

Cannabis and Commerce

By Panda Kroll

From an October 3, 2017 Ventura County Star Editorial:



“Los Angeles is drafting rules to allow marijuana greenhouses, industrial processing facilities and recreational retail shops that combined could net the city more than \$50 million in tax revenue next year.... Before too long, Ventura County residents will be taking their pot dollars to L.A. along with their sports and entertainment cash. We’re not saying that’s right or wrong. All we know is that in an estimated \$7 billion California industry endorsed by voters and expected to generate \$1 billion in tax revenue, Ventura County is behind the curve.” While many Ventura County cities have banned commercial cannabis activities, some of our cities are joining our neighbors to the South and North by taking the plunge into cannabis commerce.

As of Jan. 2018, 30 states, and the District of Columbia, Guam and Puerto Rico all authorize cannabis use (either for medical use, or in the case of eight of these states, for recreational or “adult” use). In California, possession of cannabis for medical use was decriminalized over two decades ago,

and following the passage of Prop 64 by a generous margin (56-44 percent in Ventura County), California recently enacted a regulatory scheme that incorporates recreational use of cannabis, the Medicinal and Adult Use Cannabis Regulation and Safety Act (MAUCRSA).

Beyond permitting personal use of small amounts of cannabis by adults in the privacy of their homes, the new regulatory scheme permits California cities and counties to self-determine whether to ban or regulate the cultivation, manufacture and sale of cannabis.

If a city or county permits cannabis activities, the cannabis entrepreneur may pursue a state license. There are three new state licensing authorities, each of which regulates a different aspect of the commercial cannabis market:

- “Bureau of Cannabis Control,” CA Department of Consumer Affairs – responsible for licensing cannabis retailers,

distributors, third-party testing laboratories and microbusinesses.

- “Manufactured Cannabis Safety Branch,” CA Department of Public Health – responsible for licensing manufacturers of cannabis products

- “CalCannabis Cultivation Licensing,” CA Department of Food & Agriculture – responsible for licensing cannabis cultivators and operating the state’s Track-and-Trace system

In Ventura County, Ojai has granted permits to three medical cannabis dispensaries, and Port Hueneme has granted two. Port Hueneme is taking additional applications for medical and recreational dispensaries, delivery, cultivation and product testing. Thousand Oaks is taking applications for one medical cannabis dispensary and one testing facility. Non-refundable application fees are around \$10,000-\$15,000.

Mobile delivery services proliferate in the state and in Ventura County. Regulation

of these services is in its infancy. Although Thousand Oaks and Oxnard are both considering permitting cannabis deliveries to patients within city limits, at this time, only the cities of Ojai and Ventura have enacted ordinances allowing medical cannabis deliveries to qualified patients from licensed dispensaries. The Ventura ordinance bans deliveries from dispensaries from other counties. Deliveries of cannabis by licensed dispensaries to qualified patients who live in unincorporated areas of the County of Ventura also appear to be authorized.

Thousand Oaks is holding an informational workshop to discuss and clarify the Cannabis Business application process on Feb. 5, 2018, 2-4 p.m. at City Hall, Scherr Forum Theater.



Panda Kroll is a member of the Citations editorial board. She is a shareholder of Benton, Orr, Duval, & Buckingham, PC. Panda will be presenting on Cannabis & Commerce

on the following dates:

Feb. 9, 9 am – CAMARILLO CHAMBER OF COMMERCE: Las Posas Country Club

Feb. 21, 6:30 pm – CSUCI ARTS & SCIENCES LIBRARY LECTURE SERIES: Thousand Oaks Library

Feb. 23, 12:00 pm – VCBA CPA/LAW SOCIETY: North Ranch Country Club

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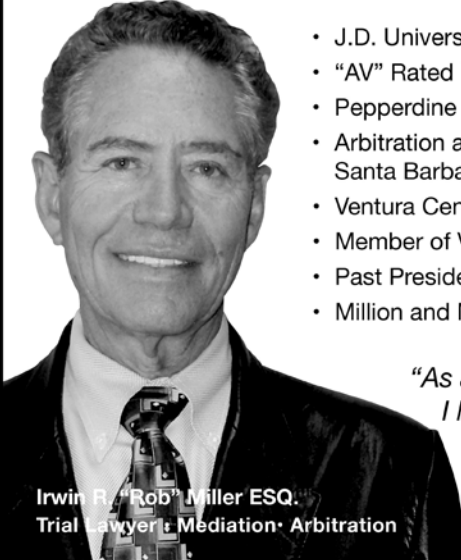
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