Review of Adult Use of Marijuana Act & Next Steps for Policy Development

Overview

1. Review summary of Proposition 64, Medical Marijuana Regulations, and Smoking Ordinance
2. Federal law vs. State law
3. Council Policy Discussion and Input
4. Direction to Staff on Next Steps

Study Session Purpose

Review the application of Proposition 64 and Local City Regulations on Medical Marijuana and Smoking to determine gaps in regulation.

Provide input and direction to staff to develop scope of regulation for adult use of marijuana.

Review of Existing Law & Ordinances

Prop. 64- Adult Use of Marijuana Act

Key provisions:

- Recreational use of marijuana legal over age 21
- Cultivation of 6 plants per residence legal for personal use; reasonable local regulation of cultivation allowed
- State regulatory and licensing system for commercial cultivation, testing, processing
- Local government may prohibit OR regulate/license commercial nonmedical marijuana activities
- State taxes on purchase of Non-Medical Marijuana
- Option to impose local tax

Sunnyvale
Medical Marijuana Regulations

- Personal cultivation prohibited
- Commercial cultivation prohibited
- Delivery prohibited
- **Recommended Policy Action:** Amendment to permit and regulate cultivation of up to 6 plants for personal use.

Sunnyvale Smoking Ordinance & Regulations

- Smoking prohibited in areas set by state or federal law and various additional locations:
  - Elevators
  - Outdoor dining areas
  - Gymnasiums, fieldhouses, stadiums and outdoor theaters
  - Public parks
  - In service areas
  - Public places, when being used for a public event
  - In the pedestrian retail district
  - Multi-family housing
  - Prohibition applies to smoking marijuana; Prop. 64 also prohibits smoking marijuana in public places

Staff Recommendation: No additional action required, maintain status quo.

Policy Gaps and Staff Recommendations

Local Regulation

What: Policy Areas for Consideration

1. Commercial growth
2. Commercial distribution
3. Commercial transportation
4. Personal cultivation

How: Policy Options

A. Allow Unregulated
B. Prohibit
C. Regulate (Ordinance and Permits)

Potential Policy Gaps in Regulation

Policy Area	Prohibit	Regulate	Allow
Personal Home Grow		X	
Personal Home Grow- Indoor		X	
Personal Home Grow- Outdoor	X		
Medical Marijuana Retail Sales	X		
Medical Marijuana Personal Grow- Indoor		X	
Medical Marijuana Commercial Grow Research and Development		2017 Study Issue	
Retail Marijuana Stores	X		
Retail Marijuana Cultivation Facilities	X		
Retail Marijuana Testing Facilities	X		
Marijuana Delivery, or Transportation Facility	X		

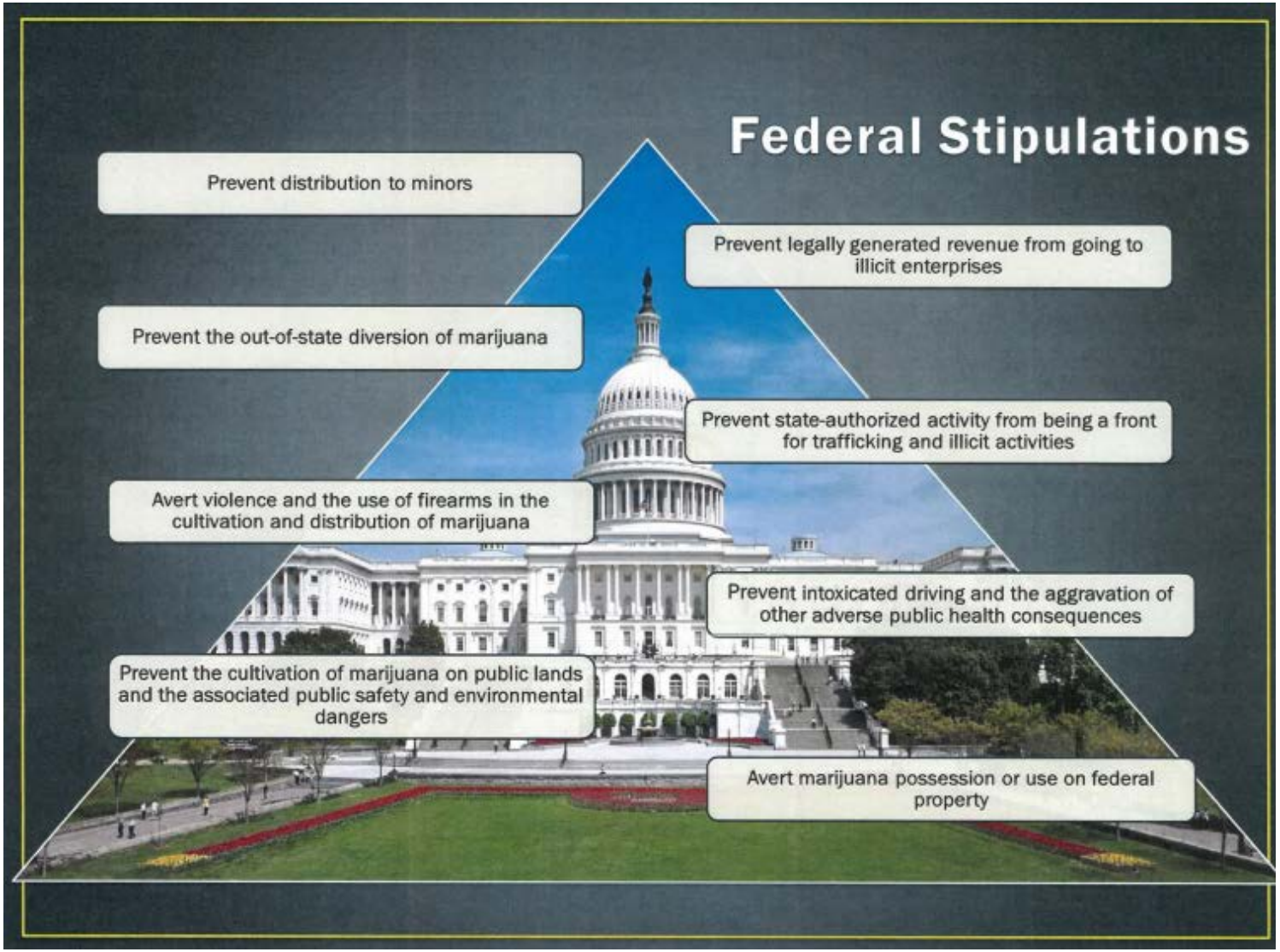
X = Staff Recommendation

Regulation & Enforcement Issues

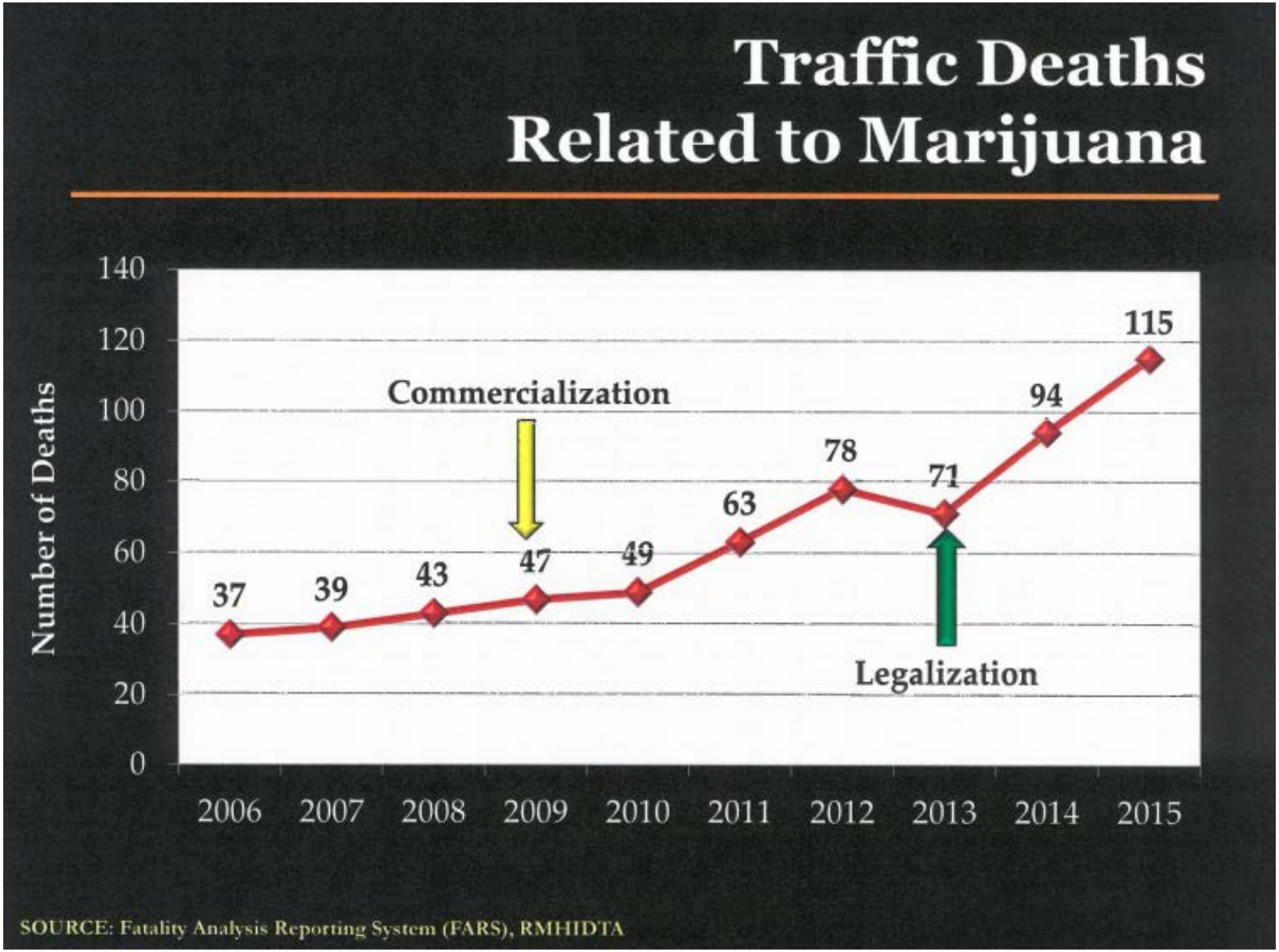
Regulation & Enforcement Issues

- Data and trend information from Colorado and Washington relative to adult use of marijuana and regulations supports local concerns related to marijuana:
  - Public health
  - Life safety
  - Fire safety
  - Environmental
  - Staff capacity, workload associated with allowing, regulating marijuana-related uses

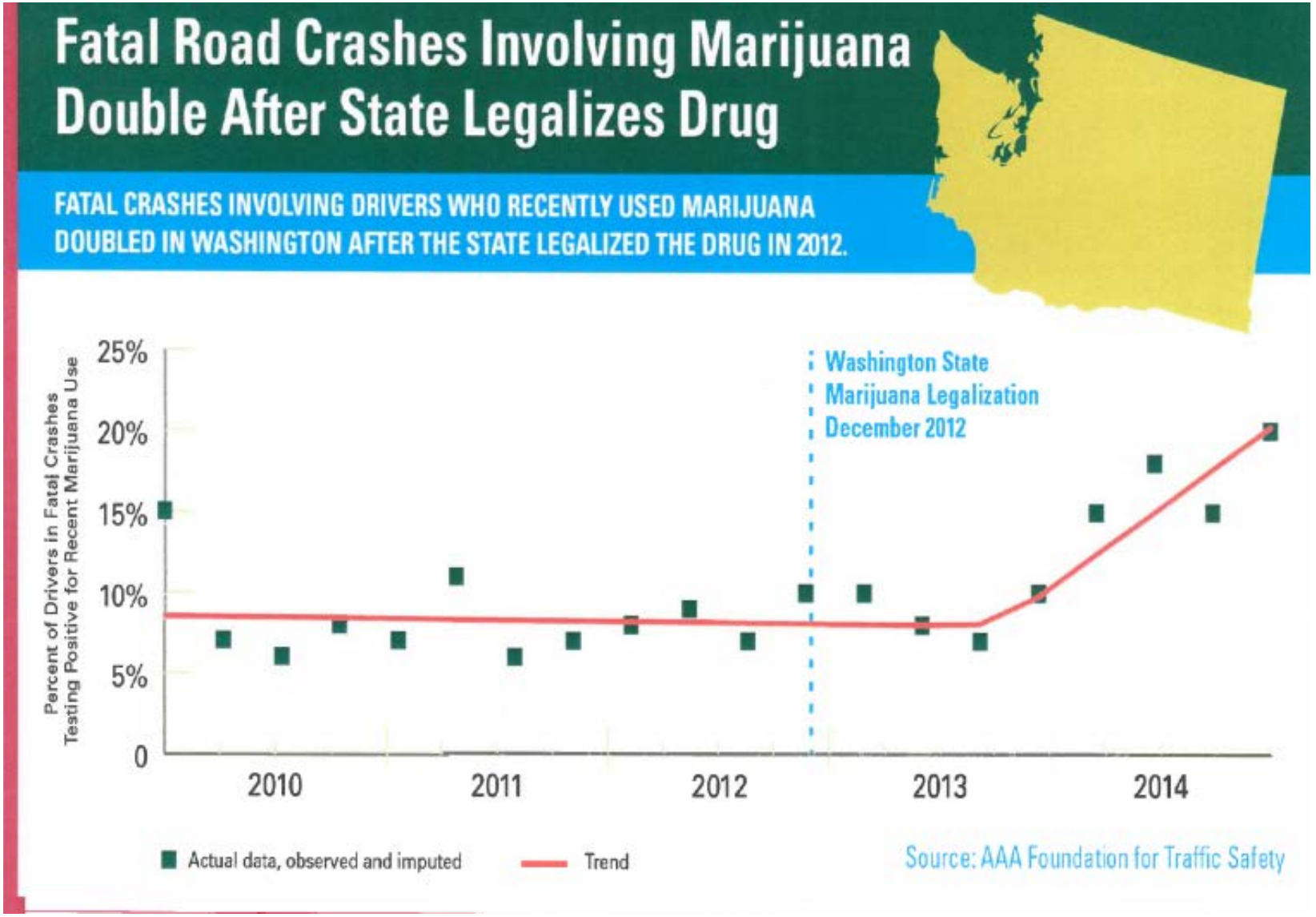
Federal Law *vs*. State Law: Inconsistencies/Conflicts



Public Health & Safety Concerns



Public Health & Safety Concerns

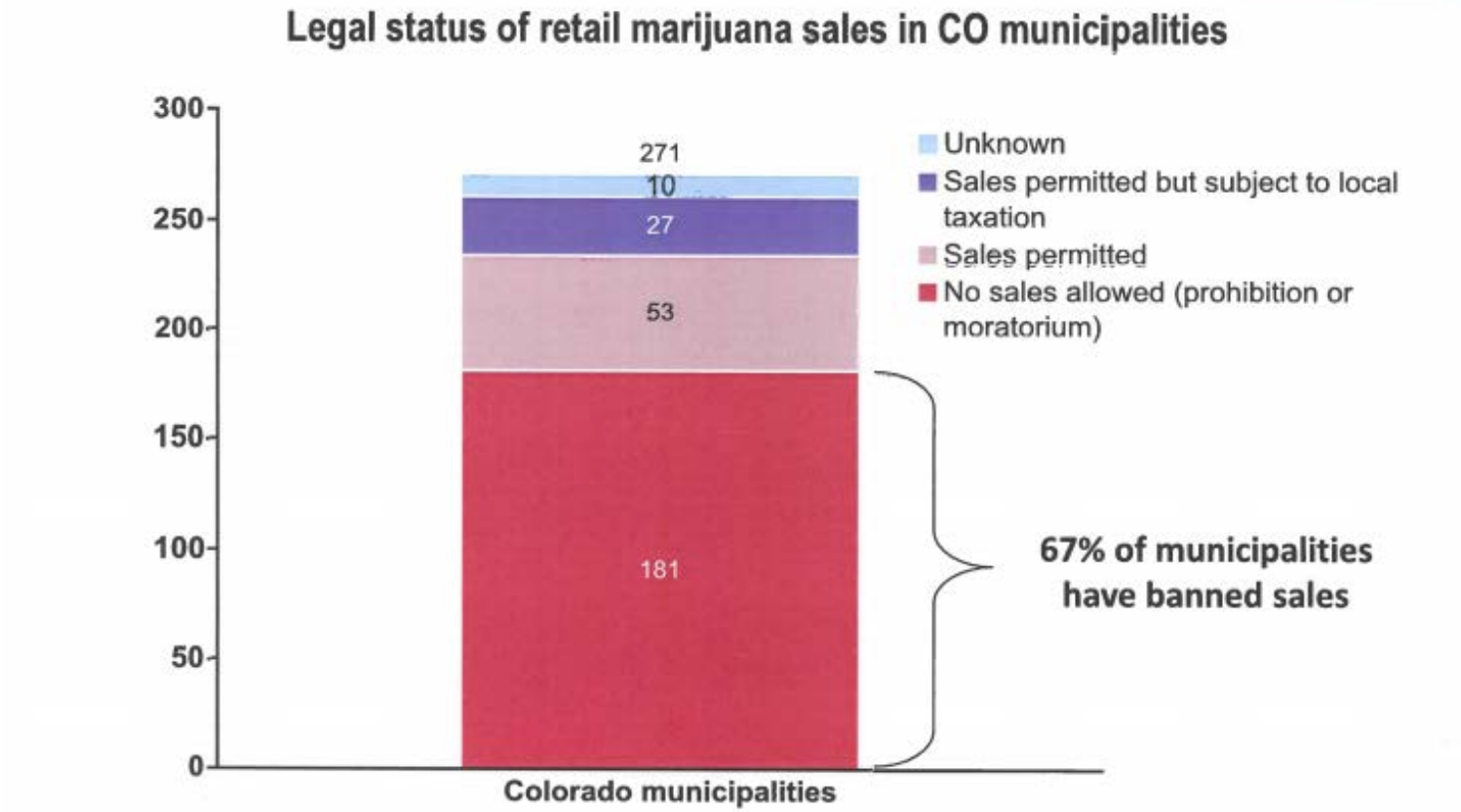


Public Health & Safety Concerns

Public Health & Safety Concerns

Colorado: Municipal Action

Well over half of Colorado municipalities have banned marijuana sales since legalization



Source: Colorado Municipal League

Next Steps

- Return to Council in Q1 with update to marijuana ordinance for consistency with Prop. 64
  - Personal cultivation of 6 plants allowed, subject to local license/regulation for public health, safety and welfare
  - Maintain other existing prohibitions on commercial cultivation, delivery, manufacture, other activities
  - Advance for Council consideration the proposed study issue on regulation of marijuana for research purposes to include public input, allow staff to understand the required state process and implications

Conclusion