

Social Equity Measure Notable Part of L.A. Council's Cannabis Ordinances

If you hear “war on drugs” in conversation, you might think it’s merely rhetoric. But actually, it’s a decades-old law enforcement campaign intensified in the Nixon era and impacting individuals right here at home. And before legal marijuana businesses can operate in Los Angeles, it needs to be addressed.

That’s exactly what Councilman Marqueece Harris-Dawson has been doing in heading up a new Social Equity Program that would give priority to those disproportionately affected by the war on drugs regarding crimes involving marijuana.

Unanimous vote by the City Council

Earlier this month, the Los Angeles City Council unanimously voted to approve a collection of ordinances that would provide the regulatory framework for legal marijuana businesses (retail and non-retail) ... and those ordinances included the Social y Equity Program that seeks to insure a certain degree of fairness in the city’s cannabis market.

Considering the fact that California is headed for recreational cannabis use for adults 21 and over in just a couple of weeks (thanks to 2016’s Prop 64), it may be surprising to know that L.A. still has a ban on marijuana dispensaries and non-retail cannabis businesses (like manufacturers, distributors, and cultivators) on the books (thanks to 2013’s Prop D).

Part of what the City Council green-lighted was a measure to repeal that ban effective January 1st (the same day the new recreational use law goes into effect). Assuming the mayor signs off on it, the ban reversal would be effective on the spot.

Social Equity Program responds to War on Drugs

“With the legalization and regulation of cannabis, and the addition of a strong social equity policy, we have shut down one of the major fronts on the War on Drugs,” said Councilman Marqueece Harris-Dawson following the City Council’s vote. “Our social equity program is the most aggressive, the most progressive, and the most just social equity program that anybody has anywhere in the U.S.”

Under the Social Equity Program, licensing applications from prospective legal marijuana business operators in Los Angeles meeting certain criteria would be reshuffled to the top of the list. The requirements for that prioritization include criteria like the potential cannapreneur setting up shop in an area of the city with a history of a high percentage of marijuana-related arrests, the applicant demonstrating low-income status, or a background that includes a conviction involving cannabis possession.

The program approved by the council proposes the city handle marijuana business applications using a two-to-one ratio: two social equity cannapreneur applications for every standard one.

City ordinances also include prohibitions

In addition to the social equity provision, the package of ordinances approved by the council also includes prohibitions, such as the rule stating that non-retail cannabis businesses must not come within 600 feet of schools. Further, a marijuana dispensary may not exist within 700 feet of locations with “sensitive uses” like schools,



daycare facilities, parks, and libraries.

Another prohibition included in the ordinance package: running a marijuana business without a license. The council approved the measure that would allow the city attorney to pursue civil penalties of \$20,000 per violation day for un-permitted cannabis operations or those failing to heed licensing regulations.

And beyond the potential civil penalties, operating an unlicensed marijuana business would fall under the misdemeanor crime category, putting the operator at risk of up to six months' incarceration and/or a \$1,000 fine for each day the violation goes unresolved.

President of City Council is proud of “proactive approach”

Herb J. Wesson, Jr. is president of the Los Angeles City Council and helped make the Social Equity Program a reality. He had this to say after the vote: “I am very proud of the proactive approach we’ve taken to center social justice and create opportunities for individuals who have been disproportionately affected by the War on Drugs.”

This article is provided for educational purposes only and is not offered as, and should not be relied on as, legal advice. Any individual or entity reading this information should consult an attorney for their particular situation. For more information/questions regarding any legal matters, please email info@nelsonhardiman.com or call 310.203.2800.