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Title: DISCUSSION AND CONSIDERATION OF A LETTER OF SUPPORT TO OPPOSE STATE REGULATORY PREEMPTION OF LOCAL CONTROL OVER CANNABIS DELIVERIES, AND PRESSING FOR A LAWSUIT TO STOP THE STATE FROM PROHIBITING LOCAL CONTROL OVER CANNABIS DELIVERIES; UPDATE FROM THE LOS ANGELES COUNTY SHERIFF'S DEPARTMENT ON CANNABIS LAW ENFORCEMENT EFFORTS IN LOS ANGELES (CITY COUNCIL)

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9/3/2019	1	City Council		

Report to Mayor and City Council

Tuesday, September 03, 2019

Discussion

SUBJECT:

DISCUSSION AND CONSIDERATION OF A LETTER OF SUPPORT TO OPPOSE STATE REGULATORY PREEMPTION OF LOCAL CONTROL OVER CANNABIS DELIVERIES, AND PRESSING FOR A LAWSUIT TO STOP THE STATE FROM PROHIBITING LOCAL CONTROL OVER CANNABIS DELIVERIES; UPDATE FROM THE LOS ANGELES COUNTY SHERIFF'S DEPARTMENT ON CANNABIS LAW ENFORCEMENT EFFORTS IN LOS ANGELES (CITY COUNCIL)

I. SUMMARY

The Bureau of Cannabis Control in January, 2019 preempted local control over cannabis deliveries into a city from legal cannabis dispensaries located outside of that city. The City Council is asked to consider a letter to State leaders both opposing this regulation as well as in support of a lawsuit against this regulation. The Los Angeles County Sheriff's Department will also provide an update to City Council on continuing law enforcement efforts to enforce State cannabis laws.

II. RECOMMENDATION

TAKE the following actions:

A. CONSIDER whether to **AUTHORIZE** staff to draft a letter both in opposition to 16 CCR 5416(d), which preempts local control over cannabis deliveries, and in support of a lawsuit by local agencies against 16 CCR 5416(d), to be sent to the Governor and other State leaders as determined by the City Manager; and, **AUTHORIZE** the Mayor to sign such letter upon review by the Mayor as to the content being consistent with Council direction.

B. RECEIVE and **DISCUSS** update from Los Angeles County Sheriff's Department concerning cannabis enforcement activities.

A.

III. ALTERNATIVES

Take other action as considered appropriate and consistent with law.

IV. BACKGROUND

In January, 2019 the California Bureau of Cannabis Control ("BCC") officially preempted local control over cannabis deliveries into a city (from a legal dispensary outside the city) through the adoption of Regulation 5416(d) (16 CCR § 5416(d)).

The BCC asserts that Regulation 5416(d) is a logical extension of the intent of Proposition 64 to legalize limited adult use of cannabis for Californians.

Opponents of Regulation 5416(d) argue that Regulation 5416 is unlawful. According to the League of California Cities, Regulation 5416 subverts the intent of the voters who approved Proposition 64 by removing local governments' ability to prohibit cannabis deliveries within its jurisdiction.

On April 5, 2019 a coalition of local California governments filed a lawsuit against the BCC seeking to overturn Regulation 5416(d) (*County of Santa Cruz, et al. v. Bureau of Cannabis Control*).

The City Council is asked to consider authorizing a letter to be drafted by the City Attorney's Office expressing opposition to Regulation 5416(d) as unlawful and contrary to the intent of Proposition 64, and in support of the aforementioned lawsuit, to be signed by the Mayor and sent to the Governor and other state leaders as determined by the City Manager.

The Los Angeles County Sheriff's Department (LASD) continues to engage in enforcement of State cannabis laws. The LASD will provide an update and status report on these continuing activities to the Council.

V. FISCAL IMPACT

None.

VI. EXHIBITS

None.

Prepared by: City Manager's Office