

Development Code Update Project
Article II Development Standards
Chapter 17.38
Medical Marijuana Dispensaries

ARTICLE II DEVELOPMENT STANDARDS

CHAPTER 17.38 MEDICAL MARIJUANA DISPENSARIES

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17.38.010 Purpose and Findings

The City Council finds that federal and state laws prohibiting the possession, sale and distribution of marijuana would preclude the lawful opening and operation of medical marijuana dispensaries sanctioned by the City of Loma Linda and in order to serve public health, safety, and welfare of the residents and businesses within the City. The declared purpose of this chapter is to prohibit the operation or establishment of medical marijuana dispensaries within the City, as provided in this chapter.

17.38.020 Definitions

- A. **Identification Card** is a document issued by the State Department of Health Services which identifies a person authorized to engage in the medical use of marijuana and the person's designated primary caregiver, if any.
- B. **Medical Marijuana** is marijuana used for medical purposes where that medical use is deemed appropriate and has been recommended by a physician who has determined that the person's health would benefit from the use of marijuana in the treatment of cancer, anorexia, AIDs, chronic pain, spasticity, glaucoma, arthritis, migraine, or any other serious medical condition for which marijuana is deemed to provide relief as defined in the California Health and Safety Code Sections 11362.7(h).
- C. **Medical Marijuana Dispensary or Dispensary** is any facility or location where medical marijuana is made available to and/or distributed by or to three (3) or more of the following: a qualified patient, a person with an identification card, or a primary caregiver. Each of these terms is defined herein and shall be interpreted in strict accordance with California Health and Safety Code Sections 11362.5 and 11362.7, et seq. and such sections may be amended from time to time.

- D. **Primary Care Giver** is the individual, designated by a qualified patient or by a person with an identification card, who has consistently assumed responsibility for the housing, health, or safety of that patient or person.
- E. **Physician** is an individual who possesses a license in good standing to practice medicine or osteopathy issued by the Medical Board of the Osteopathic Medical Board of California and who has taken responsibility for an aspect of the medical care, treatment, diagnosis, counseling, or referral of a patient and who has conducted a medical examination of that patient before recording in the patient's medical record the physician's assessment of whether the patient has a serious medical condition and whether the medical use of marijuana is appropriate.

17.38.030 Medical Marijuana Dispensaries Prohibited

It shall be unlawful for any person or entity to own, manage establish conduct, operate any medical marijuana dispensary, or to participate as an employee, contractor agent or volunteer, or in any other manner or capacity, in any medical marijuana dispensary, in the City of Loma Linda.

17.38.040 Use of Activity Prohibited by State or Federal Law

Nothing contained in this chapter shall be deemed to permit or authorize any use or activity which is otherwise prohibited by any state or federal law.