



# Memorandum

TO: HONORABLE MAYOR  
AND CITY COUNCIL

FROM: Richard Doyle  
City Attorney

SUBJECT: **Medical Marijuana Ordinances**

DATE: May 16, 2014

## SUPPLEMENTAL MEMO

### BACKGROUND

This memorandum is intended inform the Council regarding changes that have been made to the Title 6 and Title 20 of the San José Municipal Code relating to Medical Marijuana ("Proposed Ordinances") following the May 13, 2014 Council meeting.

### ANALYSIS

At the May 13, 2014 Council meeting the Council discussed the proposed Ordinances and after a lengthy discussion Councilmember Liccardo made a motion to approve the two memorandums from Mayor Reed, Vice Mayor Nguyen, Councilmember Oliverio and himself, as well as the separate memorandum from Mayor Reed, and paragraphs one and seven from Councilmember Rocha's memorandum. The matter was continued to the May 20, 2014 Council meeting for further discussion and action by the Council. The Proposed Ordinances have been revised to reflect the pending motion. However, a few of the additions and changes included in the motion concerning the Title 6 ("Regulatory Ordinance") have not been incorporated or have been modified, as detailed below.

The provisions in memos which are part of the pending motion which require an entertainment permit, prohibit self-illuminated advertising, and prohibit human or mechanical sign waivers have not been incorporated into this version of the Regulatory Ordinance. Each of these provisions requires further study to implement and would require the drafting of a separate ordinance from those currently before the Council. In the case of the entertainment permit and self-illuminated advertising provisions, existing portions of the Municipal Code that regulate entertainment permits and signs would have to be amended.

The provision prohibiting medical marijuana edibles from imitating candy has been modified. This version of the Regulatory Ordinance clarifies that the manufacture of all edibles must be done on-site. Additionally, edibles cannot imitate commercially produced goods that are marketed to children.

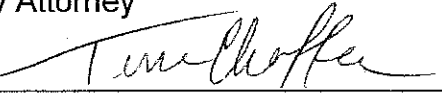
The provision requiring members of collectives to provide a valid Medical Marijuana State Identification Card issued by the Santa Clara County Department of Public Health has not been incorporated. This provision would require further study to determine if the City can require the State Identification Card, as that card is expressly voluntary under State law, and additional time to incorporate into the Regulatory Ordinance, if possible. It also potentially requires coordination with the County of Santa Clara to implement.

The pending motion also includes a provision requiring collectives to comply with all other operational regulations from the effective date of the Regulatory Ordinance regardless of registration status. This provision was already included in the Regulatory Ordinance at Subsection 6.88.400C.

**CONCLUSION**

The Proposed Ordinances have been modified to incorporate most of the changes that are included in the pending motion from the Council meeting of May 13, 2014.

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By:   
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