

Regulation of Marijuana



Sunnyvale

Proposition 64

- November 9, 2016- Proposition 64 made recreational marijuana legal in California
 - Control, Regulate, and Tax Adult Use of Marijuana Act (AUMA)
- Municipalities need to decide how to regulate by January 1, 2018
 - State will begin issuing licenses for marijuana businesses
 - City rules on whether businesses are allowed must be clear
- Planning Commission Action – Title 19

State Law

- Allows persons 21 years of age or older to:
 - Smoke or ingest marijuana
 - Posses up to 28.5 grams, or 8 grams of concentrated, marijuana
 - Cultivate up to six marijuana plants for personal use
- Allows municipalities to:
 - Reasonably regulate indoor cultivation and prohibit outdoor cultivation
 - Regulate or prohibit commercial marijuana activity
- Conflict with federal law:
 - Marijuana remains a Schedule 1 drug under federal law; no accepted medical use, potential for abuse
 - Future of enforcement and how federal and state law will be harmonized is uncertain (opinions of current v. former attorney general)

Public Safety

- Outdoor Grow Concerns:
 - Increase criminal activities
 - Allow access to minors
- Indoor Grow Risks include:
 - Lighting
 - Dehumidification
 - Space heaters
 - Drying
 - Use of CO₂
 - Pesticides/herbicides/fertilizers

Proposed Ordinance Changes

- Consistent with Council direction- February 2017
- Allow Personal Cultivation as required by state law, with Reasonable Regulations:
 - Limit of 6 plants per residence
 - Indoor only; outdoor cultivation prohibited
 - Guidelines for safe cultivation practices
- Maintain Sunnyvale's status quo- no commercial marijuana activity
 - Clarify that commercial activity includes medical *and* recreational marijuana