Strengthening Marijuana Regulation at the Local Level: Examples from California

William Perno, Prevention Specialist,
SAY San Diego, Alcohol Tobacco and Other Drug Prevention Program

Leslie Zellers, JD, Public Health Policy & Law
Introductions

William Perno

Leslie Zellers
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Overview

- What’s happening locally in California
- Public health strategies to regulate cannabis sales
- Enforcement and implementation challenges
- Consumption and secondhand smoke exposure
Prevention not Prohibition

- Cannabis is legal under state law but is NOT a regular consumer commodity
  - Addictive and public health harms

- Need to regulate to:
  - Limit commercialization,
  - Protect public health and safety
Local Regulation of Cannabis
Local governments can:

- Ban commercial cannabis activity
- Regulate via zoning, land use, license requirements
- Impose additional health and safety restrictions
Local & State License Required
- Searchable database (San Jose Mercury News)
- Adult use sales allowed in fewer than 15% of cities and counties
# of Licensed Adult-Use Stores

Per 100,000 residents

- Oregon: 14.02
- Colorado: 9.49
- Alaska: 9.46
- Washington: 6.58
- California: 0.91

Source: Marijuana Business Daily 8/27/2018 using data from Bureau of Cannabis Control, state marijuana program websites, and U.S. Census
Strategies to Regulate Cannabis Sales
Model Ordinance
Restrictions on Retailer Location and Number

City of Los Angeles
Retailer Location

- **State law:** 600 foot buffer from schools, day care centers, youth centers

- **Local law** (examples):
  - 600 ft from substance abuse treatment centers, parks, libraries, churches, faith congregations (Pasadena)
  - 1,000 ft from city parks, churches, child care centers, playgrounds, libraries, schools, residential care facilities (City of San Diego)
  - 1,000 ft between retailers (Hayward, Pasadena)
Local Ordinances and Regulations Can Be Circumvented (San Diego)

- 833 feet to Elementary School

- Development Services Dept. (DSD) notes “Major Issues Separation Requirement” and “Must Recommend Denial”

- Another unit recommends “Deviation of the Regulation” and supports approval due to location being in a “Promise Zone” area
Local Ordinances and Regulations Can Be Circumvented (San Diego)

- Less than 100 feet to residences
- DSD notes “Major Issues Separation Requirement” and “Must Recommend Denial”
- Another unit recommends “Deviation of the Regulation” and supports approval due to location being in a “Promise Zone” area
Local Ordinances and Regulations Can Be Circumvented (San Diego)

- 805 Feet to Church
- DSD notes “Major Issues Separation Requirement” and “Must Recommend Denial”
- Another unit within DSD Recommends “Deviation of the Regulation” and supports approval due to location being in a “Promise Zone” area
Number of retailers

- **State law:** no license issued if “excessive concentration”

- **Local law** (examples):
  - Max of 4 retailers in each of 9 city council districts, for a total of 36, or about 1 per 37,000 people (San Diego)
  - Max of 4 retailers in the city (1 per approximately 20,000 people) (Merced)
  - Max of 30 retailers (1 per approximately 16,500 people) (Santa Ana)
How to Regulate Business Licenses
Fees – Can Include Full Cost Recovery

- Marijuana Outlets and Marijuana Production Facilities – Cost Recovery Fees
  - The City may recover its costs in the form of a permit fee for the costs of permitting and regulating marijuana outlets and marijuana production facilities.
  - §42.1506 San Diego Municipal Code
Operational Restrictions
Operational Restrictions

- Hours of operation
- Security, lighting
- Signage
- Staff training (Mono County, Mammoth Lakes)
- No live entertainment (Berkeley, City of LA)
- No food sales (Mammoth Lakes, Mono County, Pasadena, Santa Ana)
- No check cashing services (Merced)
Restricting Products and Labels Attractive to Youth
# Attractive to Youth

<table>
<thead>
<tr>
<th>State Law</th>
<th>Local Law (Examples)</th>
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<tbody>
<tr>
<td>Prohibits:</td>
<td>Broader definition of “attractive to children and youth” (Mammoth Lakes, Mono County, Pasadena)</td>
</tr>
<tr>
<td>• Cartoons</td>
<td>No sales of cannabis or cannabis products that are “attractive to children or youth or easily confused with commercially sold candy or food that do not contain cannabis” (Mammoth Lakes, Mono County)</td>
</tr>
<tr>
<td>• Likeness to images, characters used to advertise to children</td>
<td>No edibles in packages that “make the product attractive to children or imitate candy” (Berkeley)</td>
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<tr>
<td>• Imitation of candy</td>
<td></td>
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<tr>
<td>• Use of “candy”, “kandy”, etc.</td>
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<tr>
<td>• Product in shape of human, animal, insect, fruit</td>
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</tbody>
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Restrict Product Types
Examples

- No cannabis beverages (Mono County, Pasadena)
- No flavored cannabis products for vaporization (Contra Costa County – not yet in effect)
Warning Signs

MARIJUANA AND PREGNANCY DON’T MIX.

Using while pregnant may cause baby to weigh too little.
Examples

- Berkeley, Pasadena, Mono County, Contra Costa County

- **Are you pregnant or breastfeeding?** According to the (CDC), marijuana use during pregnancy can be harmful to your baby’s health, including causing low birth weight and developmental problems.

- **Driving while high is a DUI.** Marijuana use increases your risk of motor vehicle crash.

- **Not for Kids or Teens!** Starting marijuana use young or using frequently may lead to problem use and, according to the CDC, may harm the developing teen brain.
Advertising and Marketing
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# Advertising and Marketing

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<th>State Law</th>
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<tr>
<td>No advertising w/in 1,000 ft of school, day care, playground, youth center</td>
<td>Business signs can only have two colors and only letters (San Diego)</td>
</tr>
<tr>
<td>Broadcast, cable, radio, print, digital advertising:</td>
<td>No outside signs (Berkeley)</td>
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<tr>
<td>- At least 71.6% adult audience</td>
<td>No logos or information that identifies services offered, no banners, flags, billboards, placards, no persons waiving signs (Blythe)</td>
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<tr>
<td>- No depictions of minors</td>
<td>No ads attractive to children and youth (Mammoth Lakes, Mono County, Santa Ana – only applies to signage)</td>
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<tr>
<td>- No toys, movie characters, cartoon characters, etc.</td>
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<tr>
<td>Ads must be affixed to a permanent structure</td>
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</tbody>
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Police Oversight Can Vary Between Cities/Counties

- San Diego Police Department Does NOT regulate city permitted marijuana businesses. This is done by Code Enforcement
  - Code Enforcement Does NOT work 24/7

- Police Department Does take enforcement action against illegal marijuana businesses.
  - City of San Diego uses both Civil and Criminal Enforcement

- San Diego Sheriff’s Department Does regulate permitted marijuana businesses in the unincorporated area of the county.
City of San Diego CUP Conditions and Signage Regulations

- ...A sign is required to be posted on the outside of the MMCC and shall only contain the name of the business.
- Sign colors and typefaces are limited to two [On the Building].
- No marijuana leaves or images. No green crosses, etc.
- Regulations Do Not Currently Address Vehicle Advertisements
Advertising and Marketing

Hummer parked at 17th & Logan in Barrio Logan
Advertising and Marketing

Windows of Marijuana Retail Outlet
Advertising and Marketing
December Nights in Balboa Park (2016)

- Pedi-cab providing transportation to “December Nights” celebration in Balboa Park
- City Regulations do not currently address these types of ads
- Licensed marijuana business
Advertising and Marketing

What Type of Event is This?

Source: San Diego Reader Archives 8-22-18

Source: San Diego Reader Archives 8-22-18
California Business and Professions Code Section 26151

(b) Any advertising or marketing placed in broadcast, cable, radio, print, and digital communications shall only be displayed where at least 71.6 percent of the audience is reasonably expected to be 21 years of age or older, as determined by reliable, up-to-date audience composition data.
Advertising and Marketing

Kids Eat Free
Advertising and Marketing

City of San Diego CUP Conditions Do Not currently address this type of activity

Parking Lot “Markets”

Source: Urbnleafca Instagram

Source: Urbnleafca Instagram
Advertising and Marketing

City of San Diego CUP Conditions

- Medical marijuana shall not be consumed anywhere within the 0.15-acre site.
- Code Enforcement does not work 24/7

Customer Appreciation Party

Source: plpatientconsumercoop Instagram
Advertising and Marketing

California Business and Professions Code Section 26152

- A licensee shall not:

- Advertise or market on a billboard or similar advertising device located on an Interstate Highway or on a State Highway which crosses the California border.

Interstate 15 Highway
Advertising and Marketing

Interstate 8 Highway
California Business and Professions Code Section 26153

- A licensee shall not give away any amount of cannabis or cannabis products, or any cannabis accessories, as part of a business promotion or other commercial activity.
Advertising and Marketing
BCC Proposed Rule 21 or Older

10 Year-old Girl Scout

“Girl Scout Cookies” marijuana cartridge

Source: Urbnleafca Instagram

Source: https://weedmaps.com/dispensaries/harbor-collective-2-2#/menu
CATE PROPOSES SAFEGUARDS ON MARIJUANA ADVERTISING TO PROTECT OUR KIDS
Regulating and Restricting Marketing from Unpermitted Marijuana Outlets and Delivery Services

Although the City has passed ordinances to regulate marijuana outlets and production facilities, San Diego has yet to adequately address the regulation of marijuana-related advertisements.

The State of California’s rules regulating the advertisement of licensed marijuana outlets are inadequate for San Diego to effectively regulate all marijuana related advertisements, and do not provide the tools necessary for local governments to eliminate advertising by illegal, unpermitted marijuana operations…
San Diego City Councilmember Cate (4-5-2018)

- Prevent billboards within 1,000 feet of schools, parks, minor-oriented facilities, recreation centers, libraries, churches, and residential care facilities, and 100 feet from residential zones.

- Require existing billboard regulations to apply to permitted/licensed AND un-permitted/un-licensed marijuana outlets, marijuana delivery services, and online marijuana advertising platforms, such as Weedmaps and Eaze.

- Prohibit illegal, unpermitted, or unlicensed marijuana outlets and delivery services from advertising on internet advertisement platforms, billboards, newspapers, circulations, magazines, or other publications within the City of San Diego.
S.D. plans to crack down on pot ads

Billboards main target of Cate’s proposed legislation

- State law restricts some of these areas but **does not include parks, churches or residential care facilities**
- No billboards within 100 feet of residential housing (**not covered by state law**)  
- City Ordinance - Alcohol Advertisements are restricted to 500 feet from sensitive areas.

Source: San Diego Union Tribune 10-21-18
Advertising and Marketing Restriction
Alcohol Billboards (City of San Diego)
Economic Justice

**SOCIAL EQUITY PROGRAM**
A program seeking to re-invest in communities historically disproportionately affected by the "war on drugs", by supporting business ownership and hiring of local transitional residents.

- Priority processing
- Business, licensing, and compliance assistance
- Expedited renewals
- Program site specific conditions

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**Social Equity Tier 1**
Businesses are 51%+ owned by qualifying individual(s) with:
1) no more than 80% of the Area Median Income, and
2) a prior CA cannabis-related conviction, and
3) 5+ years residency in a disproportionately-impacted area.

Tier 1 participants also benefit from:
- Potential fee deferrals
- Industry Investment Fund access

**Social Equity Tier 2**
Businesses are 33.3%+ owned by qualifying individual(s) with:
1) no more than 80% of the Area Median Income, and
2) 5+ years residency in a disproportionately-impacted area, or
1) 10+ years residency in a disproportionately-impacted area.

**Social Equity Tier 3**
General applicants who agree to provide capital, leased space, ownership, and licensing or compliance support to Social Equity applicants, including rent-free access to properties and prorated utilities for 2+ years.
Delivery

- Hundreds of local governments *prohibit* cannabis delivery
- BCC regulations *allow* delivery anywhere in CA
- Potential lawsuit
Delivery

Community Rules Won’t Matter to Wandering Weed
Protect our children and schools

Community Rules Won't Matter to Wandering Weed
Delivery – BCC Proposed Rules

- July 2018: BCC proposes rule to all vehicle deliveries of marijuana to residences anywhere in California – even in cities/counties with current bans.
- Similar language to SB 1302 that failed in California State Legislature
- Comment Period to provide information to BCC
- Final Rules – Vehicle Delivery Remained
Regulators Approve Plan to Allow Weed Deliveries Anywhere in California, Including Areas Where Pot Sales Are Banned

POSTED 7:59 PM, JANUARY 16, 2019, BY ASSOCIATED PRESS

California endorsed a rule Wednesday that will allow home marijuana deliveries statewide, even into communities that have banned commercial pot sales.

The regulation by the state Bureau of Cannabis Control was opposed by police chiefs and other critics who predict it will create an unruly market of largely hidden pot transactions, while undercutting control by cities and counties.

Special Events

Cannabis Wedding Expo

TODAY! TICKETS $15 • MUST BE 21+

50+ VENDORS • LIVE MUSIC • TASTY FOOD & MORE!
Special Events

San Diego Craft Beer Week

Free Giveaways
No advertising of marijuana, marijuana products, or licensed marijuana businesses where the advertisement is visible to members of the public from any street, sidewalk, park, or other public place.

- No business cards, discount cards, fliers, handbills, or pamphlets.
- No portable signs, billboards, or vehicle-mounted signs.
- No balloons, sandwich boards, or sign spinners.

No booth signs advertising a marijuana business, marijuana or marijuana products, including signs that openly advertise a marijuana business and signs that depict the logo of a marijuana business.
Denver, CO Local Ordinance
“We Don’t Have To Re-Invent the Wheel”

- No products that advertise a marijuana business can be visibly displayed.
- Products (such as t-shirts or hats) must be stored out-of-sight of the public.
- Products must be placed in a non-descript opaque bag after purchase by a customer.
- Vendor may have a sign with language similar to the following: “T-shirts and hats available upon request.”
Denver, CO Local Ordinance
“We Don’t Have To Re-Invent the Wheel”

- Vendors may give away branded items for free (“swag”), but these items must not be visible to members of the public from any street, sidewalk, park, or other public place.

- Vendor tents may not have signs or any form of advertising marijuana or the marijuana business. At past events held in city parks, marijuana businesses have had three-sided white tents; however, one side of the booth must remain open at all times.

- See Digital Handout for additional information
Governor Brown signed AB 2020 into law in September, 2018.

Allows local jurisdictions to approve cannabis consumption at Special Events within their jurisdiction with some limitations.

Note: cannabis smoking prohibited where tobacco smoking prohibited.
Enforcement and Implementation Strategies
Black Market

- Unpermitted businesses
- Criminal vs. civil enforcement
- Advertisements by unpermitted businesses
- Cannabis diverted from retail dispensaries and resold
Marijuana Outlets and Marijuana Production Facilities– Permit Required

(a) It is unlawful for any person to operate any marijuana outlet without a Marijuana Outlet Permit or a marijuana production facility without a Marijuana Production Facility Permit issued pursuant to this Division.

§42.1504 San Diego Municipal Code
“Just Because It’s There, Doesn’t Mean It’s Legal”

San Diego Police Department Does Criminal Enforcement

- Civil Enforcements were not effective
- City of San Diego does civil and criminal prosecutions
- Criminal Enforcements have been very effective against illegal stores
- Criminal enforcement against illegal vehicle deliveries
Search Warrant Served For Illegal Marijuana Dispensary

San Diego–On May, 13 2017, at approximately 1300 hours, the San Diego Police Department’s Narcotics Unit served a search warrant at 2567 University Ave. This location was an illegally operating marijuana dispensary called Universe City.

The search warrant yielded approximately 50 lb. of marijuana, 3000 edibles and concentrated cannabis, 8 vials of PCP, and $5000 cash. In total, 4 employees were arrested. Two of those were issued citations for operating a business without a license and sales of marijuana. The owner and operator of the illegal dispensary was booked into jail for sales of marijuana and operating a business without a license, and a 4th employee was booked into jail for sales of marijuana, operating an illegal business, and felony possession for sales of a controlled substance (PCP).
Search Warrant Served For Illegal Marijuana Delivery Service

San Diego—On August 2nd, 2017, at approximately 1100 hours, the San Diego Police Department’s Narcotics Unit served a search warrant at 3487 Kurtz Street. This location was an illegally operating marijuana delivery service called Left Coast Collective.

The search warrant yielded approximately 41 lbs. of high grade marijuana, 8000 edibles and concentrated cannabis, an indoor marijuana grow containing over 100 marijuana plants, cocaine, $5,600 cash, and hundreds of business documents and records. Twelve employees, including those working as delivery drivers, were arrested and issued citations for operating a business without a license and sales of marijuana. Additional owners and operators that were not present will also be charged and prosecuted.
Enforcement and Prosecution of all Illegal Marijuana Businesses in San Diego

As was evident by yesterday’s operation, SDPD and the City Attorney’s office have begun to conduct enforcement on all illegal marijuana delivery services, as well as, all other illegal marijuana businesses operating in the City of San Diego. All persons operating and working for any of these illegal marijuana businesses will be arrested and prosecuted to the fullest extent of the law.

Since March of 2016, 61 illegal marijuana dispensaries have been closed down through the use of search warrants and other enforcement efforts. This has been a joint effort by the SDPD and the City Attorney’s Office to vigorously enforce and prosecute flagrant violations of the law. Dozens of property owners and operators have been fined, criminally charged, and prosecuted for operating these illegal businesses without a permit and illegally selling marijuana. These efforts are continuing and will now include delivery services and all other illegal marijuana businesses in San Diego.
Search Warrant Served For Illegal Marijuana Dispensary

San Diego–On March 15, 2018, at approximately 0800 hours, the San Diego Police Department’s Narcotics Unit served a search warrant at an illegally operating marijuana dispensary located at 4150 Mission Blvd. called Truly Green. This search warrant resulted in the seizure of 57 pounds of high grade marijuana, over 1400 marijuana concentrates and edibles, $3100 in cash, and two handguns. Two employees were arrested for possession of marijuana for sale and operating a business without a permit. They were released with a citation. The owners were not present but will also be charged.
“Just Because It’s There, Doesn’t Mean It’s Legal”!
Black Market – San Diego Criminal Enforcement

(Please see below for pictures from today's search warrant. Along with a significant amount of marijuana and marijuana related products, this illegal business was selling marijuana (THC) laced drinks marketed and labeled to appear similar to regular soda and energy drinks that are popular amongst adults and kids.)
Advertising By Unpermitted Businesses

California Business and Professions Code Section 26151

- All ads must identify the licensee and license number.
- Applies to websites

Source: San Diego Reader Digital Archives 1-02-19
Advertise By Unpermitted Businesses

Source: Weedmaps 1-15-19
Advertising: Weedmaps

- Does Your City/County have a ban on marijuana outlets?
- Do you have unpermitted illegal marijuana businesses?
- Is Weedmaps advertising in your local shopping mall?
February 16, 2018

Doug Francis, CEO
Ghost Management Group LLC (Weedmaps)
41 Discovery
Irving, CA 92618-3130

RE: Activity in Violation of State Commercial Cannabis Laws

Dear Mr. Francis,

The Bureau of Cannabis Control (Bureau) has determined that weedmaps.com is engaging in activity that violates state cannabis laws.

Pursuant to the provisions of the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA), a valid state license from a state licensing authority is required to legally operate a commercial cannabis business within the State of California. This includes the retail sale and delivery of cannabis and cannabis products. Your website contains advertisements from persons offering cannabis and cannabis products for sale that are not licensed to conduct commercial cannabis activity; therefore, you are aiding and abetting in violations of state cannabis laws.

The MAUCRSA also contains state laws related to advertising and marketing restrictions for cannabis and cannabis products. Specifically, a technology platform shall not display an advertisement on an internet web page unless the advertisement displays the license number of the licensee. A license is defined as a state license issued under the MAUCRSA, and a licensee means a person holding a license under MAUCRSA. The weedmaps.com-linked license number (98M ED) is not a valid license number as required by law, and weedmaps.com is in violation of Business and Professions Code section 26151.

Weedmaps.com must immediately cease all activity that violates state cannabis laws. Please be advised that such violations may result in criminal and administrative penalties, as well as civil penalties for each violation.

Sincerely,

[Signature]

Chief of Enforcement
Bureau of Cannabis Control
Advertising By Unpermitted Businesses

- Unpermitted events
- Black market sales and consumption
- Sometimes promoted by licensed marijuana businesses

Source: ultrafireorganics Instagram
Advertising By Unpermitted Businesses

- Some Social Media Sites will remove marijuana advertisements if they are reported/flagged

Source: ultrafireorganics Instagram
Cannabis Diverted from Retail Dispensaries and Resold

Youth Access

- Marijuana may be purchased from legal or illegal marijuana outlets and then re-sold to youth
- Marijuana is the #1 Drug of Choice for Youth in San Diego County-Funded Drug Treatment Centers

Found on grounds/perimeter of a Local High School in San Diego
Police Oversight

- Minor decoys

- Peace officers may use a person under 21 years of age to attempt to purchase cannabis goods to ensure that licensees and their employees are not selling cannabis goods to minors.

- California Bureau of Cannabis Control
Consumption, Use, SHS Exposure
Consumption, Use, Exposure
Local governments can allow retail cannabis smoking, vaporizing, ingesting if:

1. Access to the area is restricted to age 21 or older
2. Consumption is not visible from any public place or any nonage-restricted area; and
3. Sale or consumption of alcohol or tobacco is not allowed on the premises
   - Does NOT override state smokefree workplace law

(Business & Professions Code 26200)
Marijuana Infused Craft Beer
Non-Alcoholic with 10 MG THC

Pot-Infused Craft Beer Hits San Diego Shelves

The non-alcoholic beverage is available in dispensaries in Mira Mesa and Mission Valley

By Danielle Radin

Published Jan 11, 2019 at 5:36 PM | Updated at 6:56 PM PST on Jan 11, 2019

The brew contains 10 mg of THC content per bottle and less than 0.5 percent alcohol by volume. (Published Friday, Jan. 11, 2019)

San Diego is a town known for craft beer, and now that marijuana is legal in California, it was only a matter of time before the two were merged.

High Style Brewing Company created ‘Pale Haze,’ the first cannabis infused non-alcoholic craft beer bottled in California.

Company founders thought of the idea because they loved the taste of craft beer but didn’t like the side effects.

"Alcohol gives you a hangover and will dehydrate you," said Lyden Henderson, Chief Operating Officer of High Style Brewing Company. "It’s not necessarily something you can do throughout the day."

Source NBC7/39 News San Diego
CA Smokefree Workplace Law

- No smoking in places of employment
- Labor Code section 6404.5
Multi-unit Housing

- Cannabis smoking prohibited where tobacco smoking prohibited
- 50+ local laws prohibiting smoking in multi-unit housing units

Millions are exposed to secondhand smoke and some can’t do anything about it.

Even if you don’t smoke, you can still be exposed to secondhand smoke in your home through vents, doors and windows. Talk to your landlord about making your building entirely smoke-free.
Lease Addendum/Rental Agreement Prohibiting Marijuana

- Works in conjunction with any non-smoking addendums
- Prohibits smoking of medical marijuana (can still ingest edibles)
- Prohibits growing of up to 6 plants per residence (Private residence owned by landlord and they restrict growing)
- Disclaimer: Although this Addendum has been reviewed by legal counsel, it is recommended that landlords obtain legal advice regarding the proper implementation of the Addendum
- See Digital Handouts for more details
Vehicles – Consumption of Marijuana
CA Health and Safety Code 11362.3

State law prohibits:

- Possessing an open container or open package of cannabis or cannabis products while driving, operating, or riding in the passenger seat or compartment of a motor vehicle, boat, vessel, aircraft, or other vehicle used for transportation.

- Smoking or ingesting cannabis or cannabis products while driving, operating a motor vehicle, etc.

- Smoking or ingesting cannabis or cannabis products while riding in the passenger seat or compartment of a motor vehicle, boat, vessel, aircraft, or other vehicle used for transportation except as permitted on a motor vehicle, boat, vessel, aircraft, or other vehicle used for transportation that is operated in accordance with Section 26200 of the Business and Professions Code and while no persons under 21 years of age are present.
Governor Signs Bill Prohibiting Pot Use While Driving or Riding in Cars

September 12, 2017
For Immediate Release – Office of State Senator Jerry Hill — September 12, 2017
Media Contact: Leslie Guevara, 415-256-3404 cell, leslie.guevara@sen.ca.gov

Governor Signs Bill Prohibiting Pot Use While Driving or Riding in Cars

Senator Hill’s SB 65 Makes Marijuana Use in Vehicles an Infraction

SACRAMENTO – Smoking or consuming marijuana in any form while driving or riding in vehicles will be specifically prohibited by law in California come January 1 under a bill by Senator Jerry Hill that Governor Brown signed Monday (September 11).

“This bill simply makes our laws on using marijuana while driving or riding in cars consistent with our laws on consuming alcohol while driving or riding in vehicles,” Senator Hill, D-San Mateo and Santa Clara Counties, said today.

SB 65, prompted by Santa Clara County District Attorney Jeff Rosen, enhances Proposition 64, the recreational marijuana initiative, which makes it illegal to have an open container of pot in a vehicle but does not address use of marijuana products by drivers or passengers.
A driver shall not drink any alcoholic beverage or smoke or ingest marijuana or any marijuana product while driving a motor vehicle upon a highway.

A passenger shall not drink any alcoholic beverage or smoke or ingest marijuana or any marijuana product while in a motor vehicle being driven upon a highway.
Exception from Section 23221 for “passengers in any bus, taxicab, or limousine for hire” licensed to transport passengers pursuant to the Public Utilities Code or proper local authority, the living quarters of a housecar or camper, or of a pedicab”
Cannabis Consumption Tours

- Change to vehicle code allowing marijuana use by passengers in certain vehicles creates new business opportunities
- Smoking and consumption of marijuana in party busses
- Party bus combination tours to marijuana retail outlets and craft beer breweries
A day aboard a 'cannabus': San Diego enjoys effects of marijuana tourism

- To spend any time on this bus is to be sealed inside a giant bong on wheels.

- Welcome to the "cannabus," a vehicle with tinted windows, about 30 seats, and one purpose: to facilitate the drinking of beer and the smoking of weed.

- A dozen or so customers from several different states paid $100 US to go on the "Buds and Brews Tour" of a few San Diego breweries and a unique cannabis dispensary.

**Adult Use 21+ (recreational)**

**Basic Rules of Use and Purchase**

- All adults age 21+ are allowed to purchase and possess up to 1 oz of cannabis flower and/or 8 grams of concentrate cannabis.
- Our most common question is, can we smoke on the tour? YES! You will have plenty of opportunity to enjoy and consume cannabis during your tour or event. Currently the vehicle code exempts for-hire vehicle passengers (limo, party bus, etc) from certain vehicle codes which includes vehicle codes pertaining to alcohol and cannabis. The current bill (signed in law September 2017) amends a couple critical vehicle codes regarding cannabis which according to the author of the bill Senator Jerry Hill, "This bill simply makes our laws on using marijuana while driving or riding in cars consistent with our laws on consuming alcohol while driving or riding in vehicles.”

Note: If you are caught smoking marijuana in a “regular vehicle” the ticket is considered an infraction (similar to a parking ticket) with a $70 fine.

Source: West Coast Cannabis Tours
Party Buses and Transportation

Source: urbnleafca Instagram
Driving Under the Combined Influence of Alcohol and Marijuana

- Using alcohol and marijuana together significantly increases impairment levels and produces much higher blood concentrations of THC than does marijuana use alone.

- The risk of a fatal crash to a driver under the influence of alcohol and marijuana is 24 times greater than of a sober person.

- Severe marijuana-induced driving impairment is observed with high doses, chronic use and in combination with low doses of alcohol.

(Source: Center for Community Research (CCR). 2018 Marijuana Points of Consideration. Prepared for and Funded by the County of San Diego, HHSA, Behavioral Health Service. November 2018.)
“Put Drugged Driving On Your Radar”

- Effects of Marijuana are amplified when combined with a small amount of alcohol
- 1+1 = 3 or 4
- Need for more Drug Recognition Officers for Impaired Driving
Social Host Ordinances

Strategies to Avoid Risky Situations in Your Home

- Control access to alcoholic beverages
- Limit quantity of alcohol served at party
- Know who is entering your property
- Safeguard your home while you are away
9.72.020 Consumption of alcoholic beverages, marijuana and other controlled substances by minors prohibited in public places, places open to public, or places not open to public.

Except as permitted by state law, it is unlawful for any minor to:

A. Consume at any public places or any places open to the public any alcoholic beverage, marijuana or other controlled substance; or

B. Consume at any place not open to the public any alcoholic beverage, marijuana, or other controlled substance, unless in connection with the consumption of an alcoholic beverage that minor is being supervised by his or her parent or legal guardian. (Ord. 494 § 1, 2010; Ord. 435 § 1, 2003)

Source: City of Santee, CA Municipal Code
Resources
Resources – Digital Handouts and Downloads

- Model Ordinance Regulating Local Cannabis Retails Sales and Marketing in California
- Critical Issues Regarding Marijuana (City of San Diego)
- Crime Free Multi-Housing Lease Addendum for Marijuana (2 Documents)
- Social Host Ordinances Including Marijuana and Controlled Substances
- CA State Laws Marijuana and drivers/passenger use
- Denver, CO documents
- Marijuana Tool Kit (SD County Marijuana Prevention Initiative)
Questions and Discussion
Leslie Zellers, JD
Consultant
Public Health Law & Policy
Leslie@LeslieZellers.com
510-601-1608

William Perno
Prevention Specialist
E-Mail: wperno@saysandiego.org
Phone: 619-283-9624 Ext. 307
https://www.saysandiego.org

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