

**The Medical Cannabis Advocate's Handbook**



**MODEL ORDINANCE  
FOR REGULATING  
MEDICAL CANNABIS  
DISPENSING CENTERS**

# **SAMPLE ORDINANCE**

## **REGULATING MEDICAL CANNABIS DISPENSING CENTERS**

### Purposes and Intent

- (1) To implement the provisions of state law such that local distribution of medical cannabis can be effectively regulated and licensed, and thereby protected from unnecessary law enforcement actions.
- (2) To help ensure that seriously ill residents can obtain and use cannabis for medical purposes where that medical use has been deemed appropriate by a physician in accordance with State law.
- (3) To help ensure that the qualified patients and their designated caregivers who obtain or cultivate cannabis solely for the qualified patient's medical treatment are not subject to arrest, criminal prosecution, or sanction.
- (4) To protect citizens from the adverse impacts of unregulated medical cannabis distribution, storage, and use practices.
- (5) To establish a new code section pertaining to the permitted distribution of medical cannabis consistent with state law.

Nothing in this ordinance purports to permit activities that are otherwise illegal under state or local law.

### **Definitions**

See state law for relevant definitions.

The following phrases, when used in this chapter, shall be construed as defined below:

"Medical Cannabis Dispensing Center" or "Dispensing Center". Qualified patients and designated caregivers of qualified patients who associate, as an incorporated or unincorporated association in order to lawfully provide medical cannabis for use exclusively by their registered members, in strict accordance with state law.

"Director." The Director of Planning or other person authorized to issue a Conditional Use Permit pursuant to \_\_\_\_\_ code.

### Conditional Use Permit Required

A Conditional Use Permit shall be required to establish or operate a Medical Marijuana

Dispensing Center in compliance with the requirements of this section when located in the \_\_\_\_\_ Zones.

### **Application Procedure**

- (1) In addition to ensuring compliance with the application procedures specified in Section \_\_\_\_\_, the Director shall send copy of the application and related materials to all other relevant City departments for their review and comment.
- (2) A disclaimer shall be put on the Medical Marijuana Dispensing Center zoning application forms that shall include the following:
  - a. A warning that the Medical Marijuana Dispensing Center operators and their employees may be subject to prosecution under federal law; and
  - b. A disclaimer that the City will not accept any legal liability in the connection with any approval and/or subsequent operation of a Medical Marijuana Dispensing Center.

**Findings.** In addition to the findings required to establish compliance with the provisions of Section \_\_\_\_\_, approval of a Conditional Use Permit for a Medical Marijuana Dispensing Center shall require the following findings:

- (1) That the requested use at the proposed location will not adversely affect the economic welfare of the nearby community;
- (2) That the requested use at the proposed location is sufficiently buffered in relation to any residential area in the immediate vicinity so as not to adversely affect said area; and
- (3) That the exterior appearance of the structure will be consistent with the exterior appearance of structures already constructed or under constructing within the immediate neighborhood, so as to prevent blight or deterioration, or substantial diminishment or impairment of property values within the neighborhood.

### **Location.**

The location at which a Dispensing Center distributes medical cannabis must meet the following requirements:

- (1) The location must be in a non-residential zone appropriate for retail or health care use;

- (2) The location must not be within 500 feet of a K-12 public school to be measured by a straight line between the two locations;
- (3) The location must not be within 1,000 feet of another Dispensing Center.

### **Police Department Procedures and Training.**

- (1) Within six months of the date that this chapter becomes effective, the training materials, handbooks, and printed procedures of the Police Department shall be updated to reflect its provisions. These updated materials shall be made available to police officers in the regular course of their training and service.
- (2) Medical cannabis-related activities shall be the lowest possible priority of the Police Department.
- (3) Qualified patients, their designated caregivers, and Dispensing Centers who come into contact with law enforcement shall not be cited or arrested and dried cannabis or cannabis plants in their possession shall not be seized if they are in compliance with the provisions of this chapter.
- (4) Qualified patients, their designated caregivers, and Dispensing Centers who come into contact with law enforcement and cannot establish or demonstrate their status as a qualified patient, designated caregiver, or Dispensing Center, but are otherwise in compliance with the provisions of this chapter, shall not be cited or arrested and dried cannabis or cannabis plants in their possession shall not be seized if (1) based on the activity and circumstances, the officer determines that there is no evidence of criminal activity; (2) the claim by a qualified patient, designated caregiver, or Dispensing Center is credible; and (3) proof of status as a qualified patient, designated caregiver, or Dispensing Center can be provided to the Police Department within three business days of the date of contact with law enforcement.

### **Operational Standards.**

- (1) Signs displayed on the exterior of the property shall conform to existing regulations;
- (2) The location shall be monitored at all times by closed circuit video recording system for security purposes. The camera and recording system must be of adequate quality, color rendition and resolution to allow the ready identification of any individual committing a crime anywhere on the site;

- (3) The location shall have a centrally-monitored alarm system;
- (4) Interior building lighting, exterior building lighting and parking area lighting must be in compliance with applicable regulations, and must be of sufficient brightness and color rendition so as to allow the ready identification of any individual committing a crime on site at a distance of no less than forty feet (a distance that should allow a person reasonable reaction time upon recognition of a viable threat);
- (5) Adequate overnight security shall be maintained so as to prevent unauthorized entry;
- (6) Absolutely no cannabis product may be visible from the building exterior;
- (7) Any beverage or edible produced, provided or sold at the Dispensing Center containing cannabis shall be so identified, as part of the packaging, with a prominent and clearly legible warning advising that the product contains cannabis and that it is to be consumed only by qualified patients;
- (8) No persons under the age of eighteen shall be allowed on site, unless the individual is a qualified patient and accompanied by his or her parent or documented legal guardian;
- (9) At any given time, no Dispensing Center may possess more cannabis or cannabis plants than would reasonably meet the needs of its registered patient members;
- (10) A sign shall be posted in a conspicuous location inside the structure advising:  
"The diversion of cannabis for non-medical purposes is a violation of state law and will result in membership expulsion. Loitering at the location of a Dispensing Center is also grounds for expulsion. The use of cannabis may impair a person's ability to drive a motor vehicle or operate heavy machinery;
- (11) No Dispensing Center may provide medical cannabis to any persons other than qualified patients and designated caregivers who are registered members of the Dispensing Center and whose status to possess cannabis pursuant to state law has been verified. No medical cannabis provided to a designated caregiver may be supplied to any person(s) other than the designated caregiver's qualified patient(s);
- (12) No outdoor cultivation shall occur at a Dispensing Center location unless: a) it is not visible from anywhere outside of the Dispensing Center property; and b) secured from public access by means of a locked gate and any other security

measures necessary to prevent unauthorized entry;

- (13) No Dispensing Center shall cause or permit the establishment or maintenance of the sale or dispensing of alcoholic beverages for consumption on the premises or off-site of the premises;
- (14) No dried medical cannabis shall be stored in structures without at least four walls and a roof, or stored in an unlocked vault or safe, or other unsecured storage structure; nor shall any dried medical cannabis be stored in a safe or vault that is not bolted to the floor or structure of the facility; and
- (15) Medical cannabis may be consumed on-site only as follows:
  - a. The smoking or vaporizing of medical cannabis shall be allowed provided that appropriate seating, restrooms, drinking water, ventilation, air purification system, and patient supervision are provided in a room or enclosed area separate from other Dispensing Center service areas.
  - b. The maximum occupancy of the on-site consumption area shall meet applicable occupancy requirements.
  - c. The Dispensing Center shall use an activated charcoal filter, or other device sufficient to eliminate all odors associated with medical cannabis use from adjoining businesses and public walkways. The fan used to move air through the filter shall have the capacity sufficient to ventilate the square footage of the separate room or enclosed area in which medical cannabis use is permitted.
- (16) Dispensing Centers must verify that each member (1) is legally entitled to possess or consume medical cannabis pursuant to state law; and (2) is a resident of the State of \_\_\_\_\_.
- (17) All Dispensing Center operators, employees, managers, members, or agents shall be qualified patients or the designated caregivers of qualified patients. Dispensing Center operators, employees, managers, members, or agents shall not sell, barter, give away, or furnish medicine to anyone who is not a qualified patient or designated caregiver, registered as a member of the Dispensing Center, and entitled to possess cannabis under state law.
- (18) Dispensing Centers shall maintain accurate patient records necessary to demonstrate patient eligibility under the law for every Dispensing Center member, including (1) a copy of a valid driver's license or Department of Motor Vehicle

identification card, (2) a patient registration form, (3) a current valid letter of recommendation for the use of medical cannabis written by a state-licensed physician. All patient records shall be kept in a secure location, regarded as strictly confidential, and shall not be provided to law enforcement without a valid subpoena or court order.

- (19) Operating hours for Dispensing Centers shall not exceed the hours between 8:00 AM and 10:00 PM daily.
- (20) Dispensing Centers must have at least one licensed security guard on duty during operating hours.

**Severability.**

If any section, sub-section, paragraph, sentence, or word of this Article is deemed to be invalid, the invalidity of such provision shall not affect the validity of any other sections, sub-sections, paragraphs, sentences, or words of this Article, or the application thereof; and to that end, the sections, sub-sections, paragraphs, sentences, and words of this Article shall be deemed severable.