

ALL ABOUT WELLNESS
1900 19TH STREET
SACRAMENTO, CA 95811
(916) 454-4327

October 17, 2016

Nevada City Planning Commission
Nevada City Hall
317 Broad Street
Nevada City, CA 95959

Honorable Dan Thiem
Honorable Stuart Lauters
Honorable Skyler Moon
Honorable Gail Damskey
Honorable Steffen Hawkins-Snell

Thank you for the opportunity to address you on the proposed Dispensary Ordinance. We are pleased the Nevada City Council has demonstrated the leadership to put forth such an ordinance and appreciate the opportunity to share with you several concerns and thoughts on making this ordinance stronger.

First, we would like to state that there is little in the original proposed document to which we wish to comment. Overall, it appears to be well drafted and thoughtfully compiled.

Second, we feel it is very important to our entire community that Nevada City get this document right. We are more interested in supporting a process that brings forth the best ordinance than we are with expediency, though there is no reason for these to be mutually exclusive. You have a good first draft from which to work and, with few minor changes, we feel you would have an excellent ordinance all could agree upon to best serve our community.

Attached you will find two documents. The first includes ten suggestions we feel would improve the proposed ordinance. We are appreciative of

your thoughtful consideration on all and are available at your convenience to expand upon these comments and/or respond to any questions.

In addition, we are providing you with a redline document containing strikeouts and language we feel might better serve the intent and the interest of the community.

In our seven years running a successful licensed medicinal cannabis dispensary in Sacramento we have learned what works and what does not. Our comments are based on our years of personal experience in this business.

Thank you for your time and consideration.

Sincerely,

Phil and Debbie Blurton

cc:

Mayor Phelps

Vice Mayor Strawser

Council Member Senum

Council Member Moberg

Council Member Parker

Chief Timothy Foley

Mark Prestwich, Nevada City Manager

Amy Wolfson, Planning Director

Suggested changes re: Medicinal Cannabis Dispensary Ordinance
Provided by All About Wellness (AAW)
October 17, 2016

Following please find the recommendations provided by All About Wellness

Reference: 9.22.030. Medical Marijuana Business Permits Required for Owner/Operator; Medical Marijuana Work Permit Required for Employees. (B)

All About Wellness recommends that the employee permit process only apply to owners and managers of a dispensary and that it need not be renewed annually, but rather if/when ownership and/or management changes.

Reason: It is the owners and managers who have the responsibility to assure the dispensary is operated in compliance with all state laws and local ordinances. Placing this requirement on all employees is an unnecessary burden.

Reference: 9.22.030. Medical Marijuana Business Permits Required for Owner/Operator; Medical Marijuana Work Permit Required for Employees. (B) (8)

Drafting error. Subsection (c) should be subsection (b).

Reference: 9.22.030. Medical Marijuana Business Permits Required for Owner/Operator; Medical Marijuana Work Permit Required for Employees. (B) (11)

All About Wellness recommends that requiring employees to wear identification nametags be removed.

Reason: This is a burden to the employees and the business owner and we do not believe this adds to the security of the business/premises.

Reference: 9.22.090. Operating Requirements for Medical Marijuana Dispensaries. A. (4)

All About Wellness would like to point out that it will be impossible for a dispensary meet all the requirements of this subsection. We recommend this requirement on the dispensary be deleted.

Reason: A dispensary does not have access to the information required by this subsection. This subsection would require a dispensary to have access to information to all stages of the cannabis industry. This is an impossible requirement until a "seed-to-sale" tracking system is implemented.

Reference: 9.22.090. Operating Requirements for Medical Marijuana Dispensaries. A. (5)

All About Wellness recommends that the twenty-four (24) hour requirement for production of information and documents be amended to allow one week (7 days).

Reason: Twenty-four hours is an unreasonably short timeframe to place on a dispensary for the production of potentially significant amounts of information.

Note: The correct abbreviation for Health Insurance Portability and Accountability Act is HIPAA, correcting (HIPPA) in document.

*The Health Insurance Portability and Accountability Act of 1996
(HIPAA; Pub.L. 104-191, 110 Stat. 1936, enacted August 21, 1996)*

Reference: 9.22.090. Operating Requirements for Medical Marijuana Dispensaries. B. (1) (d)

All About Wellness recommends that the language allowing remote access of the security surveillance cameras by the City Manager/designee(s) and City's Police Department be removed from the ordinance.

Reason: Allowing remote access would be a violation of federal HIPAA and state medical confidentiality laws.

Reference: 9.22.090. Operating Requirements for Medical Marijuana Dispensaries. C.

All About Wellness recommends that the language relating to transportation be removed from this subsection.

Reason: Under state law, the transportation of cannabis and cannabis products will be required to be done by an entity holding a state cannabis transportation license.

Reference: 9.22.090. Operating Requirements for Medical Marijuana Dispensaries. G. (10) (a)

All About Wellness recommends that language be added to this subsection that allows a person under that age eighteen (18) years to be allowed on the dispensary premises, if the person has a valid physician recommendation and is a registered patient at the dispensary and is accompanied by the adult caregiver who appears on the recommendation.

Reason: Without this amendment patients under the age of eighteen would be prohibited access to cannabis medicine provided to them under state law.

Reference: 9.22.090. Operating Requirements for Medical Marijuana Dispensaries. B. (1)(k)

All About Wellness recommends amending to require “buzz-in” electronic/mechanical entry at the entrance, thereby preventing access to any who do not belong inside the building.

Reason: All About Wellness feels a “buzz-in” electronic/mechanical entry system at the entrance is adequate to maintain security of access to the building.

Reference: 9.22.090. Operating Requirements for Medical Marijuana Dispensaries. G. (18)

All About Wellness requests language be added to this section allowing

dispensaries to have available for sale products that are not cannabis or cannabis products. Examples of such products are: cannabis and health related educational books and publications, apparel, etc.

Reason: This additional language would allow the dispensary to sell educational materials to patients and to comply with the federal IRS rule 280E without adverse federal tax consequences.