

Marijuana Regulations & Impacts of Proposition 64

Santa Barbara County
Board of Supervisors
February 14, 2017



Medical Marijuana

- Voters and legislature have acted to allow cultivation and distribution of medical marijuana beginning in 1996
- County prohibited medical marijuana dispensaries in 2011
- In the past two years, California has taken significant steps to increase the regulation of medical marijuana
- Medical Cannabis Regulation and Safety Act (MCRSA)
 - Establishes state licenses & regulations for medical marijuana
 - Licenses & regulations are anticipated to be in place January 2018
 - Failure to comply with licensing and regulations would lead to criminal prosecution
 - Local government retains the right to regulate medical marijuana activities within its jurisdiction

Current County Marijuana Regulations

- County prohibited medical marijuana dispensaries in 2011
- County prohibited cultivation of medical marijuana, except for:
 - Personal medical cultivation of less than 100 square feet
 - Legal non-conforming use prior to January 19, 2016 compliant with existing state laws
- Managing compliance with existing state laws and Board actions has been a challenge
 - Investigating nuisance complaints
 - Checking for compliance is complicated
 - No fees for enforcement generated by status as legal non-conforming use
- P & D receiving regular calls inquiring about requirements to conduct marijuana related activities in the County

Prop 64 - Adult Use of Marijuana Act

- Approved by voters on November 8, 2016
- Purpose is to establish a system to legalize, control and regulate non-medical marijuana activities for use by adults over 21 years of age
- Regulation and licensing system under development now with expected effective date of January 2018
- Local government can prohibit some or all marijuana activities except indoor cultivation of six plants for personal use
- Local government can regulate non-medical marijuana through local licensing of marijuana businesses and/or land use permitting processes
- Discrepancies between medical and non-medical marijuana regulations exist and legislative fixes are in the works

Next Step Options

- Urgency ordinance prohibiting new commercial marijuana activities
 - Freezes things in place
 - Allows time for further analysis and consideration of alternatives
- Provide direction on one or more of the following:
 - Continuing prohibition on one or more marijuana activities
 - Developing amendments to zoning ordinance on one or more marijuana activities
 - Developing local business licensing regulations on one or more marijuana activities
 - Developing an ordinance to tax marijuana or activities subject to voter approval
 - Establish a temporary advisory ad hoc subcommittee

Recommended Actions

- Receive and file presentation
- Direct staff to return to the Board with an urgency ordinance to prohibit cultivation and other marijuana activities, and/or;
- Provide direction to staff on additional information or actions for future consideration, including, but not limited to:
 - Developing an ordinance prohibiting certain types of State marijuana, and/or;
 - Amending the County's zoning ordinances to require zoning permits, and/or;
 - Developing an ordinance for a local business licenses, and/or;
 - Developing an ordinance to tax marijuana and/or marijuana activities, subject to voter approval, and/or;
 - Establish and appoint members of the Board of Supervisors to a temporary, advisory ad hoc subcommittee, and
- Find that the proposed actions are administrative activities of the County are therefore not a "project" as defined by State CEQA Guidelines Section 15378(b)(5).