cultivation of marijuana legal for "qualified patients" and "primary caregivers." Qualified patients included those with specified serious illnesses that had a recommendation from a physician, and primary caregivers were individuals designated by a patient who has consistently assumed responsibility for the housing, health, and safety of the patient.

Proposition 215 also absolved patients and caregivers of Sections 11357 and 11358 of the Health and Safety (H&S) Code pertaining to the possession of and cultivation of medical marijuana for personal medical purposes "upon the written or *oral* recommendation or approval of a physician." It also absolved physicians for recommending marijuana for medical purposes, notwithstanding any other provision of law. See Proposition 215 Compassionate Use Act of 1996 for additional information. (Addendum No. 1)

##### Senate Bill 420, 2003

Senate Bill (SB) 420, enacted in 2003, attempted to clarify and implement a **voluntary** program designed to fulfill the intentions of Proposition 215. Since Proposition 215 cannot be amended by an act of the Legislature, SB 420 is wholly voluntary, which is the reason why municipalities are able to prevent medical marijuana dispensaries from operating in their cities. Additionally, SB 420 also requires the State Department of Health Services to establish and maintain a **voluntary** program for the issuance of identification cards to qualified patients and establishes procedures under which a qualified patient with an identification card may use marijuana for medical purposes. Senate Bill 420 also imposes various duties upon county health departments relating to the issuance of Medical Marijuana Identification Cards (MMIC), thus creating a state-mandated system.

Senate Bill 420 also grants immunity from arrest for the possession, transportation, delivery, or cultivation of specified amounts of medicinal marijuana: eight ounces of dried marijuana; 6 mature; or 12 immature marijuana plants. The amounts may be increased with a doctor's recommendation. Senate Bill 420 also expanded the definition of primary caregiver to

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employees of health care facilities. Senate Bill 420 also provides for limited compensation for the primary caregiver for “out of pocket” expenses and services, but not for profit. See attached Senate Bill 420 for the full text of the bill. (Addendum No. 2)

#### Conflicts with Federal Law

According to a report entitled “Legal Issues Surrounding Medical Marijuana Dispensaries” written by Los Angeles Deputy City Attorney Heather Aubrey:

Federal Law prohibits the possession of marijuana for any purpose, including medical purposes. In June 2005, the United States Supreme Court in *Gonzalez, et. al. V. Raich, et. al.*, 125 S. Ct 2195, ruled that under the Federal Controlled Substances Act (“CSA”), possession, cultivation, and sale of marijuana, even though medically prescribed is illegal. The Court reasoned that Congress had the authority under the Commerce Clause to prohibit the local cultivation and use of marijuana for medical purposes, even if that activity was legal under California law. Therefore, individuals who use, cultivate or dispense medical marijuana in California are subject to federal prosecution under existing federal law. Shortly after the Supreme Court’s decision, the California Attorney General issued an opinion stating that although the Supreme Court upheld federal law, it did not invalidate the state’s medical marijuana law. According to this opinion, the California Use Act was not pre-empted by federal law and the use of medical marijuana under state law was unaffected by the United States Supreme Court’s ruling in *Gonzales v. Raich*.

#### Los Angeles County Ordinances

On May 23, 2006, the Los Angeles County Board of Supervisors, after a lengthy moratorium, passed ordinances regulating Medical Marijuana Dispensaries and instituting the issuance of MMICs. Ordinance No. 2006-0032, which took effect June 22, 2006, permits medical marijuana providers (providers, collectives, marijuana clubs, and clinics) to operate in Los Angeles County. Under Ordinance No. 2006-0038, the County is expected to start issuing MMICs in the near future; the Los Angeles County Health Department could not provide a definitive date.

These Los Angeles County ordinances apply to medical marijuana dispensaries operating in the unincorporated areas of Los Angeles County. The incorporated areas of Los Angeles County are governed by their own city ordinances and vary widely. See the attached Los Angeles County Medical Marijuana Dispensary Ordinance for the full text of the ordinance. (Addendum No. 3)

#### Actions by Other Counties / Cities

Currently, seventy cities and six counties have moratoriums on the medical use of marijuana. Thirty-four cities and five counties have bans on the use of medical marijuana. Three of the five counties with bans, Merced, San Diego, and San Bernardino, are currently taking the State of California to court concerning the legality of SB 420 and its violation of Federal law. Seven counties and twenty-four cities have established ordinances regarding medical marijuana. In the

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intervening timeframe between the adoption of an ordinance and its actual implementation, profiteers have initiated their own MMICs and other official looking documents in direct violation of SB 420, which states the County Health Department, or its designee, must issue the MMIC.

#### Cities with Moratoria (70)

Albany	Grover Beach	Manteca	Palm Springs	San Luis Obispo
Antioch	Hawaiian Gardens	Marin City	Patterson	San Jacinto
Arroyo Grande	Hawthorne	Marina	Pico Rivera	San Pablo
Bellflower	Healdsburg	Mill Valley	Pinole	Santa Clarita
Buellton	Hermosa Beach	Milpitas	Placentia	Santa Maria
Carpinteria	Indian Wells	Mission Viejo	Pleasanton	Sausalito
Ceres	La Mirada	Monrovia	Pleasant Hill	Seaside
Clearlake	Lawndale	Moorpark	Pomona	Sebastopol
City of Industry	Lake Forest	Newman	Rancho Cordova	Simi Valley
Corona	Livermore	Newport Beach	Redlands	Solvang
Cypress	Lompoc	Oakley	Rohnert Park	Truckee
El Monte	Long Beach	Ontario	Ridgecrest	Turlock
Fairfield	Malibu	Oxnard	Riverbank	Ukiah
Galt	Manhattan Beach	Palm Desert	San Leandro	Windsor

#### Counties with Moratoria (6)

El Dorado	Merced	Sacramento	Riverside	Contra Costa	Sonoma
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#### Cities with Bans (34)

Auburn	Dublin	Los Banos	Rocklin	Tustin
Clovis	El Cerrito	Modesto	Roseville	Union City
Concord	Folsom	Murrieta	San Rafael	Yuba City
Clovis	Fremont	Newark	Susanville	Monterey Park
Costa Mesa	Hercules	Pasadena	Temecula	Corona
Cypress	Hesperia	Pismo Beach	Torrance	Whittier
Davis	Lincoln	Placentia	South San Francisco	

#### Counties with Bans (5)

Amador	Merced	San Diego	San Bernardino	Sutter
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#### Cities with Established Ordinances (24)

Atascadero	Fort Bragg	Plymouth	Selma
Angels Camp	Hayward	Ripon	Sutter Creek
Berkeley	Jackson	San Francisco	Tulare
Citrus Heights	Martinez	San Jose	Visalia
Dixon	Oakland	Santa Cruz	West Hollywood
Elk Grove	Placerville	Santa Rosa	Whittier

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Counties with Established Ordinances (7)

Alameda	Kern	San Luis Obispo	Santa Clara
Calaveras	Los Angeles	Santa Barbara	

On August 16, 2006, the City of Monterey Park joined several other counties and cities in California, including Roseville, Pasadena, and Torrance, and banned medical marijuana dispensaries. The City of Corona has also begun to examine this issue as well. On August 29, 2006, the City of Cypress banned medical marijuana dispensaries from operating within its City limits. The Cities of Placentia and Tustin each passed a 45-day moratorium in an effort to sort out the discrepancies among the California and Federal laws concerning the possession and use of marijuana.

Torrance City Attorney, Robert Acciani, stated that the City of Torrance immediately adopted a moratorium on medical marijuana dispensaries when it was first learned that the Green Cross of Torrance was operating in the City of Torrance. An ordinance was adopted that stated the City of Torrance would allow Medical Marijuana so long as they complied with all City Ordinances, as would be expected of all businesses operating in the City of Torrance. The City of Torrance has an ordinance that states any business operating in the City of Torrance must comply with all local, State, and Federal laws, which effectively precludes the dispensing of medical marijuana as it is a violation of Federal law. Mr. Acciani stated that most municipalities have similar ordinances; it is just a matter of enforcement. Torrance has not received a single legal challenge against their ordinance. They have issued a notice to the Green Cross that they are in violation of the aforementioned ordinance and must relinquish their business permit within 30 days; no legal action has been forthcoming. The Drug Enforcement Administration (DEA) conducted an investigation of Green Cross at the end of October 2006 and closed the dispensary due to a number of violations. The City of Torrance now has no medical marijuana dispensaries.

Monterey Park Sergeant Ruben Echeverria stated that Monterey Park also issued a moratorium to further investigate the issue of medical marijuana. After consulting with several other municipalities, the final solution to the problem was the adoption of the City of Torrance's model to ban medical marijuana dispensaries. Monterey Park, like the City of Torrance, has not incurred any legal challenges to either its moratorium or its business ordinance, which in essence bans medical marijuana dispensaries.

Attorney Kimberly Barlow, who is a contract attorney for several municipalities, including the City of Los Angeles, stated that she drafted an ordinance for both the cities of Costa Mesa and Whittier to ban medical marijuana dispensaries. Both municipalities considered using the City of Torrance model to ban the medical marijuana dispensaries, but desired an ordinance that was very specific and unequivocal. Proponents of medical marijuana usage were in attendance at each City Council session, but no legal challenges have been levied against either of the two cities' ordinances.

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Los Angeles Deputy City Attorney Dena Carreyn, the Neighborhood Prosecutor for the Central Area, was asked about the existence of a City Ordinance stipulating that any business operating in the City of Los Angeles must comply with all local, State, and Federal laws. Ms. Carreyn stated the Los Angeles Municipal Code contains no such ordinance. Ms. Carreyn did state that Federal law takes precedence over State law and that is precisely the reason San Diego County is taking SB 420 to court in an effort to nullify it.

#### Status of Medical Marijuana Dispensaries in the City of Los Angeles

In July 2005, there were four dispensaries operating in the City of Los Angeles. As of November 30, 2006, Narcotics Division (ND) has identified 98 medicinal marijuana dispensaries operating in the City; the exact number of dispensaries is difficult to determine due to the fact that many circumvent the law and utilize only a telephone number, constantly move, or use other clandestine methods of operation. ***This is an increase of 2,350% in medical marijuana dispensaries in a little more than one year.*** As of November 16, 2006, the ND Medical Marijuana Coordinator received 110 complaints from neighbors, local business owners, and concerned citizens. One hundred centered in West and Valley Bureaus and two complaints occurring in the Harbor Area. While some of the marijuana for these dispensaries is grown locally for "collectives," some of it is flown in from out of state locations in violation of SB 420. Since no one maintains statistics on sources of marijuana, it is difficult to place an actual percentage of locally grown versus marijuana procured from outside sources. By law, medical marijuana is only to be procured from California sources.

The, ND, Los Angeles Airport (LAX) Detail, Major Enforcement Section, has arrested suspects with large amounts of currency who have admitted they were traveling to Northern California for the purposes of procuring marijuana. The LAX Detail has arrested a total of 44 suspects, seized 665,418 gross grams of marijuana, 209,162 gross grams of cocaine powder, 6,490 gross grams of heroin, 17,317 gross grams of methamphetamine, and \$3,574,648 in U.S. currency from January through September 2006. Again, it is unknown what quantity of these seizures is specifically due to medical marijuana dispensaries as no specific information other than quantities seized was maintained by the ND Crime Analysis Detail.

The 98 documented medical marijuana dispensaries located in the City are operating in the following geographic Areas:

#### Central Bureau

Central Area – 4  
Rampart Area – 1  
Hollenbeck Area – 0  
Northeast Area – 4  
Newton Area – 1

#### West Bureau

Hollywood Area – 16  
Wilshire Area – 5  
West Los Angeles Area – 4  
Pacific Area – 6

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#### South Bureau

Southwest Area – 0

Harbor Area – 2

77<sup>th</sup> Area – 2

Southeast Area – 0

#### Valley Bureau

Van Nuys Area – 14

West Valley Area – 10

North Hollywood Area – 17

Foothill Area – 3

Devonshire Area – 7

Mission Area – 2

Marijuana seizures have increased in the City of Los Angeles for the time period January through September 2005 versus January through September 2006. Anecdotal evidence, such as the increased number of clinics, suggests that these increased seizures are due to the increase in usage in California since the passage of the CUA. The proponents of the CUA point to the increased seizures and arrests of marijuana users as further evidence of their vilification and targeting of medical marijuana dispensaries for law enforcement action. The increase in seizures and arrests can be attributed to the greater frequency of encountering the drug on the street without the proper credentials per the CUA.

	2005	2006	2005/2006 % Change
Marijuana Seized	7380.87 lbs	17,749.78 lbs	140.48%
Marijuana Arrests	4,720	5,506	16.65%

#### Proximity of Clinics to Schools

The ND Crime Analysis Detail is completing a comprehensive review of the proximity of all medical marijuana dispensaries to schools, churches, and other community infrastructures. Medical marijuana dispensaries receiving chronic public complaints and within 1,000 feet of Los Angeles Unified School District schools, private schools, and day care centers are located in Reporting Districts (RD) 567 (Harbor); 1524, 1557, 1558, 1562 (North Hollywood); 1072, 1084 (West Valley); 963, 945, 941, 969 (Van Nuys); and 1972 (Mission). Grant High School found a number of flyers placed on students' vehicles advertising the local medical marijuana dispensary and the ease with which marijuana could be obtained. The restriction of locating liquor stores, adult oriented entertainment, and smoke shops within 1,000 feet of any school has been effective and should be extended to medical marijuana dispensaries as well.

Using Google Earth, all medical marijuana dispensaries showed proximity of less than 1,000 yards to a house of worship, public or private school, or other location where children are likely to congregate, such as a public park.

Some dispensaries are located less than a mile from public locations of concern, such as Miracle Healing Alliance, 12805 Victory Boulevard, Van Nuys, which is .86 miles from Grant High School at 13000 Oxnard Street, Van Nuys. Two complaints were received concerning flyers from Miracle Healing Alliance placed on vehicles parked at Grant High School. In fact, a teacher at Grant High School had allowed his students to "borrow" his medicinal marijuana card

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(issued by the dispensary, not issued by the County or its designee card as required by law) to purchase marijuana. Many leaflets and stickers, which are appealing to the youth oriented life style, have been found around school grounds. It is apparent that locations near schools actively target children between the ages of 12 –18 years.

- Miracle Healing Alliance dispensary, 12805-A Victory Boulevard, North Hollywood is located 0.22 miles from the Saint Jane Frances School, 0.17 miles from the Saint Jane Frances Church, and 0.05 miles from the Iglesia Christina Pentecostes Church.

On August 10, 2006, a Van Nuys Area patrol officer was dispatched to Grant High School at Oxnard Street and Coldwater Canyon Boulevard to investigate an assault. While walking across campus, the officer observed a pink flyer with a marijuana leaf drawing on it that advertised medical marijuana recommendations could be obtained at the Miracle Healing Alliance dispensary, 12805-A Victory Boulevard, North Hollywood (approximately ½ mile from the school). The card stated, “It is still legal to own, grow, and smoke medical marijuana as long as you do it properly. Qualification is simple and our experienced physicians are more than happy to help you.” The card also stated, *“If you do not qualify for a recommendation your visit is free.”*

- NoHo Caregivers, 4296 Vineland Avenue, Studio City, is located a few feet from the Carlson Hospital Home School, 0.18 miles from the Rio Vista Elementary School, 0.25 miles from the Saint Charles School, 0.28 miles from the Oakwood School, and 0.29 miles from the Saint Charles Catholic Church.

On August 22, 2006, a citizen complained to North Hollywood Area Community Police Station about NoHo Caregivers, 4296 Vineland Avenue, Studio City. The source of information, who works nearby, noticed the odor of burning marijuana, which attracted children to the fence from Carlson Hospital Home School, located a few feet behind the dispensary.

- The Medicine Man dispensary, 803 Genesee Avenue, Hollywood, is located .13 miles from the Church of Scientology Mission of Melrose, 0.19 miles from Fairfax Senior High School, 0.25 miles from the Laurel School, and 0.26 miles from the Laurel Elementary School.

On November 12, 2005, the Hollywood Area Narcotics Enforcement Detail arrested a suspect known as “The Medicine Man,” who operated a medical marijuana dispensary from his residence at 803 Genesee Ave., Hollywood. Customers could either purchase medical marijuana at his residence or telephone him and he would deliver. A search warrant at his residence netted marijuana, hashish and marijuana-laced candy, pills, scales and \$14,506 in cash that was seized for forfeiture. He was arrested and later convicted of a violation of H&S Section 11359 (Possession for Sales of Marijuana).

Narcotics Division personnel have conducted surveillance on many of these dispensaries and observed young and apparently healthy individuals enter and purchase marijuana. Based upon

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the fact that many of these marijuana dispensaries are actively recruiting and peddling marijuana to the young and healthy, it is readily evident they are not the altruistic caregivers to the chronically ill they purport themselves to be. Their motive is profit driven and the desire to maintain a stable business foundation. Future business growth and *profit* is dependent upon the attraction of healthy youths and adults and their continued recreational use of medical marijuana, not the treatment of specific medical ailments as was intended by the CUA. (Addendum No. 4)

#### Part I Crimes

There have been many recorded incidents of violence at these dispensaries. In San Pedro, the owner of one dispensary, who was armed with an assault rifle and a handgun, denied a Los Angeles Fire Department Inspector entry. In Van Nuys, a DEA Agent was held captive and was subsequently rescued. The amount of money and marijuana at these dispensaries also make them prime targets for robbery and burglary. The following crimes were recorded at these dispensaries: 5 felony and 7 misdemeanor vandalisms; 3 grand and 5 petty thefts; 21 burglaries; 8 disorderly conducts; 6 robberies; 4 possessions of controlled substances; 6 possessions for sales of marijuana; 5 possessions of marijuana; 5 embezzlements; 3 stolen vehicles; 1 attempted murder; 1 contributing to the delinquency of a minor; 4 arrests for keeping a house of ill fame; 4 for supervising a prostitute; 3 for prostitution; and 3 arrests for pimping. These statistics do not include the area around the location of the dispensaries, only the addresses. This clearly was not the intent of the CUA, which was meant to assist the gravely ill and not for profiteering or recreational drug abuse.

The following tables depict the changes of Part I crimes in the RDs in and around the medical marijuana dispensaries where ND has received complaints. Part I crimes include homicide, rape, robbery, aggravated assault, burglary, grand theft auto, motor vehicle theft, and theft from motor vehicle. The time period under consideration is from July 30, 2006, to October 28, 2006 versus July 30, 2005, to October 29, 2005, and the comparative crime rate of the five RDs receiving the most complaints adjacent to each medical marijuana dispensary. This time frame is arbitrary in nature as ND does not know when the medical marijuana dispensaries actually initiated business. While the factors that influence Part I crimes are varied, the anecdotal evidence and data suggests the significant likelihood that these medical marijuana dispensaries affect crime in adjacent communities. Comparatively, the total Part I crime rate Citywide for the same time period is as follows: Operations-Valley Bureau had an 8.95% reduction; Operations-West Bureau had an 11.36% reduction; Operations-South Bureau had a 14.22% reduction; and Operations-Central Bureau had an 8.44% reduction. It should be noted that a change in the tabulation of child/spousal abuse occurred during the week of May 13, 2006, and those figures are no longer included in Part I crimes. The areas under review are also where ND received the most complaints concerning the blatant sales and use of marijuana.

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#### Robberies

Van Nuys Area (14 dispensaries)	28.6% increase
Pacific Area (6 dispensaries)	66.67% decrease
North Hollywood Area (17 dispensaries)	62.5% increase
West Valley Area (10 dispensaries)	200.0% increase
Harbor Area (2 dispensaries)	30.8% decrease
Hollywood Area (16 dispensaries)	11.8% increase

#### Burglaries

Van Nuys Area (14 dispensaries)	3.9% decrease
Pacific Area (6 dispensaries)	52.2% increase
North Hollywood Area (17 dispensaries)	23.8% decrease
West Valley Area (10 dispensaries)	No Change
Harbor Area (2 dispensaries)	33.3% increase
Hollywood Area (16 dispensaries)	31.0% decrease

#### Aggravated Assaults

Van Nuys Area (14 dispensaries)	26.7% increase
Pacific Area (6 dispensaries)	33.3% increase
North Hollywood Area (17 dispensaries)	11.8% decrease
West Valley Area (10 dispensaries)	33.3% increase
Harbor Area (2 dispensaries)	57.1% increase
Hollywood Area (16 dispensaries)	No Change

#### Burglary from Auto

Van Nuys Area (14 dispensaries)	38.0% increase
Pacific Area (6 dispensaries)	17.9% decrease
North Hollywood Area (17 dispensaries)	31.1% decrease
West Valley Area (10 dispensaries)	130.8% increase
Harbor Area (2 dispensaries)	No Change
Hollywood Area (16 dispensaries)	2.5% decrease

(See Addendum No.5 for Charts of Part I Crimes)

### CONCLUSION

#### Recommendations Regarding Medical Marijuana Dispensaries

It is recommended that a moratorium be imposed on further medical marijuana dispensaries in the City of Los Angeles.

It is recommended that, in addition to the moratorium on any further medical marijuana dispensaries, all existing dispensaries shall be restricted from being located within 1,000 feet of any school, day care facility, church or house of worship, nursery, public park, or any location

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utilized for the exclusive care of children between the ages of 0-18 years old. The hours of operation shall be restricted to the hours of 10:00 A.M. until 6:00 P.M. No facility shall be grandfathered in and must comply with these conditions within six months of the adoption of the moratorium.

It is recommended that the following restrictions be imposed on all new medical marijuana dispensaries and all existing medical marijuana dispensaries. Existing medical marijuana dispensaries shall be allowed 6 months to comply.

1. A medical marijuana dispensary may not be located within 1,000 feet of any school, day care facility, church or house of worship, nursery, public park, or any location utilized for the exclusive care of children between the ages of 0-18 years old.
2. There may only be one medical marijuana dispensary operating within any three-mile radius and must be easily accessible via public transportation.
3. The hours of operation for a medical marijuana dispensary are restricted to the hours of 10:00 A.M. until 6:00 P.M., with no exceptions.
4. Pay phones and/or vending machines, if any, shall be located inside the dispensary only. Only outgoing calls shall be allowed to take place from pay phones located on the premises of a medical marijuana dispensary.
5. Consistent with Section 25612.5 (a)(1) of the Business and Professions Code, a prominent and permanent sign stating "NO LOITERING IS ALLOWED ON OR IN FRONT OF THESE PREMISES" shall be posted in a place that is clearly visible to patrons of the dispensary. As depicted by the signage, no loitering is allowed on or in front of the premises of the medical marijuana dispensary.
6. The applicant shall post signs on the property stating: "No Loitering or Public Drinking," and "It's a Violation of Section 41.27(d) of the Los Angeles Municipal Code to possess any bottle, can, or other receptacle containing any alcoholic beverage which has been opened, seal broken, or the contents of which have been partially removed, on or adjacent to the this premises." Such signs shall be posted in English and the predominant language of the facility's clientele, if different.
7. Consistent with Section 25612 of the Business and Professions Code, no signs, advertising, or any other advertising matter used in connection with the medical marijuana dispensary shall be of any obnoxious, gaudy, blatant, or offensive nature and shall, in no matter be contrary to the rules of the City, or obstruct the view of the interior of the premises viewed from outside.
8. The facility must have an alarm system, which must be properly permitted and maintained. All alarms will have video and voice surveillance coverage at all times and will have

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redundant power supplies and circuitry to prevent deactivation, either intentional or unintentional. If an alarm system is deactivated, the company monitoring the system must immediately notify the police department.

9. During non-business hours, all medicinal marijuana shall be stored in a locked vault, safe, or other secure storage structure preventing the easy theft of the medicinal marijuana. If it is located in a locked vault, safe, or other means, it shall be bolted to the floor or structure of the facility. For purposes of this subsection, the secure storage facility, structure, or safe should allow a response time of at least 15 minutes prior to being breached, for the police to arrive once notified by the alarm company that the dispensary has been potentially burglarized.
10. A partition of bullet resistant lexan or similar translucent material capable of stopping a 7.39X39mm projectile weighing 124 grains traveling at 2330 fps shall be installed between the dispensary personnel and the patrons. Drawers shall be used for exchanging the medicinal marijuana and currency, checks, or credit cards.
11. Twenty-four hour video surveillance recording of the premises is required in order to facilitate the investigation of crimes associated with the medical marijuana dispensary. Thirty days of surveillance coverage must be maintained for 90 days and must be readily available to the Los Angeles Police Department during normal business hours. All areas of the dispensary and a 100 feet perimeter around the exterior of the dispensary, inclusive of the parking lot, shall be recorded. Additionally, all transactions shall be recorded from above and from behind the location where the transactions take place to facilitate the identification of the subject's facial features in the event of a crime. The resolution of these color cameras will be of sufficient quality to allow for the identification of a subject based upon facial features and other unique physical characteristics in all conditions and all lighting conditions using available ambient lighting.
12. During hours of darkness, the medical marijuana dispensary shall illuminate all areas of the premises, including adjacent public sidewalks so that the areas are readily visible by law enforcement personnel. During all hours, the medical marijuana dispensary shall illuminate the entire interior of the building, with particular emphasis on the locations of the counter, the safe, and any location where people are prone to congregate. The lighting must be of sufficient brightness to ensure that the interior is readily visible from the exterior of the building from distance of at least a 100 feet.
13. A medical marijuana dispensary must obtain a Los Angeles City Business License, pay Los Angeles City business taxes and any special levies imposed for inspections and the monitoring of the provisions of this ordinance.
14. A medical marijuana dispensary must obtain a State Board of Equalization Business Tax License and pay State, City, County, Local taxes, State Sales Tax, and Federal Income and Corporate Tax as required by law.

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15. The establishment and operation of any medical marijuana dispensary requires a background check of the owner/operator and all employees. The background check shall consist of a clearance letter from the Department of Justice and fingerprint verification of the identity and criminal history of all employees and potential owners. Disqualification from operating or working in a medical marijuana dispensary shall include any past conviction for any crime specified in California Penal Code Sections 654-678 and/or participation with any group that advocates violence against individuals because of their race, religion, orientation, political affiliation, ethnic origin, nationality, sexual preference, or disability.
16. It shall be unlawful for any medical marijuana dispensary to employ any person who is not at least 18 years of age.
17. The facility must have adequate licensed and duly bonded security personnel during business hours sufficient for the safety of its employees and clientele. All security guards must be licensed and possess a valid California Department of Consumer Affairs "security guard card" at all times. All security personnel must undergo a thorough background investigation and must not have any gang affiliations. The background investigation must pass the scrutiny of the Police Commission Permitting and Compliance Section, which will create a processing and permitting section for security officers operating at all medical marijuana dispensaries in the City of Los Angeles. All costs for the background audit conducted by the Police Commission shall be borne solely by the medical marijuana dispensary, whether or not the security officer candidate passes the background check. The cost for the background audit will vary depending upon the number of investigative hours utilized to conduct the audit and shall be cost neutral for the City.
18. Each medical marijuana dispensary is to dispense a safe product. Consistent with Los Angeles Municipal Code Section, 46.14, DISCLOSURE OF CONTENTS, medical marijuana should be amended to the list of drugs, along with those containing caffeine, ephedrine or phenylpropanolamine that are displayed or offered for sale, or sold, unless the name and quantity of each active ingredient is stated on the label of the container in which such drug is displayed or offered for sale or sold. It is the sole responsibility of each medical marijuana dispensary or its supplier to test their products and list the name, quantity, and percentage of active ingredients on the labels of its products. When the product is dispensed, it shall be in an opaque container, packaged in childproof tamper resistant packaging, sealed, and the contents will be clearly marked with its potency and weight.
19. In the interests of public health and safety, the clients of medical marijuana dispensaries should be versed in the hazards of the drugs they ingest. Consistent with the City of Los Angeles Municipal Code Section, 46.13, DISCLOSURE OF HAZARDS, medical marijuana shall be amended to the list of drugs, including those containing caffeine, ephedrine or phenylpropanolamine, that are displayed or offered for sale, or sold unless there appears on the package or container in which said drug is displayed or offered for sale, or

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sold, a label stating “WARNING, DO NOT EXCEED THE RECOMMENDED DOSAGE FOR THIS DRUG AS STATED ON THE LABEL.” Such warning shall be in red lettering.

20. Must comply with provisions of California Proposition 65, Safe Drinking Water and Toxic Enforcement Act of 1986, a ballot initiative in November 1986. The Proposition was intended by its authors to protect California citizens and the State’s drinking water sources and from chemicals known to cause cancer, birth defects or other reproductive harm, and to inform citizens about exposures to such chemicals. As such, all chemicals known to be toxic in the medical marijuana must be listed on the packaging.
21. The medical marijuana dispensary shall receive only compensation for actual expenses, including reasonable compensation incurred for services provided to qualified patients or primary caregivers to enable that person to use or transport medical marijuana pursuant to California Health and Safety Code Section 11362.7 et seq., or for payment for out-of-pocket expenses incurred in providing those services, or both.
22. Delivery of medical marijuana to qualified patients with valid Medical Marijuana Identification Cards (MMIC) and primary caregivers with a valid MMIC outside the premises of the medical marijuana dispensary is permitted if the person delivering the medical marijuana is a qualified patient with a valid MMIC or a primary caregiver with a valid MMIC who is a member of the medical marijuana dispensary.
23. Anytime an employee is terminated, resigns, or is off from work for longer than one month, all alarm codes, keys, and combinations to the safe(s), doors, and gates must be reprogrammed or changed in order to prevent them from being compromised from possible burglaries or theft. This information must be recorded in the transaction ledger, along with the date, time, and locksmith name, number, and address that performed the changes.
24. A ledger must be maintained of all transactions. This ledger shall contain the following information: quantity dispensed; type and source of medicinal marijuana dispensed; the recommending doctor’s name, address, phone number, and business name; the patient’s name; the patient’s MMIC number if used; the patient’s identification type and number; the patient’s address and phone number; and the date and time dispensed. This ledger must be readily available for inspection by the Los Angeles Police Department during normal business hours.
25. All print and electronic advertisements for medical marijuana dispensaries, including but not limited to general advertising signs, and newspaper and magazine advertisements, shall include the following language: “Only individuals 18 years and older with legally recognized Medical Marijuana Identification Cards may obtain medical cannabis from medical marijuana dispensaries.” The required text shall be a minimum of 2 inches in height except in the case of general advertising signs where it shall be a minimum of 6 inches in height. Oral advertisements for medical marijuana dispensaries, including but not limited to radio and television advertisements shall include the same language. This requirement shall

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remain in effect so long as the system for distributing or assigning MMICs preserves the anonymity of the qualified patient or primary caregiver. Under no circumstances are flyers to be handed out, placed on windshields, residences, or posted. No advertisements are to be directed at children under the age of 18 years or areas where they congregate.

26. All litter must be removed from the premises, including the parking lot, sidewalk, and all areas visible to the public within 100 feet of the premises at least twice daily.
27. The medical marijuana dispensary shall provide the Police Department, local Council offices, and all neighbors located within fifty (50) feet of the establishment with the name, phone number, and facsimile number of an on-site community relations staff person to whom one can provide notice if there are operating problems associated with the establishment.
28. Any graffiti applied to property under control of the medical marijuana dispensary must be reported to the Los Angeles Police Department and then must be removed within 24 hours.
29. In accordance with Los Angeles Municipal Code Section 41.50, the smoking of marijuana cigarettes, *or any other mode of ingestion*, in and at least 100 feet around the perimeter of the marijuana dispensary shall be prohibited.
30. Medical marijuana dispensaries may not dispense more than **one ounce** of dried marijuana per qualified patient to a qualified patient or primary caregiver per visit to the medical marijuana dispensary. Medical marijuana dispensaries may not maintain more than ninety-nine (99) marijuana plants in up to 100 square feet of total garden canopy measured by the combined vegetative growth area. Medical marijuana dispensaries shall use MMIC numbers to ensure compliance with this provision. If a qualified patient or a primary caregiver has a doctor's recommendation that this quantity does not meet the qualified patient's medical requirements, the qualified patient or the primary caregiver may possess, and the medical marijuana dispensary may dispense, an amount of dried marijuana and maintain a number marijuana plants consistent with those needs. Only the dried mature processed flowers of female marijuana plant or the plant conversion shall be considered when determining allowable quantities of marijuana under this restriction.
31. Each medical marijuana dispensary must be operated by a legitimate medical marijuana caregiver as designated in SB 420 and Proposition 215.
32. The medical marijuana dispensary shall not hold or maintain a license from the State Department of Alcohol Beverage Control to sell alcoholic beverages, or operate a business that sells alcoholic beverages. Nor shall alcoholic beverages be consumed on the premises or in the public right-of-way within one hundred feet of a medical marijuana dispensary.
33. Medical marijuana dispensaries shall meet all the operating criteria for the dispensing of medical marijuana as is required pursuant to California Health and Safety Code Section 11362.7 et seq.

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34. Medical marijuana dispensaries shall be operated only as a **collective** in accordance with California Health and Safety Code Section 11326.7 et seq.
35. Medical marijuana dispensaries shall sell or distribute only marijuana manufactured and processed in the State of California.
36. Medical marijuana dispensaries may sell or distribute marijuana only to members of the medical marijuana dispensary's collective and **one** member outside of the collective.
37. Medical marijuana dispensaries that display or sell drug paraphernalia must do so in compliance with California Health and Safety Code Sections 11364.5 and 11364.7.
38. The dispensary's Conditional Use Permit (CUP) may be revoked at anytime if the Part I and/or Part II crime rates are increasing due to the actions of the clientele of the medical marijuana dispensary. There must be a preponderance of evidence submitted and the submission of neighborhood complaints and other sources of public information are allowed in the determination whether to revoke a medical marijuana dispensary's permit. There is no appeals process once a permit has been revoked. The dispensary may reapply one year from the date of revocation of their CUP, with the probability of additional operating restrictions placed upon their CUP.
39. In accordance with the non-profitability clause of Senate Bill 420, applicants must first obtain a California nonprofit, or become a nonstock corporation organized for religious, charitable, social, educational, recreational or similar purposes formed under the Nonprofit Corporation Law, commencing with California Corporations Code Section 5000.
40. Each medical marijuana dispensary must comply with all local, county, and state laws.
41. Each medical marijuana dispensary shall be liable for all costs associated with the investigation, prosecution, incarceration, booking, medical treatment, and storage and destruction of evidence, and any other unspecified costs for the failure to comply with the provisions of this ordinance resulting in the arrest and prosecution of any employees, owners, or patrons.

The wanton and flagrant misuse of medical marijuana demeans the spirit and intent of the Compassionate Use Act of 1996, which has been exploited for both the profits of the medical marijuana dispensary operators and the recreational drug users who have been utilizing these facilities. In an effort to further expand this burgeoning market, the profiteers of these medical marijuana dispensaries have sought to exploit the youth of Los Angeles.

Absent stringent regulation and enforcement action, these dispensaries have flourished throughout the City of Los Angeles, fostered an increase in Part I and Part II crime problems, and inflicted collateral damage on quality of life issues for families and communities. Even local

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news organizations have conducted their own investigations and found widespread fraud and profiteering in the manner the Compassionate Use Act has been implemented, contrary to its intent to assist terminally or adversely ill people. In a taped investigation, Channel 2 News depicts a physician handing out medical marijuana recommendations without an examination for \$175 each, cash. The physician does not even stand up from behind his desk. In the physician's waiting room, where there is an hour wait to see him, the prospective "patients" are overheard joking about what they are going to tell the physician they need the medical marijuana recommendation for. (See Addendum No. 6)

It is essential that proactive enforcement efforts and controls be undertaken in the City of Los Angeles to regulate these dispensaries and ensure they are operating as the voters originally intended under Proposition 215, The Compassionate Use Act of 1996. It is recommended that the City Council enact a strict ordinance that establishes the criteria by which these medical marijuana dispensaries operate. The above captioned list of 41 recommendations is an excellent basis for this ordinance, yet allows for the spirit of Proposition 215 as the voters originally intended.

Prepared by:

NARCOTICS DIVISION

Attachments