

ASSEMBLY BILL

No. 1300

Introduced by Assembly Member Blumenfield

February 18, 2011

An act to amend Section 11362.768 of the Health and Safety Code, relating to medical marijuana.

LEGISLATIVE COUNSEL'S DIGEST

AB 1300, as introduced, Blumenfield. Medical marijuana.

Existing law prohibits a medical marijuana cooperative, collective, dispensary, operator, establishment, or provider authorized by law to possess, cultivate, or distribute medical marijuana that has a storefront or mobile retail outlet which ordinarily requires a local business license from being located within a 600-foot radius of any public or private school providing instruction in kindergarten or grades 1 to 12, inclusive, except as specified. Existing law provides that nothing in these provisions prohibits a city, county, or city and county from adopting ordinances that further restrict the location or establishment of these medical marijuana establishments.

This bill would make a technical, nonsubstantive change to these provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 11362.768 of the Health and Safety Code
- 2 is amended to read:

- 1 11362.768. (a) This section shall apply to individuals specified
2 in subdivision (b) of Section 11362.765.
- 3 (b) No medical marijuana cooperative, collective, dispensary,
4 operator, establishment, or provider who possesses, cultivates, or
5 distributes medical marijuana pursuant to this article shall be
6 located within a 600-foot radius of a school.
- 7 (c) The distance specified in this section shall be the horizontal
8 distance measured in a straight line from the property line of the
9 school to the closest property line of the lot on which the medical
10 marijuana cooperative, collective, dispensary, operator,
11 establishment, or provider is to be located without regard to
12 intervening structures.
- 13 (d) This section shall not apply to a medical marijuana
14 cooperative, collective, dispensary, operator, establishment, or
15 provider that is also a licensed residential medical or elder care
16 facility.
- 17 (e) This section shall apply only to a medical marijuana
18 cooperative, collective, dispensary, operator, establishment, or
19 provider that is authorized by law to possess, cultivate, or distribute
20 medical marijuana and that has a storefront or mobile retail outlet
21 ~~which~~ *that* ordinarily requires a local business license.
- 22 (f) Nothing in this section shall prohibit a city, county, or city
23 and county from adopting ordinances or policies that further restrict
24 the location or establishment of a medical marijuana cooperative,
25 collective, dispensary, operator, establishment, or provider.
- 26 (g) Nothing in this section shall preempt local ordinances,
27 adopted prior to January 1, 2011, that regulate the location or
28 establishment of a medical marijuana cooperative, collective,
29 dispensary, operator, establishment, or provider.
- 30 (h) For the purposes of this section, “school” means any public
31 or private school providing instruction in kindergarten or grades
32 1 to 12, inclusive, but does not include any private school in which
33 education is primarily conducted in private homes.