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Mendocino County begins reworking local medical marijuana ordinance

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2 COMMENTS

Mendocino County has begun its review of the existing local 9.31 Medical Marijuana Cultivation Regulation Ordinance in light of the recent medical marijuana regulatory package signed into law in October that will now require state oversight of the entire industry.

The new medical marijuana regulations take effect the first of the year, but local municipalities face a March 1, 2016 deadline to put in place regulations to preserve local control. Otherwise, the state will take jurisdiction in regulating that area.

The Mendocino County Board of Supervisors marijuana ad hoc committee was repurposed this past Tuesday to work on the issue, and hopes to report back to the board by year's end with possible

recommendations regarding the local ordinance.

County Supervisors Tom Woodhouse and John McCowen, who were part of the former marijuana ad hoc committee that considered potential local impacts if marijuana were to be legalized, are leading the repurposed ad hoc.

Woodhouse said Friday that he and McCowen are going to take apart the county's current 9.31 ordinance and rebuild it.

At the very least, Woodhouse said, the ad hoc would be working on taxes and fees and how those can be collected locally, along with how those in the industry are going to get licensed locally, while also looking at the legislative process itself and gathering more information.

Woodhouse said the most important issue is how the county is going to effectively collect revenue as there isn't a big funding stream available to make up for the probability that extra staff would be needed in the enforcement of the new laws.

"Our concerns include the enforcement of people who don't buy into the system, and how we need to approach or fund the enforcement of the issue," Woodhouse said. "We're weak there."

Hezekiah Allen, executive director of the California Growers Association, a cannabis advocacy group, said there are still questions about land use as to what licenses will be required for what parcels with what permits, and what the fees will be.

"Counties and cities must determine how the program will be administered, who will enforce the regulations and what the penalties will be," Allen said. "This is going to be a challenging transition for everyone involved. It is going to take time. Keep it simple, focused and clear," he recommended.

Allen said with the new regulations, there are now opportunities for partnerships to address the public safety and environmental impacts of criminal activity, and that both the county and those in the industry should be looking to build those partnerships.

CURRENT MENDOCINO COUNTY ORDINANCE

Mendocino County's current Medical Marijuana Cultivation Regulation Chapter 9.31 covers the unincorporated areas of the county by "balancing the needs of medical patients and their caregivers for enhanced access to medical marijuana, the needs of neighbors and communities to be protected from public safety and nuisance impacts, and the need to limit harmful environmental impacts that are sometimes associated with marijuana cultivation."



Proposition 215, passed by voters in 1996, exempts patients and caregivers who possess or cultivate marijuana for medical treatment as recommended by a physician, from criminal laws.

The county's local 9.31 chapter provides for local governance in relation to the rights of those under Proposition 215.

Specifically, local regulations include that 25 marijuana plants be allowed per parcel, either indoors or outdoors, for those eligible. The Mendocino County Sheriff's Office requires the issuance of zip-ties to be affixed to the 25 plants to provide proper identification for enforcement.

The ordinance also defines that illegal practices are forbidden, such as growing an excess of 25 plants, producing environmental degradation and diverting water from streams, creeks or rivers.

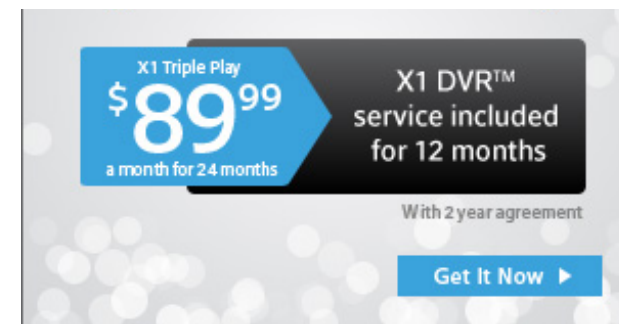
Until now, outside of efforts by law enforcement, state legislators say medical marijuana within California was largely unregulated at the state and local levels, and was consequently affecting the environment by some offenders who were stealing water, allowing pesticides to be discharged into water sources, and those who were abusing the medical marijuana system by profiting with illegal practices, all of which weren't alleviated until offenders were caught, by which time the damage was already done.

Sen. Mike McGuire, D-Healdsburg, Assembly members Jim Wood, D-Healdsburg, Rob Bonta, D-Oakland and Tom Lackey, R-Palmdale, sought to change the industry this year by combining each's respective bill into what is now known as the Medical Marijuana Safety and Regulation Act, where specifics including environmental protections for natural resources, water use and discharge and pesticide use were added into the state's oversight and will now be regulated.

LOCAL ISSUES

Allen said local jurisdictions will now have state assistance in handling compliance issues related to commercial cannabis activities, along with assistance in enforcement of noncompliance and criminal activities.

As such, the county will potentially have to define in its revised ordinance what it wants to regulate. Allen said under the new state law, cities and counties can now authorize and license commercial cannabis cultivation, manufacturing facilities, those that process the raw plant material into other products including, edible items and infused topical products.



Distribution will also be subject to licensing, as well as laboratory and testing facilities, and dispensaries.

“Implementation of this legislation means business opportunities in our communities, and will lead to safer communities,” Allen said.

Additionally, the plant count defined in the current 9.31 ordinance has become an important topic among local medical marijuana cultivators who have said the amount allowed is too low, and have been asking the Mendocino County Board of Supervisors to increase the count allowed from 25 plants to 99 plants for some time now.

Woodhouse said that topic will also be considered within the ad hoc’s scope of work.

“The plant count will be an important part of the discussion because there are consequences to everything we do,” Woodhouse said. “It would be something for the full board to decide.”

Woodhouse wants the public to know that the ad hoc is seeking advice in its reconfiguration of the county’s local medical marijuana ordinance. He said comments or suggestions from the public in regard to the new laws and the ad hoc’s work are welcome, and can be submitted by email or mail to any of the supervisors.

Woodhouse said he wasn’t sure if any special meetings for the public would be planned to solicit input.

“I’m proud that Mendocino County is a leader in this,” Woodhouse said. “It’s a whole new ballgame now.”

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