

OFFICE OF THE CITY CLERK  
FILED  
OAKLAND CITY COUNCIL  
2004 NOV 19 PM 3:34  
C.M.S.

**OAKLAND CITY COUNCIL**  
RESOLUTION NO. 78331

INTRODUCED BY COUNCILMEMBERS JEAN QUAN AND IGNACIO DE LA FUENTE



**A RESOLUTION DECLARING A LOW POLICE PRIORITY RELATED TO MEDICAL MARIJUANA CONSISTENT WITH OAKLAND MUNICIPAL CODE SECTION 5.80 AND SB 420; AND RESCINDING RESOLUTION NO. 72516 DECLARING INVESTIGATION AND ARREST OF INDIVIDUALS INVOLVED WITH MEDICAL MARIJUANA A LOW PRIORITY POLICY**

**WHEREAS**, on March 12, 1996, the Oakland City Council passed Resolution No. 72516 C.M.S. supporting the activities of the Oakland Cannabis Buyer's Club and declaring that the investigation and arrest of individuals involved with the medical use and distribution, processing, cultivation and purchasing of marijuana shall be a low priority for the City of Oakland; and

**WHEREAS**, the Compassionate Use Act was approved by the voters in November of 1996 and enacted without establishing guidelines or protocols for local jurisdictions; and

**WHEREAS**, lacking guidelines or protocols from the State, the Oakland City Council, adopted Ordinance No. 12076 C.M.S. on July 28, 1998 establishing a City of Oakland Medical Marijuana Distribution Program, and

**WHEREAS**, the California State Legislature recently adopted SB 420 to clarify the scope of the application of the Compassionate Use Act, establish protocols and promote uniform and consistent application among all local jurisdictions in the state to enhance the access of patients and caregivers to medical marijuana; and

**WHEREAS**, SB 420 allows cities and local governing bodies to develop laws and regulations consistent with state law; and

**WHEREAS**, the Oakland City Council desires to amend its medical cannabis policies to clearly define which individuals, collectives, and/or dispensaries involved with the medical use of marijuana are subject to the City of Oakland's low police priority policy consistent with the provisions of SB 420 and Oakland Municipal Code Section 5.80; now therefore be it

**RESOLVED**, that the Oakland City Council hereby rescinds Resolution No. 72516 C.M.S. for the sole purpose of defining which individuals, collectives or dispensaries involved with the medical use of marijuana are subject to the City's low police priority policy consistent with Oakland Municipal Code Section 5.80 and SB 420 and continues its support of the Oakland Cannabis Buyers Club; and be it further

**RESOLVED**, that the City Council hereby declares that it shall be the policy of the City of Oakland that the detention, investigation and arrest and any other law enforcement activities of the following is a low priority for the City of Oakland:

- (1) qualified patients who possess, purchase, cultivate, and/or use no more than the maximum amounts of medical cannabis specified in City Policy;
- (2) primary care givers of qualified patients who purchase, possess, cultivate for and/or provide to such qualified patients no more than the maximum amounts of medical cannabis specified in City Policy;
- (3) medical cannabis collectives who meet the requirements of Senate Bill 420 and Oakland Municipal Code (“OMC”) Chapter 5.80 and are comprised of no more than three qualified patients and their primary care givers;
- (4) a dispensary as defined in OMC Chapter 5.80, entitled An Ordinance Amending Title V of the Oakland Municipal Code Entitled business Licenses and Regulations to Include Chapter 5.80 Pertaining to Cannabis Dispensary Permitting”, that holds a current, valid permit issued by the City and is operating in compliance with such permit and other entities authorized by OMC Chapter 5.80 such hospitals and research facilities; and
- (5) entities authorized pursuant to Oakland Municipal Code Chapter 8.46.030; and be it further

**RESOLVED**, no activities related to cannabis other than those described in this resolution shall be a low priority for the City of Oakland; and be it further

**RESOLVED**, that no use which purports to have distributed marijuana prior to the enactment of this Chapter shall be deemed to have been a legally established use under the provisions of the Oakland Planning Code and such use shall not be entitled to claim legal nonconforming status; and be it further

**RESOLVED**, that this resolution shall become effective on June 1, 2004.

IN COUNCIL, OAKLAND, CALIFORNIA, February 3, 2004 ~~xx~~

**PASSED BY THE FOLLOWING VOTE:**

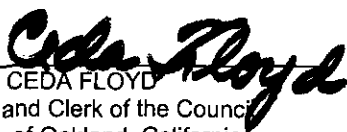
AYES - ~~BROOKS~~, BRUNNER, CHANG, DE LA FUENTE, NADEL, QUAN, REID, WAN - 7

NOES- BROOKS - 1

ABSENT- 0

ABSTENTION- 0

ATTEST: \_\_\_\_\_

  
CEDA FLOYD  
City Clerk and Clerk of the Council  
Of the City of Oakland, California