

>>> Karen Byars <karenbyars52@gmail.com> 8/8/2017 2:13 AM >>>

**TO: Mendocino County Board of Supervisors**

**FROM:** Karen Byars, founder of the Mendocino Cannabis Resource, LLC located in Willits CA and resident in the Third District of Mendocino County

I have three request for the BOS to consider.

The first request is about supporting the infrastructure I feel the county is going to need to develop a solid cannabis program.

The other two are about my concerns for unforeseen consequences I feel the county might face if we continue with the current policies that are in place.

Thank you for your time and I hope you will consider these three request. Please contact me if you have questions either through email or call me at [707-223-4367](tel:707-223-4367).

### **1. Request that Mendocino County Board of Supervisors sets up a Mendocino Cannabis Advisory Group.**

An Advisory Group will provide a diverse perspective on the impacts of cannabis and cannabis regulations and to provide information and feedback to the County for developing, amending, and funding local cannabis programs and policies.

There are many examples of how other Cities and Counties have set up their advisory groups for Mendocino County to look at & consider. Sonoma County recently set-up an advisory group for their county. First there was an application that those who wanted to serve had to fill out and submit. Twenty were chosen, representing all level of concerns. Sonoma County anticipates that issues the advisory group would focus on include, but not be limited to: Permitting, Enforcement, Impacts & Mitigation Programs, Tax Policy and Revenue Expenditure.

I am requesting that the Mendocino BOS appoint a Cannabis Advisory Group to provide guidance on the Cannabis program implementation, assist with information collection and analysis, and make recommendations related to new policies, programs and revenue expenditure.

### **2. Proposal to Protect Mendocino County medical cannabis patient caregivers & legal medical cannabis collectives until SB 420 sunsets.**

While the county is opening ordinances, I would like to request that the Mendocino 9.31 ordinance be opened for changes also.

A. Reinstate the 25 plant program. Offer the plant bands/tags through the appropriate county department, so that medical cannabis farmers that grow up to 25 plant are legal in Mendocino County.

B. Keep it this way till SB 420 sunsets, which at the earliest will be Jan. 1, 2019. That will give the counties small medical cannabis cultivators regulations/protection for this season & next year. This will give the Agriculture Dept. & the Board of Supervisors time to come up with a plan to include the small growers in the county ordinance.

C. Since 9.31 is a nuisance ordinance the 25 plant providers will not have to meet the ADA requirements and the building codes for now.

The cannabis cultivators that grow 25 plants under 9.31 are the counties law abiding sector, to make them illegal with such short notice, after many had already planted their gardens, is likely to have a negative effect on the psychology of our county, as well as a negative economic impact.

### **3. Medical Cannabis Patients & Medical Cannabis Caregivers Regulations.**

I am requesting that the Mendocino Board of Supervisors follow the state on how they are legislating the needs of qualified medical cannabis patients & caregivers after SB 420 sunsets.

The Medical Cannabis Regulations and Safety Act, MCRSA had defined it as 100 square foot for patients & 6 patients with a total of 500 square feet for caregivers, now in the trailer bill SB 94 the state acknowledges that the amount a patient can have/grow, is between a patient & their doctor.

The trailer bill has a legal definition for 'caregiving' that is strict on how caregiving is defined. It also has language for the penalties if either a patient or a caregiver is found to be distributing their cannabis outside of the regulations for that act.

In SB 94 doesn't say how many plants or square footage of cultivation a medical cannabis patient can grow because Medical Cannabis Patients & Medical Cannabis Caregivers are protected by CA court president including 'People v Kelly' from the California Supreme decision on Jan. 21 2010.

That decision invalidated a law passed in 2003 by the California State Legislature on the grounds that the law imposed stricter standards on medical marijuana than is allowed under Proposition 215. Under the ruling, the state government is no longer allowed to impose any legal limits on the amount of marijuana that medical marijuana users can grow or possess. The 2003 law limited medical marijuana users to 8 ounces of dried marijuana and six mature or 12 immature marijuana plants.

The basis for the court's ruling in People v. Kelly is that the 2003 legislation amounted to an amendment to Proposition 215, and that the California Constitution prohibits legislative tampering with the ballot initiatives approved by voters.

Full text People v Kelly <http://caselaw.findlaw.com/ca-supreme-court/1086902.html>

In the trailer bill, SEC. 20. Section 26033 is added to the Business and Professions Code, to read:  
26033.

(a) A qualified patient, as defined in Section 11362.7 of the Health and Safety Code, who cultivates, possesses, stores, manufactures, or transports cannabis exclusively for his or her personal medical use but who does not provide, donate, sell, or distribute cannabis to any other person is not thereby engaged in commercial cannabis activity and is therefore exempt from the licensure requirements of this division.

(b) A primary caregiver who cultivates, possesses, stores, manufactures, transports, donates, or provides cannabis exclusively for the personal medical purposes of no more than specified qualified patients for whom he or she is the primary caregiver within the meaning of Section 11362.7 of the Health and Safety Code, but who does not receive remuneration for these activities except for compensation in full compliance with subdivision (c) of Section 11362.765 of the Health and Safety Code, is exempt from the licensure requirements of this division.