

ATTACHMENT 6
Community Meeting
PowerPoint Presentation

Regulation of Cultivation and Smoking of Marijuana

Community Meetings
August/September 2017

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Prop 64 = “AUMA”

- November 8, 2016: voters passed Prop 64
- Common interpretation:

“Made pot legal!”

— ...not entirely.

Recap of AUMA

- Portions effective Nov. 9, 2016:
 - Legalized **NON-PUBLIC** nonmedical use of marijuana (21 and over), and
 - personal cultivation of up to 6 plants per residence.

STILL ILLEGAL TO:

- Smoke cannabis in public
- Drive under influence of cannabis
- Sell cannabis without a state permit
- Possess over 28.5 grams
- Transport over 28.5 grams

- **Portions effective Jan. 1, 2018:** state licensing system for
 - commercial cultivation (growing)
 - distribution of nonmedical marijuana (selling)
 - testing
 - manufacturing of marijuana products

Recap of AUMA

- **Allows local land use regulation:**
 - **Ban, limit locations, limit number of locations**
- **Allows local personal cultivation permitting system**

AUMA: Restrictions on Personal Use

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“Smoke” under
AUMA
includes the
use of an
electronic
smoking
device that
creates a
vapor.

“To smoke” means to “inhale, exhale, burn,
or carry any lighted or heated device or
pipe, or any other lighted or heated
marijuana or marijuana product intended
for inhalation, whether natural or synthetic,
in any manner or in any form.”

(H&S 11362.3)



AUMA: Restrictions on Personal Use

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Notable existing restrictions on personal use provided by the AUMA:

- ❑ No smoking in public places
- ❑ No smoking where smoking tobacco is prohibited.
- ❑ No smoking within 1,000 feet of a school, day care center or youth center.
- ❑ No smoking while driving or riding in a vehicle.
- ❑ Cities may prohibit smoking and possession in buildings owned, leased, or occupied by the city.
- ❑ Employer may maintain drug-free workplaces: drug testing OK.

2006: Moratorium on Medical Marijuana uses

2008: Zoning amendment to prohibiting “medical marijuana dispensaries”

- 35 dispensaries shut down to date

2016: Prohibited marijuana deliveries citywide

- May 22, 2017- Prop 64 Study Session
 - The Adult Use of Marijuana Act (AUMA)
 - Harms of cannabis use on adolescents
 - Access to cannabis currently in Pomona
 - Traffic related impacts in Colorado
 - Business Opportunities
- Council Direction: Bring proposed bans

Proposed Ordinances (7/17/17)

Introduction and First Reading :

1. Personal Cultivation Regulatory Permit
2. Clarifying where smoking allowed

Draft Language for Planning Commission Review:

3. Ban on commercial activities
(Land Use Regulation)

1. City Code Amendment:

- Personal Cultivation Permit Program
- Prohibit Smoking of Marijuana in public. (Att. 1 to report)

2. Zoning Ordinance (Planning Commission):

- Ban In All Land Use Zones:
 - Prohibiting using any property in Pomona for commercial delivery, cultivation, manufacturing, testing, and sales at commercial dispensaries or recreational retailers. (Att. 2 to report)

Personal Cultivation

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34-901. – Cultivation Prohibitions

- a. No personal cultivation without permit
- b. No outdoor cultivation
- c. No commercial cultivation

Proposed Code

34-902. – Indoor Personal Marijuana Cultivation

- a. Regulate to extent possible under AUMA
- b. Require permit for health safety and welfare
- c. Permit to ensure compliance with state and local regulations
 - Indoor growing, cultivation, harvest and processing
 - Retain residential structure as primarily residential
 - Limited to one license per residence; defines residence as dwelling unit
 - Express written permission of owner of property
 - Limit off-site nuisances
 - Compliance with building codes

WHY HAVE CULTIVATION PERMITS?



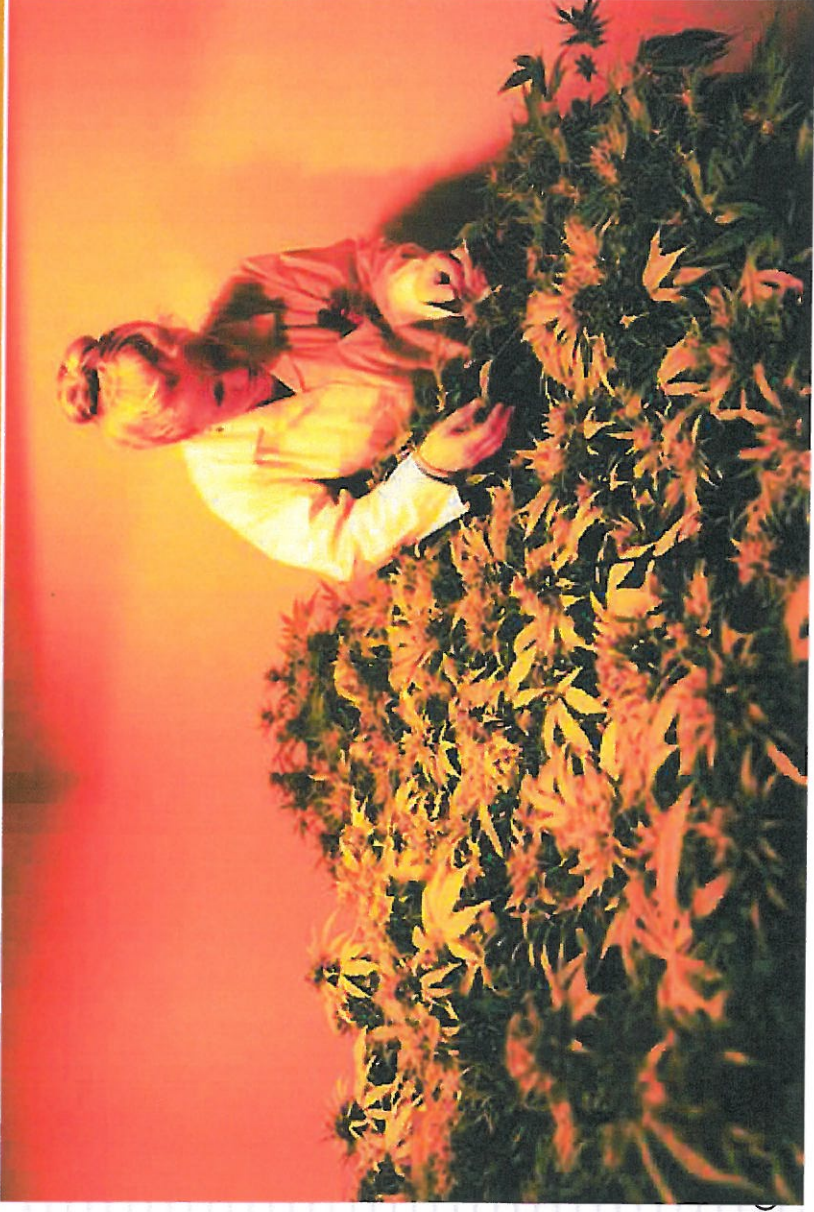




- Retain residential structure as primarily residential

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WHY HAVE CULTIVATION PERMITS?



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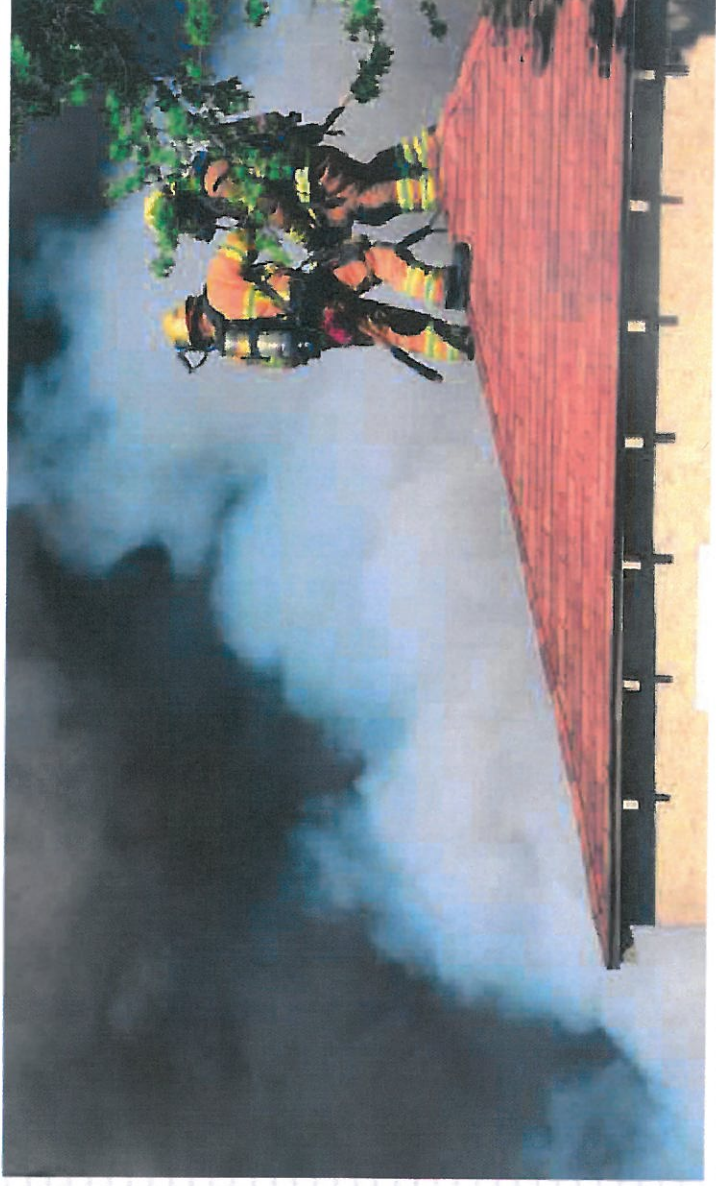
WHY HAVE CULTIVATION PERMITS?



- Express written permission of owner of property

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WHY HAVE CULTIVATION PERMITS?



- Limit off-site nuisances

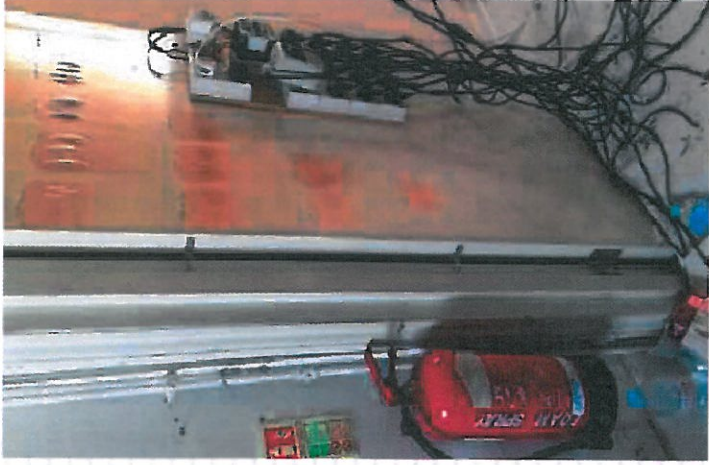
WHY HAVE CULTIVATION PERMITS?



- Compliance with building codes

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WHY HAVE CULTIVATION PERMITS?



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Proposed Code

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Sec. 34-903. – Marijuana Smoking and Use.

- (a) No smoking in any public place, including front yards of residences or view from public property
- (b) No odor or other environmental impact detectable off site
- (c) Smoking prohibited in place where tobacco use prohibited

Amendments To Proposed Ordinance

Added definition of “cultivation” in 34-900
consistent with AUMA:

Cultivation means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of marijuana.

Amendments To Proposed Ordinance

Amended definition of “Electronic smoking device” in 34-900; put in alphabetic order :

Electronic smoking device Electronic smoking device includes, but is not limited to, any such device, whether manufactured, distributed, or sold as an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, electronic hookah, or any other product name or descriptor. ...

Amendments To Proposed Ordinance

Amended definition of “Smoking” in 34-900:

Smoking means engaging in the act that generates smoke, such as, **but not limited to: ...**

Amendments To Proposed Ordinance

- 34-901
 - Amended title to “**Cultivation** Prohibitions”
 - Deleted “smoking and use” from 34-901; left prohibitions in 34-903
- 34-902 (d)(1)(f)
 - Added clarifying language that all aspects of producing marijuana for personal use are to be done at location of permit;
 - deleted same language at 34-902 (k)
- **Typographic changes**
 - “and” to “an”; “require” to “required”

Definition of cannabis

"Sec. 34-900. - Definitions.

...

"Marijuana shall mean all parts of the plant **Cannabis sativa L.**, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. The terms *marijuana* and *cannabis* shall be synonymous and have the same meaning. It does not include:

- (1) Industrial hemp, as defined in Section 11018.5 of the California Health and Safety Code; or
- (2) The weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink or other product. "

Is Cannabis sativa L. both the Indica and Sativa strains of cannabis?

Yes. Definition comes directly from AUMA. Name "Cannabis sativa L." is the genus-species name for cannabis, with "*indica*" being a subspecies.

Planning Commission Ordinance

Att. 2: Proposed Ordinance Banning All Commercial Cannabis Related Uses

- cultivation, possession, manufacture, distribution, processing, storing, laboratory testing, labeling, transportation, distribution, delivery or sale of marijuana and marijuana products
- for medical or recreational purposes.
- “all marijuana related activities for which a State license is required, pursuant to applicable State laws, as they may be amended from time to time.”

NEXT STEPS

1. **Community meetings**
 - A. August 2: Washington Park
 - B. August 29: Pomona Kiwanis Club
 - C. August 30: Ganesha Park
 - D. September 6: Westmont Park
2. **Code Amendment Second Reading:**
 - September 11, 2017 Council Meeting → Sept 18 or Oct 2
3. **Planning Commission to Consider Ban**
 - August 23, 2017
 - September 13, 2017
4. **City Council Consider Ban**
 - September 18 & October 2, 2017

COMMENTS & QUESTIONS