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Councilmember Englander Introduces Enforcement Plan for Marijuana Shops

Los Angeles – Councilmember Mitchell Englander introduced a motion of enforcement to the City Council on Tuesday, Oct. 2, 2012 that would effectively shut down all illegal retail marijuana businesses.

“The City must enforce our existing laws in order to address the crime and other negative impacts on our neighborhoods of the illegal retail marijuana businesses,” said Councilmember Englander, who is Chair of the Public Safety Committee and an LAPD Reserve Officer.

On Tuesday, Oct. 2, 2012, the City Council voted to repeal its so-called “gentle ban” on storefront marijuana shops in Los Angeles. That left the City with no rules or regulations defining marijuana facilities and their operation in Los Angeles. Medical marijuana advocates had gathered enough signatures to place a referendum on a City ballot asking voters to overturn the City’s gentle ban regulating storefront marijuana shops. That left the City Council the choice of allowing the question to go to the voters, or to repeal the City’s gentle ban on its own.

In 2008, the City had implemented an ordinance governing marijuana facilities, which has now expired. Therefore, from a legislative and regulatory perspective, the City is back where it was before any law regulating marijuana stores was enacted. While the City has struggled with its ordinances and accompanying lawsuits for the last six years, two other California cities, Claremont and Corona, have both successfully defended lawsuits challenging their laws regulating marijuana facilities in court.

In the City of LA, any property use that is not explicitly identified in the zoning code is not permitted without a code variance. That includes retail marijuana stores. Therefore, all existing marijuana shops are now operating in violation of the City’s zoning code. Councilmember Englander’s motion asks the Building and Safety Department and the LAPD to enforce the City’s existing laws.

When California voters approved the Compassionate Use Act of 1996 legalizing medical marijuana, it is likely that they had clinics or pharmacies in mind, serving people with serious illnesses, rather than the nearly 1,000 storefront marijuana stores that sprang up across L.A. It has become commonplace for people as young as 18 years old to easily obtain prescriptions for ailments such as anxiety or insomnia and buy marijuana from storefront dispensaries for recreational drug use.

Since 2008, Police conducting raids of illegal marijuana businesses have made dozens of arrests, and seized over \$2 million in cash, assault weapons, kilograms of cocaine, and large amounts of other illegal drugs. Together with LAPD Narcotics Enforcement Officers, Councilmember Englander shut down 60 illegal marijuana dispensaries that were operating in District 12. Council District 12 is now the only Council District without any storefront marijuana shops.

Selling, cultivating or using marijuana for any purpose remains illegal at the Federal level. Last week, the Drug Enforcement Agency (DEA) raided and served warrants on three marijuana facilities in Los Angeles and sent letters to over 70 others ordering them to shut down, sending a clear signal that the Federal government is not going to continue a policy of tolerance of marijuana facilities.

Original ordinance: http://clkrep.lacity.org/onlinedocs/2008/08-0923_ord_181069.pdf

Gentle ban: http://clkrep.lacity.org/onlinedocs/2011/11-1737_ord_182190.pdf

Petition for referendum: http://clkrep.lacity.org/onlinedocs/2011/11-1737-S2_RPT_CLK_09-17-12.pdf

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