



Board of Supervisors
Meeting Date: March 20, 2017
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Regular Item

JOINT STUDY SESSION / MARIJUANA REGULATION

Requested Action(s)

- a) Regulation of Personal Cultivation of Marijuana
 - 1) Presentation by the City Attorneys and County Counsel regarding the local regulation of personal marijuana cultivation under California's medical marijuana laws and the Adult Use of Marijuana Act
 - 2) Presentation by staff of the Cities of Red Bluff, Tehama, and Corning and the County of Tehama regarding the current regulations for personal marijuana cultivation in each jurisdiction
 - 3) Receive public input regarding regulation of personal marijuana cultivation in the cities and county
 - 4) Discussion by the City Councils and Board of Supervisors regarding the regulation of personal marijuana cultivation, and possible direction to each agency's staff to develop appropriate ordinances and policies for future consideration
- b) Regulation/Prohibition of Commercial Marijuana Activities (Dispensaries, Commercial Cultivation, and Similar Activities)
 - 1) Presentation by the City Attorneys and County Counsel regarding the local regulation (or prohibition) of commercial medical marijuana activities under the Medical Cannabis Regulation and Safety Act, and commercial "adult use" marijuana activities under the Adult Use of Marijuana Act
 - 2) Presentation by staff of the Cities of Red Bluff, Tehama, and Corning and the County of Tehama regarding the current regulation/prohibition of commercial marijuana activities in each jurisdiction
 - 3) Receive public input regarding the regulation/prohibition of commercial marijuana activities in the cities and county
 - 4) Discussion by the City Councils and Board of Supervisors regarding the regulation of regulation/prohibition of commercial marijuana activities, and possible direction to each agency's staff to develop appropriate ordinances and policies for future consideration

Background Information:

The Cities of Red Bluff, Tehama, and Corning and the County of Tehama each have ordinances regulating the personal cultivation of marijuana, and either regulating or prohibiting commercial marijuana activities. Over the past two years, there have been substantial changes in state law on this subject, including the enactment of detailed state regulatory schemes for medical marijuana (the Medical Cannabis Regulation and Safety Act) and "adult use" marijuana (sometimes referred to as "recreational marijuana") (Prop. 64, the Adult Use of Marijuana Act).

These new state laws preserve strong local control over both personal marijuana cultivation and commercial marijuana activities:

- Commercial marijuana activities (both medical and "adult use") may be regulated or completely banned.
- Outdoor cultivation may be regulated or completely banned.
- Cultivation of more than six plants on any premises may be regulated or completely banned.
- Personal cultivation of six or fewer plants, conducted indoors "inside a private residence, or inside an accessory structure to a private residence" cannot be completely banned, but can be reasonably regulated. (Examples of such regulations include requiring a permit or registration, structural requirements for buildings in which cultivation occurs, setbacks, etc.)
- Local jurisdictions have broad authority to tax marijuana activities with voter approval.

Many local jurisdictions throughout California are studying their existing regulations to determine if any changes are required or desirable as a result of these new state laws. Tonight's study session will give the elected leaders of the county and cities an opportunity to collectively discuss the matter and provide direction to their respective staffs regarding possible future regulations. The session has been divided into separate segments for personal cultivation and commercial activities, as these present different legal and policy issues, and are treated separately under many local ordinances.