

## Law Enforcement Concerns to Medical Marijuana Dispensaries

(Information taken from surveyed cities)

- It violates Federal Law
- Street dealers selling at lower prices to entice patients away from dispensaries
- Non-residents coming into the city to purchase marijuana
- Marijuana DUI by people who have obtained the drug from the dispensary
- Neighboring businesses have experienced a loss of customers
- Increase in unreported crime to avoid negative publicity to the dispensary
- Problem of patients selling to non-patients (similar to providing alcohol to a juvenile waiting outside a store)
- Documented cases of robbery outside marijuana dispensaries
- Dispensaries create alternative methods to sell products – such as food items called Buddhfingers, Munchy Way, Rasta Reece’s, and Puff-a-Mint Pattie
- Complaints from patients that other illegal drugs are being sold from the dispensary
- Marijuana dispensaries perpetuate a sub-culture that openly supports behavior consistent with criminal activity and publishes instructional material on the web. Examples include:
  - “Assume you are under surveillance in if you are in any way involved in providing medical marijuana patients.”
  - “Do not discuss sensitive matters on the telephone, through the mail, by e-mail, or in your home, car, dispensing collectives, or office.”
  - “Don’t gossip, brag or ask for compromising or unnecessary information about medical marijuana operations and activities.”
  - “You should be cautious of theft. Many patients and care providers have been robbed because of the wrong person knowing sensitive information.”
- Management from an established dispensary told police that they cannot keep the criminal element out

## Statistical Information Collected

**Medicinal Marijuana Summary**  
**(Taken from HCED Listserve Revised Medical Marijuana Summary)**  
**Amended by Captain Mark D. Weiss**  
**Livermore Police Department**  
**April 2006**

|                              |  |
|------------------------------|--|
| <b>City of Morro Bay</b>     | Allowed by right in C-1 zone, minor CUP in other commercial zones; standards under review with zoning ordinance update   |
| <b>City of Santa Ana</b>     | Moratorium until 9/1/2006  |
| <b>City of El Cerrito</b>    | Moratorium until July 2006   |
| <b>City of San Rafael</b>    | Prohibited   |
| <b>City of Pomona</b>        | Moratorium being prepared to allow further study of issue  |
| <b>City of San Leandro</b>   | Moratorium until November 2006   |
| <b>City of Carpentaria</b>   | Moratorium being prepared to allow further study   |
| <b>City of Santa Maria</b>   | Moratorium until April 2006  |
| <b>City of Mountain View</b> | Since they are not a use listed as either permitted or allowed by CUP in the code, an analysis was conducted to determine whether they could be permitted by way of interpretation as "the same or similar to a listed use". They concluded that they could go in as a pharmacy provided they were a licensed pharmacy |
| <b>City of Turlock</b>       | Emergency ordinance prohibiting these facilities pending further study   |
| <b>Town of Colma</b>         | Prohibited – preempted by Federal law  |
| <b>City of Pacifica</b>      | Prohibited   |
| <b>City of Mill Valley</b>   | Moratorium until June 5, 2006  |
| <b>City of Pinole</b>        | Moratorium in place; the City Council directed staff to form a task force to research the issue  |
| <b>City of Yorba Linda</b>   | Stand alone facility not permitted; allowed if part of an established pharmacy with doctor's prescription  |
| <b>City of Ukiah</b>         | Several ordinances adopted to regulate these uses – contact Marie Ulvila at <a href="mailto:marieu@cityofukiah.com">marieu@cityofukiah.com</a> for details   |
| <b>City of Susanville</b>    | Prohibited; City being sued over the prohibition   |
| <b>City of Gardena</b>       | Defined as a criminal activity and prohibited per Federal law  |
| <b>City of Millbrae</b>      | CUP in commercial zones (considered a “clinic” use)  |
| <b>City of Lemoore</b>       | Prohibited   |
| <b>City of Visalia</b>       | Ordinance adopted that regulates the use   |
| <b>City of Fort Bragg</b>    | CUP in industrial zone with background check/fingerprinting by the Police Department; special regulations adopted (see Land Use and  |

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|--|---|
|  | Development Code at <a href="http://www.fortbragg.com">www.fortbragg.com</a> )  |
| <b>City of Costa Mesa</b>  | Prohibited  |
| <b>City of Pismo Beach</b>   | Prohibited by ordinance per Federal preemption outside Coastal Zone; ordinance pending Coastal Commission certification inside Coastal Zone   |
| <b>City of Antioch</b>   | Moratorium until October 2006   |
| <b>City of El Cajon</b>  | Prohibited  |
| <b>City of Tustin</b>  | Prohibited – Interim Ordinance after dispensary opened under the guise of a herbal remedy store. Undercover purchases and subsequent search locating 25 pounds of marijuana, hashish, and hash oil. |
| <b>City of Rocklin</b>   | Prohibited through amended zoning ordinance.  |
| <b>City of Roseville</b>   | Ordinance adopted that regulates the use.   |
| <b>City of Hayward</b>   | Prohibited through amended zoning ordinance.  |
| <b>City of Huntington Beach</b>  | Prohibited by Ordinance 8/04  |
| <b>City of Ontario</b>   | Moratorium  |
| <b>City of Selma</b>   | Urgency Ordinance Moratorium  |
| <b>City of Temecula</b>  | Moratorium  |
| <b>City of Davis</b>   | Moratorium  |
| <b>City of Santa Rosa</b>  | Moratorium  |
| <b>City of Citrus Heights</b>  | Ordinance adopted to regulate use   |
| <b>City of San Luis Obispo</b>   | Moratorium  |
| <b>City of Clovis</b>  | Ordinance adopted to regulate use   |
| <b>City of Palm Springs</b>  | Moratorium  |
| <b>City of Ceres</b>   | Moratorium  |
| <b>City of Riverbank</b>   | Moratorium  |
| <b>REVISED: April 6, 2006/Captain Mark D. Weiss, Livermore Police Department</b> |   |

An additional list of cities and their regulations can be found at [www.safeaccessnow.org/article.php?id=2208](http://www.safeaccessnow.org/article.php?id=2208) (thanks to Debbie Pollart of San Leandro)

**Statistical Breakdown for the above table:**

|  |    |   |      |
|--|----|---|------|
| Total Number of Cities                           | 42 | = | 100% |
| Cities with Moratoriums                          | 18 | = | 43%  |
| Cities Prohibiting Dispensaries                  | 13 | = | 31%  |
| Cities Allowing Dispensaries through Zoning Laws | 6  | = | 14%  |
| Cities with Regulatory Ordinances                | 5  | = | 12%  |

For those jurisdictions listed, 74% currently have passed moratoriums, or have prohibited dispensaries as contrary to Federal law. 14% of the cities permit dispensaries through their local zoning laws, and only 12% of the named cities have adopted ordinances that specifically regulate medical marijuana dispensaries.