

**Independent, locally owned and operated!**

www.lamorindaweekly.com 925-377-0977

Published June 22nd, 2011

Commission Recommends Banning Medical Marijuana Dispensaries

By Cathy Tyson

While Oakland, San Francisco, Berkeley and other municipalities have chosen to allow medical marijuana dispensaries (MMDs), Lafayette prefers to decline. Because a temporary moratorium is set to expire on July 27, 2011, the Planning Commission recently approved a recommendation to alter the Municipal Code to ban the MMDs along with the cultivation of pot. Their recommendation will go to the City Council for final approval at the end of the month.

Although California voters approved Proposition 215 "The Compassionate Use Act of 1996" the U.S. Supreme Court, via the Controlled Substances Act, has ruled that possession and use of marijuana is a crime. At the moment however, there seems to be a tepid truce. Just recently U.S. Attorney General Eric Holder suggested that the Justice Department will work with governors to reach a resolution. No word on exactly what that entails or when it will be addressed.

Lafayette Police Chief Mike Hubbard fully supports making the temporary moratorium permanent, "While not wanting to get into a debate with anyone regarding the medicinal uses for marijuana, there are certainly issues with regard to the dispensaries." He cites numerous cases in which an 18-year-old high school student obtains a medical marijuana card and ends up selling pot to younger students.

In the meantime, because the Lafayette Municipal Code doesn't have specific regulations on medical marijuana dispensaries, "The City has taken the position of prohibiting medical marijuana dispensaries due to the violation of federal law," said a recent staff report.

Since July 27, 2009 a moratorium on the establishment of MMDs has been in effect and was extended twice by Urgency Ordinance, reaching its maximum number. Lafayette isn't alone in its stance; Moraga and Orinda also adopted rules prohibiting the establishment of MMDs - their research found that MMDs have resulted in negative and harmful secondary effects such as an increase in crime and an increase in driving while under the influence of marijuana.

Lafayette Planning Services staff analyzed sixteen local jurisdictions, looking at their land use regulations and likely impacts of MMDs. Staff recommends the adoption of regulations prohibiting dispensaries based upon the negative health, safety and general welfare impacts.

The recommendation will be sent to the City Council for approval on June 27. Because prior measures have been approved, it's expected that these proposed amendments that would prohibit cultivation or production along with establishing or operating of a medical marijuana dispensary will be approved.

Reach the reporter at: cathy@lamorindaweekly.com

[back](#)

Copyright © Lamorinda Weekly, Moraga CA