

## RESPONSE TO GRAND JURY REPORT

**Report Title:** Medical Marijuana: Up in Smoke?

**Report Date:** **May 17, 2013**

**Response by:** Marin County Board of Supervisors

### FINDINGS

- We agree with the findings numbered: \_\_\_\_\_,
- We disagree wholly or partially with the findings numbered: \_\_\_\_\_ ,

### RECOMMENDATIONS

- Recommendations numbered \_\_\_\_\_ have been implemented.
- Recommendations numbered 1 have not yet been implemented, but will be implemented in the future.
- Recommendations numbered \_\_\_\_\_ require further analysis.
- Recommendations numbered 2 and 3 will not be implemented because they are not warranted or are not reasonable.

(Attach an explanation.)

Date: 8/6/2013

Signed: \_\_\_\_\_

Number of pages attached: 1

**Marin County Board of Supervisors**  
Response to Findings and Recommendations from Grand Jury Report  
*“Medical Marijuana: Up in Smoke” – May 17, 2013*

**RECOMMENDATIONS**

**The Marin County Civil Grand Jury recommends that:**

- R1. The Board of Supervisors respect the will of the voters and the intentions of the compassionate use Act by using its authority to uphold access to medical marijuana within the county. Compassion without action is not enough.**

Response: This recommendation will be partially implemented.

The County currently issues medical marijuana permits to help individuals legally access medical marijuana; however, given the Federal law and recent court actions it is illegal for local governments to be prescriptive in the allowance of dispensaries. Federal authorities have prosecuted the landlords that lease to dispensaries and withheld federal funding to counties and cities that affirmatively allow them. Given this, the County does not plan to change its land use and zoning laws at this time. It is worth noting that State law allows for medical marijuana patients to form collectives or cooperatives for the purpose of getting their medical marijuana. In addition, individuals are allowed to grow their own plants for “personal use.” We will continue to explore ways the County can support the intent of our voters.

- R2. The County Department of Health and Human Services establish standards for edible medical marijuana sold in Marin County.**

Response: This recommendation will not be implemented.

The County does not have the authority to establish standards for edible medical marijuana. Although we recognize the potential public health risks associated with the unregulated dispensing of edible medical marijuana, CDA’s Environmental Health Services has been advised by the California Department of Public Health that edible marijuana products may not be sold legally as food subject to the California Retail Food Code because marijuana is a federally controlled substance.

- R3. The Board of Supervisors, in concert with law enforcement, the Planning commission, and representatives from the Alcohol and Drug Advisory Board, develop a viable set of ordinances for Medical Marijuana Dispensaries in the unincorporated areas of the County.**

Response: This recommendation will not be implemented.

As indicated in the County’s response to Recommendation 1, given the federal law and recent enforcement actions, we are not taking action to change our land use and zoning codes for the permitting of medical marijuana dispensaries.