

From: [City Clerk](#)
To: [Agendadesk](#)
Subject: FW: MMJ - Amendments To Title 6
Date: Monday, May 18, 2015 1:27:53 PM
Attachments: [SML-CSJ-MMJ-LTR-Council-Time-Extension-18-May-15.pdf](#)

From: Susan M. Landry [REDACTED]
Sent: Monday, May 18, 2015 1:27 PM
To: [REDACTED]
Subject: MMJ - Amendments To Title 6

Hi Angelique,

Thank you for your time regarding the Time Extension and other Items described in you memo to Council for their consideration tomorrow.

I have prepared a letter listing my original concerns, identifying some that have not been addressed.

Please take these items into consideration before tomorrow's presentation to Council.

Susan M. Landry
Environmental Architect

Designing Spaces Between the Natural and Built Environment™

Trees were not consumed in the transmission of this email. Try this on your end too.

City of San Jose's Medical Marijuana Program Collective's Registration - Extension of Deadline

To: Angelique Gaeta, City Manager's Office
Sgt. Woolsey, SJP

RE: Time Extension for Completed Registration as a Medical Marijuana Collective

Subj: Staff's MMJ's Recommendations for Council's Consideration on 19th May °15

Angelique & Sgt. Woolsey,

Thank you for your memorandum to Council with several Recommendations regarding the MMJ Permit requirements and Collectives requirements to obtain a Notice of Completed Registration. I support your recommendation, except for one that I list below. As we previously discussed, there are several topics that needed to be addressed. This is a summary of my previous concerns:

- **Bars on Windows:**

- * Requirement have been changed in 6.88.420 - Security, Item F., page 19
- * Changes to Item F: "Windows and roof hatches of the Premises shall be secured from the inside with **effective means** ~~bars~~ so as to prevent unauthorized entry, and shall be equipped with latches **or a similar mechanism** that may be released quickly from the inside . . ."

- **Patient Label on Packaging:**

- * The requirements for **labels on packages vs. a leaflet enclosed in the package** has not been addressed in you memo. This is a big difference. A leaflet that is not affixed to the package is easy to forge, where a label on a package is harder to modify.
- * Current Language in 6.88.460 - Dispensing And Packaging of Medical Marijuana, Item B, page 39 states:

“All Medical Marijuana shall be packaged in an opaque childproof container which shall **contain a label or be accompanied by a leaflet** or insert that clearly states, in English, Spanish and Vietnamese, the following:

1. The complete legal name of the Qualified Patient who will be using the Medical Marijuana;
2. If the person obtaining the Medical Marijuana is a Primary Caregiver obtaining Medical Marijuana on behalf of a Qualified Patient, the complete legal name of the Primary Caregiver and the name of the Qualified Patient for whom he or she serves as a Primary Caregiver
3. The name, address and on-site land line telephone number of the Collective;
4. The amount of Medical Marijuana in the container;
5. The name of the Attending Physician recommending the use of Medical Marijuana for the Qualified Patient;
6. The date the Medical Marijuana was provided;
7. A list of the chemicals and or substances that were used during the Processing of the Medical Marijuana;
8. All necessary health and safety warnings, including, but not limited to direction that the Medical Marijuana be stored in a clean and dry place and out of the reach of children; and
9. A statement that the City of San Jose neither warrants nor guarantees the quality or safety of the Medical Marijuana contained therein.

* **Change the language to read:** “All Medical Marijuana shall be packaged in an opaque childproof container which shall contain a label **with Items 1. to 6. and shall be accompanied by a leaflet with Items 7. to 9. Inserted into the package.** ~~or insert Leaflet to be~~ that clearly states, in English, Spanish and Vietnamese, the following:

- Transfers between Collectives - allow a Registered Collective to provide products to another Registered Collective. Have a Permit Application that identifies the Collective & the other Collectives they are supplying. MMJ tracking programs can do this.
- Seeds & Starter plants:
 - * Where does a Collective get the seeds or cuttings to get stored if there is no carry-over of products?
 - * If they can't carry over product, then how do they have anything to grow?
 - * And how do they get new strains?
 - * **Add new Language about obtaining the starters and seeds needed to grow.**
- **Disclosure of Patient Name to Police:**
 - * Please clarify what is required to be submitted to the City. Based on the below excerpts below from Title 6, is the patients **name and** their member number to be submitted to the City or is it **just the member number?** From what I read, it **says**

patients name to be submitted.

- * 6.88.500, Item B. states - **All records** required by this Section shall be maintained by the Collective for a period of five (5) years and **shall be made available by the Collective to the City Manager and any City official.**
- * Item A, No. 2. states the following information concerning each member of the Collective to be maintained, sub-tiem a, **“Name and a confidential member number unique to that individual which is used solely for the log identified in Section 7 below”**
- * Collective's are bound by HIPPA, which regulates disclosure of Patient Information.
- * Making Collectives disclose medical information subjects them to potential lawsuits, as well as the City for requiring this disclosure.
- * The video surveillance also will disclose patient to police. A Collective is bound by HIPPA on who they can give patient info.
- * Here's my understandings:

Definitions: 6.88.280 Private Medical Record

"Private Medical Record" means documentation of the medical history of a Qualified Patient.

"Private Medical Record" **shall not include the recommendation of an Attending Physician or doctor for the medical use of Marijuana**, an Identification Card, or the designation of a Primary Caregiver by a Qualified Patient.

6.88.330 Registration Process

B. Consent for Inspection of Records and Location

c. Nothing in this Chapter requires the disclosure of any Qualified Patient member's Private Medical Record.

6.88.500 Maintenance of Records

- A. Each Collective shall maintain, at the Premises and in a fireproof safe, all records and documents required by Parts 3 and 4 of this Chapter and all the information and records listed below:
 - 2. The following information concerning each member of the Collective:
 - a. **Name and** a confidential member number unique to that individual which is used solely for the log identified in Section 7 below;
- B. All records required by this Section shall be maintained by the Collective for a period of five (5) years and **shall be made available by the Collective to the City Manager and any City official** charged with enforcing the provisions of this Code, in accordance with Sections 6.88.330B and 6.88.700 of this Chapter.

Potential Components of a Comprehensive MMJ Program

- | | |
|--|------------------------------------|
| A. Agricultural & Plant Propagation | E. Outreach & Education |
| B. Weights & Measures | F. Legislative Actions |
| C. Manufacturing Concentrates | G. Research Studies |
| D. Producing Edibles | H. Other |

A. Agricultural & Plant Propagation

- * Workers Safety & Handling
- * Plant Labeling – Genius, species and variety
- * Pesticide Use
- * Pests & Diseases

B. Weights & Measures

- * THC Content
- * Testing and Analysis
- * Measuring Scales & Product Scanners
- * Packaging
- * Product Labeling

C. Manufacturing Concentrates

- * MMJ Infused Products – wax, oils, tinctures, capsules, creams
- * Manufacture locations & Equipment
- * Water-Based and Food Grade Solvent-Based
- * Extraction Methods
- * Product Handling
- * Safety Standards

D. Producing Edibles

- * Manufacture locations & Equipment
- * Product Handling
- * Food Safety

- * Sanitation Standards

E. Outreach & Education

- * Re-Think, Re-Learn & Re-Train

- * Create a Working Task Force - County, City, Schools, Community and Collectives

- * It takes a Village

F. Legislative Actions

- * Federal reclassification of MMJ

- * Potential Legalization in 2016

G. Research Studies

- * Support Research Studies on MMJ

H. Other

- * Transporting MMJ between Cultivation & Dispensing Sites

- * Create an 'Approved MMJ Vendors' Program, allowing Collectives to have a pool of Vendors vs. having to grow & manufacture everything.