

M E M O R A N D U M

DATE: July 16, 2014

TO: Michael Drollinger, Planning Commission Chair
Members of the Renton Planning Commission

FROM: Angie Mathias, Senior Planner

SUBJECT: **Medical Marijuana Regulations Consideration**

ISSUE

Although the City adopted regulations for *recreational* marijuana, Renton currently has a moratorium on accepting applications for permits or license for *medical* marijuana businesses. What regulations should the City adopt for medical marijuana?

RECOMMENDATION

Staff recommends adopting regulations to prohibit collective gardens in the City of Renton.

ISSUE DISCUSSION

Initiative 692 established that qualifying patients or designated providers can grow and possess medical marijuana. With initial passage there were three ways in which a patient could legally obtain medical marijuana: dispensaries, collective gardens, and growing at home. The State Legislature then later amended medical marijuana law to require that qualified providers wait 15 days after they have terminated service to one patient before providing service to another and this has effectively eliminated the viability of marijuana dispensaries. However, the law continues to allow qualifying patients and designated providers to grow at home and to participate in collective gardens. Qualified patients are allowed to cultivate up to 15 cannabis plants at their residence or possess up to 24 ounces of usable cannabis. Collective gardens are allowed subject to the following conditions:

- No more than 10 qualifying patients may participate in a single collective garden at any time
- A collective garden may contain no more than 15 plants per patient, up to a total of 45 plants
- A collective garden may contain no more than 24 ounces of usable cannabis per patient, up to a total of 72 ounces

- A copy of each qualifying patients valid documentation, including a copy of each patients proof of identity, must be available at all times on the premises
- No usable cannabis from the collective garden may be delivered to anyone other than one of the qualifying patients participating in the garden

One of the challenges with collective gardens for municipalities is that the legislature has not amended the law to place any kind of time requirements or restrictions on when 10 patients may be involved in a collective garden. Given this flexibility, collective gardens are essentially functioning as retail stores for qualified patients, but without any of the safety and security measures required of recreational retail stores. Collective gardens had been the only legal way in which medical marijuana patients obtain marijuana, unless they grow their own. However, with recreational marijuana stores beginning to open, patients could legally purchase marijuana at the retail stores, but would be required to pay the 25% tax that is associated with recreational marijuana. Medical marijuana purchased at collective gardens is not taxed. Additionally, medical marijuana users have concerns that they will not be able to purchase strains of marijuana that are targeted to alleviating medical conditions not simply to getting high.

Under Initiative 502 the State of Washington voted to legalize recreational marijuana and the City of Renton has adopted regulations regarding recreational marijuana in response to the initiative. Although I-692 and I-502 both deal with the legalization of marijuana, there is a notable distinction between recreational marijuana and medical marijuana. As outlined in previous issue papers regarding recreational marijuana, I-502 established a very regulated and taxed environment for recreational marijuana and established the State Liquor Control Board (LCB) as the body that is responsible for overseeing the regulations regarding recreational marijuana. Medical marijuana functions with very little regulatory framework and none of the safety and security requirements or locational requirements of recreational marijuana. Even if the City adopted locational requirements for medical marijuana that matched the requirements of the LCB for recreational marijuana, the City does not have the capacity to replicate the safety and security measures or provide the oversight required by the LCB. The rules and regulations adopted by the LCB are what help the City reasonably anticipate what the externalities and potential impacts on surrounding properties recreational marijuana producers, processors, and retailers may have. There is no comparable means for the City to be reasonably assured that that the externalities and potential impacts of collective gardens are not detrimental to surrounding properties and the quality of life for Renton residents. For these reasons, a very regulated environment for legalized marijuana is preferred to help ensure a good quality of life of Renton residents.

I-502 did not amend or repeal any portion of medical marijuana laws. However, the State Liquor Control Board made formal recommendations to the State Legislature on amending the rules for I-692 medical marijuana and to work towards having one set of regulations for legalized marijuana instead of two. One of the most significant recommendations and most germane to the discussion of land use and zoning is the

recommendation by the LCB to eliminate collective gardens. In early 2014, staff recommended continuing the City's moratorium regarding medical marijuana until the State Legislature responded to the recommendations of the LCB and the City did adopt an extension of the moratorium. However, the Legislature did not adopt any laws to further regulate medical marijuana and collective gardens continue to be allowed under State law. In the absence of action from the State, staff feels that it is appropriate for the City to take action regarding collective gardens. Given the lack of a strongly regulatory environment for medical marijuana and that the LCB recommended eliminating collective gardens, staff believes that it is appropriate to prohibit collective gardens and wait for the Legislature to fully align the regulations regarding legalized marijuana.