



Memorandum

TO: HONORABLE MAYOR AND CITY COUNCIL **FROM:** COUNCILMEMBER NANCY PYLE

SUBJECT: MEDICAL MARIJUANA **DATE:** April 14, 2011

APPROVED: *Nancy Pyle* **DATE:** 4/14/11

RECOMMENDATION:

If the Mayor and City Council cannot agree upon a regulatory framework for medical marijuana dispensaries at the April 19, 2011 City Council meeting, Council should immediately adopt an ordinance to ban all businesses involving the cultivation, dispensation, distribution, transportation or sale of marijuana in the City of San Jose.

BACKGROUND:

Since 2009, the City has spent an extraordinary amount of staff time and resources to establish a regulatory framework for medical marijuana dispensaries. The draft land use, registration and operating regulations have been discussed at multiple City Council meetings and one Special Session. And yet, we've gotten no closer to regulating the ever-growing number of dispensaries in our City.

The regulation of medical marijuana dispensaries is obviously a complex issue. However, it is our inability to agree upon appropriate regulation that is creating the situation we want to avoid: a proliferation of dispensaries that continue to generate complaints from residents and business owners and drain our limited City resources. By continuing to debate this issue without reaching a majority vote on a regulatory framework, we are letting the status quo continue. This is unacceptable.

Our professional staff has done its homework and provided us with a comprehensive set of draft regulations. If we cannot agree on these recommendations or a variation thereof, we should immediately implement a ban on medical marijuana dispensaries until this issue has been legally clarified by the county, state, or federal government.

Furthermore, instituting a ban will confirm the City's position that all existing medical marijuana dispensaries are illegal and provide staff clear direction to close them.