

ALBANY CALIFORNIA



CITY OF ALBANY
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Lori Ajax, Chief
Bureau of Cannabis Control
P.O. Box 419106
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September 4, 2018

Dear Ms. Ajax

I am writing on behalf of the City of Albany to oppose the Bureau of Cannabis Control (BCC) proposed regulations which remove the ability for local jurisdictions to decide what is appropriate for their communities through the removal of their authority to ban deliveries.

Existing law, constructed by both the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA) and Proposition 64, states that local jurisdictions have the ability to adopt and enforce local ordinances to regulate cannabis businesses. Existing law also states that a local jurisdiction shall not prevent the delivery of cannabis or cannabis products on public roads by a licensee acting in compliance with local and existing law.

However, the proposed regulations issued by the Bureau of Cannabis Control (BCC), would remove local jurisdictions' authority to decide if cannabis deliveries should be allowed in their communities.

Section 5416(d), would drastically preempt local control and regulatory authority by authorizing cannabis delivery anywhere in the state regardless of conflicting local regulations or bans. These regulations go against the intent of voters who passed Proposition 64, by removing a local jurisdiction's ability to allow or ban cannabis deliveries.

These regulations will remove a critical part of the local enforcement model of cannabis legalization and open up all communities to having cannabis delivered to their front doors.

An influx of cannabis deliveries would require an increase in public safety costs for enforcement to ensure the safety of the public.

For cities who have authorized cannabis businesses, but not deliveries, the delivery provision in these regulations would undercut the viability of legal brick and mortar businesses in those cities.

These proposed regulations are an overreach by the BCC. Forcing cities to allow delivery of cannabis is not a clarification of existing law; it is an unjustified expansion of existing law and of your authority. It is inappropriate to create such a policy through the regulatory process.

SB 1302 by Senator Lara also tried to preempt local authority over cannabis deliveries. The failure of this bill to pass out of its first house indicates that there is little appetite in the legislature and from local governments for this level of preemption.

Sections 5001(c) (11) and 5002(c) (28) would undermine the ability of local agencies to ensure community standards are met by reducing from 60 to 10 days the period to verify if a licensee has obtained necessary local approvals. By establishing a 10-day shot clock, these regulations create an unrealistic timeline for adequate local government review of cannabis licenses.

If the BCC faces no such similar restriction on the timeline for their own reviews of applications to perform appropriate due diligence; why then impose such a different standard for local government?

Thank you for the opportunity to express our concerns to you and the Bureau of Cannabis Control.

Sincerely

Peggy McQuaid
Albany Mayor

cc. Sam Caygill, League of CA Cities, scaygill@cacities.org