

CITY OF OAKLAND



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May 29, 2024

From: Councilmember At-large Rebecca Kaplan
To: Oakland City Council and the Mayor's Office

RE: Consumption Ordinance

On May 28, 2024, the Committee for Community and Economic Development (CED Committee) unanimously voted to send a proposed amendment to Section 5.80.025 of the Oakland Municipal Code (O.M.C.) to the June 4, 2024 Oakland City Council meeting. The proposed amendment originated from the At-Large Office. This supplemental report addresses outstanding questions raised by the CED Committee regarding existing cannabis ordinances that are not changed by adopting the proposed amendment. The following bulleted list addresses those questions.

- [Oakland Municipal Code \(OMC\) 5.80.035](#)¹ requires the City Administrator to adopt regulations for the permitting of dispensaries and onsite consumption. OMC 5.80.035 further requires cannabis permittees to remain in compliance with the City's cannabis regulations, OMC 5.80, and state law.
- In addition, [OMC 5.80.025\(C\)](#)² provides the City Administrator with the authority to establish conditions of approval for each onsite consumption permit, including, but not limited to, a parking plan, ventilation plan, anti-drugged driving plan, and set hours of operation.
- Smoking in the City is regulated by [the City's smoking ordinance, OMC 8.30](#)³, which, unless and until it is amended, prohibits smoking in enclosed places of employment.
- [Here is the link to the City's current cannabis operator regulations](#)⁴.
- Permitted dispensaries in Oakland can be found at the following link:
<https://www.oaklandca.gov/topics/permitted-cannabis-dispensaries>⁵

Sincerely,
Rebecca Kaplan
Councilmember At-Large

¹https://library.municode.com/ca/oakland/codes/code_of_ordinances?nodeId=TIT5BUTAPERE_CH5.80MEADECADIPE_5.80.035RE

²<https://cao-94612.s3.amazonaws.com/documents/OMC-5.80-and-5.81.pdf>

³https://library.municode.com/ca/oakland/codes/code_of_ordinances?nodeId=TIT8HESA_CH8.30SM

⁴<https://cao-94612.s3.us-west-2.amazonaws.com/documents/Final-2023-Cannabis-Operator-Regulations.pdf>

⁵<https://www.oaklandca.gov/topics/permitted-cannabis-dispensaries>