

RESOLUTION 17-159

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, ESTABLISHING OPERATING STANDARDS AND RESTRICTIONS FOR COMMERCIAL CANNABIS MANUFACTURING OPERATIONS IN THE CITY OF CARSON, AND FINDING AN EXEMPTION FROM CEQA

WHEREAS, in 1996 California voters approved Proposition 215, the Compassionate Use Act (“CUA”), codified as Section 11362.5 of the Health and Safety Code, to exempt certain patients and their primary caregivers from criminal liability under state law for the possession and cultivation of cannabis for medical purposes; and

WHEREAS, in 2003 the California legislature enacted Senate Bill 420, the Medical Marijuana Program Act (“MMPA”), codified as Sections 11362.7, *et seq.*, of the Health & Safety Code, and as later amended, to clarify the scope of the Compassionate Use Act of 1996 relating to the possession and cultivation of cannabis for medical purpose, and to authorize local governing bodies to adopt and enforce laws consistent with its provisions; and

WHEREAS, in October 2015, the State of California adopted AB 266, AB 243, and SB 643, collectively referred to as the Medical Cannabis Regulation and Safety Act (“MCRSA”), which established a comprehensive regulatory and licensing scheme for commercial medical cannabis operations; and

WHEREAS, at the November 8, 2016 general election, the Control, Regulate and Tax Adult Use of Marijuana Act (“AUMA”) was approved by California voters as Proposition 64, which established a comprehensive regulatory and licensing scheme for commercial recreational (adult use) cannabis operations, and which also legalized limited personal recreational cannabis use, possession, and cultivation; and

WHEREAS, on June 27, 2017 Governor Brown signed Senate Bill 94, the Medicinal and Adult Use Cannabis Regulation and Safety Act (“MAUCRSA”), which merged the regulatory regimes of MCRSA and AUMA; and

WHEREAS, the MAUCRSA provides that the State of California will begin issuing licenses in 2018 for both medical and recreational cannabis businesses in 20 different categories, which are found in Section 26050 of the Business & Professions Code, and which categories include manufacturer; and

WHEREAS, the MAUCRSA, Section 26201 of the Business & Professions Code, provides that any standards, requirements, and regulations regarding health and safety, environmental protection, testing, security, food safety, and worker protections established by the state for the 20 different medical and recreational business operations to be licensed by the state under Business & Professions Code § 26050, shall be the minimum standards, and a local jurisdiction may establish additional standards, requirements, and regulations; and

WHEREAS, on November 9, 2017 the Carson City Council introduced for first reading Ordinance No. 17-1637 to prohibit all commercial cannabis operations in the City except for limited operations (including manufacturing operations) as defined in the ordinance, and that ordinance is agendized on November 21, 2017 for adoption and second reading by the City Council; and

WHEREAS, that ordinance, to prohibit all commercial cannabis operations in the City except for limited operations (including manufacturing operations) as defined in the ordinance, provides in Section 15.160 (Manufacturing operating standards and restrictions) that “Manufacturing operating standards and restrictions will be developed and promulgated in guidelines to be adopted by resolution of the City Council”; and

WHEREAS, pursuant to the above-described express statutory authority and its police power, the City Council now desires to adopt operating standards and restrictions for commercial cannabis manufacturing operations in the City of Carson, so as to protect the public health, safety and welfare; and

WHEREAS, the City finds that the proposed standards and restrictions are not subject to the California Environmental Quality Act (“CEQA”) pursuant to both the exemption provided by Section 26055(h) of the Business and Professions Code as well as Sections 15060(c)(3) and 15061(b)(3) of the CEQA Guidelines; and

WHEREAS, nothing in this Resolution shall be construed to allow any person to engage in conduct that endangers others or causes a public nuisance;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, DOES HEREBY RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. RECITALS. The above recitals are true and correct and incorporated herein by this reference.

SECTION 2. STANDARDS AND RESTRICTIONS ADOPTED. The City Council of the City of Carson hereby adopts for all manufacturing commercial cannabis operations in the City of Carson the standards and restrictions provided for in Attachment No. 1 entitled “MANUFACTURING OPERATING STANDARDS AND RESTRICTIONS FOR COMMERCIAL CANNABIS OPERATIONS IN CITY OF CARSON,” which is incorporated herein by this reference.

SECTION 3. CEQA. The City Council finds that the standards and restrictions adopted by this Resolution are not subject to the California Environmental Quality Act (“CEQA”) pursuant to both the exemption provided by Section 26055(h) of the Business and Professions Code as well as Sections 15060(c)(3) and 15061(b)(3) of the CEQA Guidelines.

SECTION 4. CERTIFICATION. The City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

SECTION 5. EFFECTIVE DATE. This Resolution shall be effective immediately upon passage and adoption.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Carson, California, at a regular meeting held on the ___ day of _____, 2017.

ATTEST:

Mayor Albert Robles

City Clerk Donesia Gause

APPROVED AS TO FORM:

City Attorney Sunny K. Soltani