



Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Councilmember Kansen Chu

SUBJECT: MEDICAL MARIJUANA

DATE: April 14, 2011

APPROVED:

DATE:

4/14/2011

RECOMMENDATION

1. Halt further City Council discussion on the policy issue and forward to the Santa Clara County Board of Supervisors for review and recommendation.
2. Adopt an ordinance to ban all businesses involving the cultivation, dispensation, distribution, or sale of marijuana in the City of San José until a recommendation from the Santa Clara County Board of Supervisors is reached and return to City Council for deliberation.

BACKGROUND

As a substance that is not approved with the U.S. Food and Drug Agency, there are many regulation questions surrounding this, which will most certainly involve the District Attorney and the Public Health Department, just to name a few. It is too burdensome for the City to take on this issue. While I recognize the tremendous staff support, I believe that staff time can better be utilized to fulfill more pressing council priorities, especially during these tough budget times. Therefore, it is in our best interest to halt further Council discussion and forward this policy deliberation to the Santa Clara County Board of Supervisors.

Furthermore, it must be clarified that Measure U was passed by voters to enact an ordinance to tax marijuana businesses. Measure U does not mandate the City Council to approve an ordinance authorizing the distribution of medical marijuana. It must also be clarified that the failure of Proposition 19, also known as the Regulate, Control & Tax Cannabis Act, confirmed the will of the voters to not legalize. The cultivation, dispensation, and distribution of marijuana continue to be an unauthorized use in the City of San José and should be treated as such.