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By Email

Law and Legislation Committee
City Council
City of Sacramento
915 I Street
Sacramento, California 95814

Re: Medical Marijuana Ordinance

This firm represents the Center for Balanced Land Use, Inc., a California not-for-profit corporation, as well as CBLU's individual and corporate members.

CBLU opposes efforts by the City to legitimize or authorize medical marijuana dispensaries/collectives.

There have been significant developments in the courts since the City began contemplating a medical marijuana ordinance. California courts recently have held that state law does not preempt the City's authority to ban these facilities within its jurisdiction. (*Claremont v. Kruse* [Aug. 27, 2009] 177 Cal.App.4th 1153.) In other words, the City has full authority to ban these facilities.

Local jurisdictions in California have reported that in areas immediately surrounding where medical pot dispensaries/collectives have been allowed there is frequently an increase in (1) illegal drug activity and sales; (2) robberies and related crimes; (3) sales of pot obtained from a dispensary purportedly for medical purposes, but used for recreational use instead; and (4) negative impacts on surrounding businesses, including the loss of long-standing tenants due to the questionable activities and pot odor.

The City should thus use its police power to protect its businesses, neighborhoods and schools from these well-known adverse impacts.

A City ban would have little practical impact on truly needy “medical” users. Staff has established that other nearby local jurisdictions such as Elk Grove allow the facilities.

Sincerely,

/s/

Tom Roth