AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF LONG BEACH AMENDING THE LONG BEACH
MUNICIPAL CODE BY ADDING SECTION 5.90.300
RELATED TO THE IMPLEMENTATION OF THE STATE’S
MEDICAL AND ADULT-USE CANNABIS REGULATION AND
SAFETY ACT

WHEREAS, in 2015, the Governor signed into law the Medical Cannabis
Regulation and Safety Act ("MCRSA"), which established the State’s regulatory
framework for the medical cannabis industry; and

WHEREAS, in 2016, the Control, Regulate and Tax Adult Use of Marijuana
Act ("AUMA"), a voter initiative to legalize recreational marijuana and eventually license
and regulate recreational marijuana businesses in California, passed and became law;
and

WHEREAS, on June 27, 2017, the Governor signed into law the Medicinal
and Adult-Use Cannabis Regulation and Safety Act ("MAUCRSA"), which repealed
MCRSA and included certain provisions of MCRSA in the licensing provisions of AUMA;
and

WHEREAS, Chapter 5.90, "Medical Marijuana Businesses", of the Long
Beach Municipal Code ("LBMC"), the result of a voter initiative, went into effect on
December 23, 2016, and allows, in certain specified circumstances, for the operation and
regulation of medical marijuana businesses, including dispensaries, cultivation,
manufacturing, distribution, and testing, in the City of Long Beach; and

WHEREAS, Chapter 5.90 requires a medical marijuana business to be
issued a City of Long Beach Business License prior to operation, in addition to other
requirements such as issuance of a state license under MCRSA, when available; and
WHEREAS, since Chapter 5.90 references the former law MCRSA and its provisions, the City must implement clean-up language to remain consistent and in compliance with MAUCRSA; and

WHEREAS, MAUCRSA also establishes day care center and youth center buffers for medical marijuana businesses that were not mandated under MCRSA or Chapter 5.90 of the LBMC; specifically, no marijuana business may be located within a 600-foot radius of a day care center or youth center that is in existence at the time the State license is issued, unless a licensing authority or a local jurisdiction specifies a different radius; and

WHEREAS, MAUCRSA provides a clear definition for "day care center" under Section 1596.76 of the Health and Safety Code and such establishments are easily trackable; and

WHEREAS, MAUCRSA's definition for "youth center" is provided in Section 11353.1 of the Health and Safety Code, a definition which is unclear and open-ended, leaving "youth centers" burdensome to define and track; and

WHEREAS, due to the lack of clarity regarding "youth centers", the City seeks to set a 0-foot buffer for "youth centers" for medical marijuana businesses pursuant to its authority under MAUCRSA; and

WHEREAS, the City further seeks to implement the State's 600-foot buffer for "day care centers" for medical marijuana businesses; however, to avoid undue burden on medical marijuana business license applicants already involved in or planning to be involved in the licensing process established under LBMC Chapter 5.90, the City wishes to set an effective date of January 1, 2018, for said buffer, exempting all applicants that have submitted applications prior to such date;

///

///

///

///
NOW, THEREFORE, the City Council of the City of Long Beach ordains as follows:

Section 1. Section 5.90.300 is added to the Long Beach Municipal Code to read as follows:

5.90.300 Implementation of the Medicinal and Adult-Use Cannabis Regulation and Safety Act.

A. Replacement provisions.

1. Wherever this Chapter refers to the "Medical Marijuana Regulation and Safety Act" or "MMRSA" or its provisions, it shall be deemed to refer to the "Medicinal and Adult-Use Cannabis Regulation and Safety Act" or "MAUCRSA", enacted into law by the State of California on June 27, 2017, and its provisions.

2. Wherever this Chapter refers to "California Business and Professions Code section 19300.5" and any of its subsections, it shall be deemed to refer to "California Business and Professions Code section 26001".

3. With the exception of testing laboratory licenses, wherever this Chapter refers to state license types, they shall be deemed to bear the designation of an "M-license" for medicinal cannabis.

4. Wherever this Chapter refers to "Health and Safety Code section 19346", it shall be deemed to refer to "California Business and Professions Code section 26120".

5. Wherever this Chapter refers to a "Type 10A Dispensary" license, it shall be deemed to refer to a "Type 10 Retailer" license under MAUCRSA.

6. Wherever this Chapter refers to "Business and Professions Code section 19335(a)", it shall be deemed to refer to
“Business and Professions Code section 26067(a)”.  

7. Wherever this Chapter refers to “Business and Professions Code section 19322(6)”, it shall be deemed to refer to “Business and Professions Code section 26051.5(a)(5)”.  

B. Day Care Center Buffer.  

1. Pursuant to its authority under Section 26054 of the Business and Professions Code, the City hereby implements the State’s 600-foot radius buffer requirement for day care centers for Medical Marijuana Businesses licensed under this Chapter.  

2. Per Section 26001(o) of the Business and Professions Code, “day care center” shall have the same meaning as in Section 1596.76 of the Health and Safety Code.  

3. This Section shall only apply to Medical Marijuana Business License applicants who have submitted an application for a Medical Marijuana Business License under this Chapter on or after January 1, 2018. A Medical Marijuana Business License applicant who has submitted a Medical Marijuana Business License application prior to January 1, 2018, is exempt from the day care center buffer established by this Section as to that application.  

C. Youth Center Buffer.  

Pursuant to its authority under Section 26054 of the Business and Professions Code, the City hereby establishes a 0-foot radius buffer for youth centers for Medical Marijuana Businesses licensed under this Chapter.  

Section 2. The City Clerk shall certify to the passage of this ordinance by the City Council and cause it to be posted in three (3) conspicuous places in the City of Long Beach, and it shall take effect on the thirty-first (31st) day after it is approved by the Mayor.
I hereby certify that the foregoing ordinance was adopted by the City Council of the City of Long Beach at its meeting of October 10, 2017, by the following vote:

Ayes: Councilmembers: Gonzalez, Pearce, Price, Supernaw, Mungo, Andrews, Austin, Richardson.

Noes: Councilmembers: None.

Absent: Councilmembers: Uranga.

Approved: 10/13/17

(Date)

City Clerk

Mayor
STATE OF CALIFORNIA ) ss
COUNTY OF LOS ANGELES )
CITY OF LONG BEACH )

Samantha Vargas Rios being duly sworn says: That I am employed in the Office of the City Clerk of the City of Long Beach; that on the 12th day of October 2017, I posted three true and correct copies of Ordinance No. ORD-17-0026 in three conspicuous places in the City of Long Beach, to wit: One of said copies in the entrance lobby of City Hall in front of the Information Desk; one of said copies in the Main Library; and one of said copies on the front counter of the Office of the City Clerk.

Subscribed and sworn to before me this 12th day of October, 2017.