



# COUNTY OF SAN DIEGO

## BOARD OF SUPERVISORS

1600 PACIFIC HIGHWAY, ROOM 335, SAN DIEGO, CALIFORNIA 92101-2470

### AGENDA ITEM

**DATE:** June 23, 2009

**TO:** Board of Supervisors

**SUBJECT:** PROHIBITING MEDICAL MARIJUANA DISPENSARIES IN THE UNINCORPORATED AREA (DISTRICT: ALL)

#### SUMMARY:

##### **Overview**

Recently, the United States Supreme Court denied the County's petition requesting the Court to consider the County's lawsuit related to the conflict between federal and state law on the possession and use of marijuana for medical purposes. The sale and use of marijuana is illegal under Federal law for any purpose. However, marijuana use is allowed under State law when it is being used for certain medical purposes. Due to the Supreme Court's denial of the petition, the County will be issuing medical marijuana ID cards beginning July 2009. The purpose of the State law relating to identification cards is to allow qualified patients to apply for and receive medical marijuana identification cards.

The for-profit sale of medical marijuana is illegal. In an effort to protect unincorporated neighborhoods from the serious negative impacts which medical marijuana dispensaries may cause, action is needed to make certain that the County's Zoning Ordinance is clear regarding their establishment. The proliferation of these dispensaries is a threat to public safety, public health, and community character. Today's action will direct the Chief Administrative Officer to work with County Counsel to draft an ordinance for the Board's approval prohibiting medical marijuana dispensaries from operating within the unincorporated area.

##### **Recommendation(s)**

##### **CHAIRWOMAN JACOB, SUPERVISOR HORN, SHERIFF KOLENDER, AND DISTRICT ATTORNEY DUMANIS**

Direct the Chief Administrative Officer to work with County Counsel to draft an ordinance amendment to the County's Zoning Ordinance prohibiting illegal medical marijuana dispensaries from operating within the unincorporated area of the County.

**SUBJECT: PROHIBITING MEDICAL MARIJUANA DISPENSARIES IN THE UNINCORPORATED AREA (DISTRICT: ALL)**

**Fiscal Impact**

There is no fiscal impact associated with this action.

**Business Impact Statement**

N/A

**Advisory Board Statement**

N/A

**BACKGROUND:**

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Respectfully submitted,

DIANNE JACOB  
Chairwoman, District 2

BILL HORN  
Supervisor, District 5

WILLIAM B. KOLENDER  
Sheriff

BONNIE DUMANIS  
District Attorney

