

MEASURE B

CITY ATTORNEY'S IMPARTIAL ANALYSIS OF MEASURE B

Measure B was placed on the ballot by a petition signed by the requisite number of voters. The measure would establish a framework to allow medical marijuana dispensaries in Campbell, and establish new regulations for delivery and limited cultivation of medical marijuana.

The use and sale of marijuana remains illegal under Federal law. Under State law, persons who possess or cultivate marijuana for personal medical purposes with the recommendation of a physician are exempt from criminal prosecution; and persons 21 years old and older can use marijuana for non-medical purposes. Under the ordinances of the City of Campbell a resident may cultivate up to six marijuana plants indoors, subject to certain restrictions; and commencing on February 16, 2017, medical marijuana can be delivered to qualified patients in Campbell from dispensaries outside of the City. Dispensaries are not allowed in the City.

Measure B would provide that the City shall issue licenses for dispensaries of medical marijuana, and require the City to prescribe reasonable rules that are consistent with the measure and applicable State laws. Once the regulations are adopted, no one could engage in the cultivation, possession, manufacture, processing, storing, laboratory testing, labeling, transporting, distribution or sale of medical marijuana ("commercial cannabis activity") without obtaining an annual permit from the City, except for certain activities that are exempted under the measure. Among these exemptions, no City permit would be required for individual qualified patients to cultivate up to 100 square feet of marijuana for the patient's personal use, or for a primary caregiver to cultivate up to 500 square feet for the personal use of no more than five qualified patients. Commercial cannabis activity would be limited to the City's Industrial and Planned Development zoning districts, except for delivery of medical cannabis to a qualified patient or a primary caregiver at their residence. Licensed dispensaries would be limited to three, which could not operate within a 600-foot radius of a school for kindergarten through twelfth grade. Commercial cannabis activity would also be prohibited on a property that has entrances or exits on a side that abuts any residentially zoned land, or shares a corner with residentially zoned land, or is directly across the street from residentially zoned land, unless the commercial cannabis activity is separated from the residentially zoned property by a street that is at least 80 feet in width. It is not clear whether the reference to entrances or exits applies to streets or to buildings. Dispensaries would be required to impose security measures such as establishing areas limited to dispensary personnel, and storing their products in a locked room or safe. Hours of operation would be limited to 10:00 a.m. to 8:00 p.m. No alcohol could be sold, and no marijuana products or alcohol could be used on the site. No lighting is allowed when the business is closed, except as may be necessary for security. The measure also establishes requirements for record keeping, and privacy of patients and primary caregivers.

/s/ William R. Seligmann
City Attorney of Campbell

COMPLETE TEXT OF MEASURE B

CAMPBELL MEDICAL MARIJUANA REGULATION AND SAFETY ACT OF 2016

The People of the City of Campbell do ordain as follows:

SECTION 1. TITLE

This initiative shall be known and may be cited as the Campbell Medical Marijuana Regulation and Safety Act of 2016.

SECTION 2. FINDINGS AND DECLARATIONS

The People of the City of Campbell find all of the following to be true:

A. We strongly support the right of seriously ill patients to use medical marijuana in the treatment of cancer, anorexia, AIDS, chronic pain, spasticity, glaucoma, arthritis, migraines, or any other serious illness or condition for which marijuana provides relief.

B. We oppose the arrest, prosecution, and incarceration of persons legally-qualified under the Compassionate Use Act of 1996, codified as California Health & Safety Code Section 11362.5 and enacted through Proposition 215, the Medical Marijuana Program Act of 2004, as amended, codified as California Health & Safety Code Sections 11362.7 through 11362.83, inclusive, and enacted through Senate Bill 420, and the Medical Marijuana Regulation and Safety Act of 2016, codified as Business & Professions Code Sections 27, 101, and 205.1, California Government Code Section 9147.7, California Health & Safety Code Sections 11362.775 and 19300 through 19355, inclusive, California Labor Code Section 147.5, and California Revenue & Taxation Code Section 31020, by local, state, or federal law enforcement.

C. The cultivation and provision of medical marijuana should occur in a safe and orderly manner in order to protect patients and the community. In the absence of clear guidelines, there has been a lack of consistency in the permitting and regulation of medical marijuana cultivation and dispensing.

D. The people of the City of Campbell find and declare that we enact this initiative pursuant to the powers reserved to the State of California, the City of Campbell, and its people under the Tenth Amendment to the United States Constitution.

SECTION 3. ADDITION OF CHAPTER 5.56, "MEDICAL MARIJUANA REGULATION AND SAFETY," TO TITLE 5 OF THE CAMPBELL MUNICIPAL CODE, REVISED

Chapter 5.56, entitled "Medical Marijuana Regulation and Safety" is added to Title 5, entitled "Business Licenses and Regulations," of the Campbell Municipal Code, Revised and shall read as follows:

Chapter 5.56—Medical Marijuana Regulation and Safety

Part A. Definitions.

Section 5.56.010. This act shall be known and may be cited as the Campbell Medical Marijuana Regulation and Safety Act of 2016.

Section 5.56.011. For purposes of this chapter, the following definitions shall apply:

COMPLETE TEXT OF MEASURE B-Continued

- (a) "Applicant," for purposes of Part D (commencing with Section 5.56.040), means the following:
 - (1) Owner or owners of a proposed facility, including all persons or entities having ownership interest other than a security interest, lien, or encumbrance on property that will be used by the facility.
 - (2) If the owner is an entity, "owner" includes within the entity each person participating in the direction, control, or management of, or having a financial interest in, the proposed facility.
 - (3) If the applicant is a publicly traded company, "owner" means the chief executive officer or any person or entity with an aggregate ownership interest of 5 percent or more.
- (b) "Bureau" means the Bureau of Medical Marijuana Regulation within the California Department of Consumer Affairs.
- (c) "Cannabis" means all parts of the plant *Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannabis ruderalis*, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. "Cannabis" also means the separated resin, whether crude or purified, obtained from marijuana. "Cannabis" also means marijuana as defined by Section 11018 of the California Health and Safety Code as enacted by Chapter 1407 of the Statutes of 1972. "Cannabis" does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. For the purpose of this chapter, "cannabis" does not mean "industrial hemp" as defined by Section 81000 of the California Food and Agricultural Code or Section 11018.5 of the California Health and Safety Code.
- (d) "Cannabis concentrate" means manufactured cannabis that has undergone a process to concentrate the cannabinoid active ingredient, thereby increasing the product's potency.
- (e) "Caregiver" or "primary caregiver" has the same meaning as that term is defined in Section 11362.7 of the California Health and Safety Code.
- (f) "City" means the City of Campbell.
- (g) "Commercial cannabis activity" includes cultivation, possession, manufacture, processing, storing, laboratory testing, labeling, transporting, distribution, or sale of medical cannabis or a medical cannabis product, except as set forth in Section 5.56.040, related to qualifying patients and primary caregivers.

COMPLETE TEXT OF MEASURE B-Continued

- (h) "Delivery" means the commercial transfer of medical cannabis or medical cannabis products from a dispensary, up to an amount determined by the bureau to a primary caregiver or qualified patient as defined in Section 11362.7 of the California Health and Safety Code, or a testing laboratory. "Delivery" also includes the use by a dispensary of any technology platform owned and controlled by the dispensary, or independently licensed under this chapter, that enables qualified patients or primary caregivers to arrange for or facilitate the commercial transfer by a licensed dispensary of medical cannabis or medical cannabis products.
- (i) "Dispensary" means a facility where medical cannabis, medical cannabis products, or devices for the use of medical cannabis or medical cannabis products are offered, either individually or in any combination, for retail sale, including an establishment that delivers medical cannabis and medical cannabis products as part of a retail sale.
- (j) "Dispensing" means any activity involving the retail sale of medical cannabis or medical cannabis products from a dispensary.
- (k) "Edible cannabis product" means manufactured cannabis that is intended to be used, in whole or in part, for human consumption, including, but not limited to, chewing gum. An edible medical cannabis product is not considered food as defined by Section 109935 of the California Health and Safety Code or a drug as defined by Section 109925 of the Health and Safety Code.
- (l) "Licensee" means a person issued a license under this chapter.
- (m) "Live plants" means living medical cannabis flowers and plants, including seeds, immature plants, and vegetative stage plants.
- (n) "Medical cannabis," "medical cannabis product," or "cannabis product" means a product containing cannabis, including, but not limited to, edible cannabis products, cannabis concentrates, or topical cannabis intended to be sold for use by medical cannabis patients in California pursuant to the Compassionate Use Act of 1996 (Proposition 215), found at Section 11362.5 of California the Health and Safety Code. For the purposes of this chapter, "medical cannabis" does not include "industrial hemp" as defined by Section 81000 of the California Food and Agricultural Code or Section 11018.5 of the California Health and Safety Code.
- (o) "Person" means an individual, firm, partnership, joint venture, association, corporation, limited liability company, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit and includes the plural as well as the singular number.
- (p) "State license," "license," or "registration" means a state license issued by the Bureau.
- (q) "Topical cannabis" means a product intended for external use.

COMPLETE TEXT OF MEASURE B-Continued

A topical cannabis product is not considered a drug as defined by Section 109925 of the California Health and Safety Code.

Part B. Administration

Section 5.56.020. The City shall issue licenses only for dispensaries, as defined in this chapter.

Section 5.56.021. Protection of the public shall be the highest priority for the City in exercising its licensing, regulatory, and disciplinary functions under this chapter. Whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount.

Section 5.56.022. The City shall make and prescribe reasonable rules as may be necessary or proper to carry out the purposes and intent of this chapter and to enable it to exercise the powers and duties conferred upon it by this chapter, not inconsistent with any statute of this state, including particularly this chapter and Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code. For the performance of its duties, the Bureau has the power conferred by Sections 11180 to 11191, inclusive, of the California Government Code.

Section 5.56.023. Notice of any action of the City required by this chapter to be given may be signed and given by the planning director or an authorized employee of the department and may be made personally or in the manner prescribed by Section 1013 of the California Code of Civil Procedure.

Section 5.56.024.

- (a) The City may convene an advisory committee to advise the City on the development of standards and regulations pursuant to this chapter, including best practices and guidelines to ensure qualified patients have adequate access to medical cannabis and medical cannabis products. The advisory committee members shall be determined by the city manager.
- (b) The advisory committee members may include, but not be limited to, representatives of the medical marijuana industry, representatives of medical marijuana cultivators, appropriate local agencies, appropriate local law enforcement, physicians, environmental and public health experts, and medical marijuana patient advocates.

Section 5.56.025. The City may make or cause to be made such investigation as it deems necessary to carry out its duties under this chapter.

Section 5.56.026. For any hearing held pursuant to this chapter, the City may delegate the power to hear and decide to an administrative law judge. Any hearing before an administrative law judge shall be pursuant to the procedures, rules, and limitations prescribed in Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the California Government Code.

Section 5.56.027. In any hearing before the City pursuant to this chapter, the City may pay any person appearing as a witness at the

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hearing at the request of the City pursuant to a subpoena, his or her actual, necessary, and reasonable travel, food, and lodging expenses, not to exceed the amount authorized for state employees.

Section 5.56.028. The City may on its own motion at any time before a penalty assessment is placed into effect and without any further proceedings, review the penalty, but such review shall be limited to its reduction.

Part C. Enforcement

Section 5.56.030. Grounds for disciplinary action include:

- (a) Failure to comply with the provisions of this chapter or any rule or regulation adopted pursuant to this chapter.
- (b) Conduct that constitutes grounds for denial of licensure pursuant to Title 5 of the Campbell Municipal Code, Revised.
- (c) Any other grounds contained in regulations adopted by the City pursuant to this chapter.
- (d) Failure to comply with any state law, except as provided for in this chapter or other California law.

Section 5.56.031. The City may suspend or revoke licenses, after proper notice and hearing to the licensee, if the licensee is found to have committed any of the acts or omissions constituting grounds for disciplinary action. The disciplinary proceedings under this chapter shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the California Government Code, and the City shall have all the powers granted therein.

Section 5.56.032. The City may take disciplinary action against a licensee for any violation of this chapter when the violation was committed by the licensee's agent or employee while acting on behalf of the licensee or engaged in activity for which the licensee has obtained a license under this chapter.

Section 5.56.033. Upon suspension or revocation of a license, the City shall inform the Bureau, who is previously tasked under the California Medical Marijuana Regulation and Safety Act (AB 266) with informing all other licensing authorities and the Department of Food and Agriculture.

Section 5.56.034. All accusations against licensees shall be filed by the City within five (5) years after the performance of the act or omission alleged as the ground for disciplinary action; provided, however, that the foregoing provision shall not constitute a defense to an accusation alleging fraud or misrepresentation as a ground for disciplinary action. The cause for disciplinary action in such case shall not be deemed to have accrued until discovery, by the City, of the facts constituting the fraud or misrepresentation, and, in such case, the accusation shall be filed within five years after such discovery.

Section 5.56.035. Nothing in this chapter shall be interpreted to supersede or limit state agencies from exercising their existing enforcement authority under the California Fish and Game Code, the California Water Code, the California Food and Agricultural Code, or the California Health and Safety Code.

COMPLETE TEXT OF MEASURE B-Continued

Section 5.56.036.

- (a) The actions of a licensee, its employees, and its agents that are (1) permitted pursuant to a license or permit issued by the City, and (2) conducted in accordance with the requirements of this chapter and regulations adopted pursuant to this chapter, are not unlawful under state law and shall not be an offense subject to arrest, prosecution, or other sanction under state law, or be subject to a civil fine or be a basis for seizure or forfeiture of assets under state law.
- (b) The actions of a person who, in good faith, allows his or her property to be used by a licensee, its employees, and its agents, as permitted pursuant to a City license or permit following the requirements of this chapter, are not unlawful under state law and shall not be an offense subject to arrest, prosecution, or other sanction under state law, or be subject to a civil fine or be a basis for seizure or forfeiture of assets under state law.

Section 5.56.037.

- (a) A person engaging in commercial cannabis activity without a license required by this chapter shall be subject to civil penalties of up to twice the amount of the license fee for each violation, and the court may order the destruction of medical cannabis associated with that violation in accordance with Section 11479 of the California Health and Safety Code. Each day of operation shall constitute a separate violation of this section. All civil penalties imposed and collected pursuant to this section shall be deposited into the City's general treasury.
- (b) If an action for civil penalties is brought against a licensee pursuant to this chapter by the City Attorney or City Prosecutor or the California Attorney General on behalf of the people, the penalty collected shall be deposited into the City's general treasury.
- (c) Notwithstanding subdivision (a), criminal penalties shall continue to apply to an unlicensed person engaging in commercial cannabis activity in violation of this chapter, including, but not limited to, those individuals covered under Section 11362.7 of the California Health and Safety Code.

Part D. Licensing

Section 5.56.040.

- (a) The City may issue licenses only to qualified applicants who intend to and do engage in dispensing medical cannabis pursuant to this chapter. Upon the date of implementation of regulations by the City, no person shall engage in any commercial cannabis activity without possessing a permit or license from the City.
- (b) Revocation of the City's license or permit shall terminate the ability of the licensee to operate within the City until the City reinstates or reissues the license or permit. The City shall notify the Bureau upon revocation of the City license or permit.
- (c) Upon the Bureau's issuance of licenses under the California

COMPLETE TEXT OF MEASURE B-Continued

Medical Marijuana Regulation and Safety Act, a licensee shall be required to maintain a license issued by the Bureau subject to all of the requirements thereof. Revocation of a state license shall terminate the ability of a medical cannabis licensee to operate within the City until the Bureau reinstates or reissues the state license.

- (d) Each licensee shall obtain a separate license for each location where it operates its dispensary.
- (e) Nothing in this chapter shall be construed to supersede or limit state agencies, including the State Water Resources Control Board and Department of Fish and Wildlife, from establishing fees to support their medical cannabis regulatory programs.
- (f) The City may not issue licenses pursuant to this chapter to more than three (3) licensees operating at the same time. In the event that a licensee's license issued pursuant to this chapter is revoked, then the City may issue a license to another applicant, provided that there are not more than three (3) active licensees at any given time.
- (g) An applicant must own the property on which it intends to operate its commercial cannabis activity as evidenced by a deed in the name of the applicant or in the name of a trust of which the applicant is a trustee.

Section 5.56.041. A license issued pursuant to this Chapter section shall be valid for 12 months from the date of issuance. The license shall be renewed annually.

Section 5.56.042.

- (a) No license shall be issued by the City for commercial cannabis activity in any zone in the City other than the manufacturing (C-M and M-1) and Planned Development (P-D) zones, except that a dispensary may engage in delivery of medical cannabis to a qualified patient or primary caregiver at the residence of such qualified patient or primary caregiver. Any activity conducted by a licensee pursuant to this Chapter is expressly deemed not to be inconsistent with federal law as those terms are used in Section 21.12.030(F)(2) of the Campbell Municipal Code, Revised.
- (b) No licensee shall operate its business within a 600-foot radius of a school. The distance specified in this section shall be the horizontal distance measured in a straight line from the furthest property line of the school to the closest property line of the lot on which the medical marijuana cooperative, collective, dispensary, operator, establishment, or provider is to be located without regard to intervening structures. For the purposes of this section, "school" means any public or private school providing instruction in kindergarten or grades 1 to 12, inclusive, but does not include any private school in which education is primarily conducted in private homes.

Section 5.56.043. The City shall act on all license applications within ninety (90) days that the application is received by the City and shall review applications in the chronological order received by the City.

COMPLETE TEXT OF MEASURE B-Continued

Section 5.56.044. The City shall create and promulgate a form of an application for a license to be issued under this chapter within sixty (60) days of the enactment of this chapter. Such application form will be made available at City Hall and shall also be available on the City's website. The application will contain sufficient questions and requests for documentation to be provided by the applicant to the City to ensure the applicant complies with all aspects of this chapter.

Section 5.56.045. A licensee shall not also be licensed as a retailer of alcoholic beverages pursuant to Division 9 (commencing with Section 23000) of the California Business & Professions Code.

Section 5.56.046. No license shall be issued for commercial cannabis activity to be conducted on premises that provides ingress or egress to its premises on any side of the location that (i) abuts, (ii) is across a street, alley or walk from, as measured at 90 degrees from the lot lines of the location, or (iii) has a common corner with any land zoned residential, except that an exit door required by the Campbell Municipal Code, Revised may be maintained for emergency egress only and must be locked from the exterior at all times. The above notwithstanding, this subsection shall not prohibit a licensee from locating across a street from, or having a common corner with, any land zoned residential if the licensee's premises are separated from that residential zone by a public thoroughfare with a minimum roadway width of 80 feet.

Section 5.56.047.

- (a) No City license shall be required for individual qualified patients cultivating medical cannabis marijuana pursuant to California Health & Safety Code Section 11362.5 if the area he or she uses to cultivate marijuana does not exceed 100 square feet and he or she cultivates marijuana for his or her personal medical use and does not sell, distribute, donate, or provide marijuana to any other person or entity.
- (b) No City license shall be required for primary caregivers cultivating medical cannabis pursuant to California Health & Safety Code Section 11362.5 if the area he or she uses to cultivate marijuana does not exceed 500 square feet and he or she cultivates marijuana exclusively for the personal medical use of no more than five specified qualified patients for whom he or she is the primary caregiver within the meaning of California Health & Safety Code Section 11362.7 and does not receive remuneration for these activities, except for compensation provided in full compliance with subdivision (c) of California Health & Safety Code Section 11362.765.
- (c) For purposes of this section, the area used to cultivate marijuana shall be measured by the aggregate area of vegetative growth of live plants on the premises.

Part E. Medical Marijuana Regulation

Section 5.56.050.

- (a) A licensed dispensary shall implement sufficient security measures to both deter and prevent unauthorized entrance into areas containing medical cannabis or medical cannabis products and theft of medical cannabis or medical cannabis products at the dispensary. These security measures shall include, but not be limited to, all of the following:

COMPLETE TEXT OF MEASURE B-Continued

- (1) Preventing individuals from remaining on the premises of the dispensary if they are not engaging in activity expressly related to the operations of the dispensary.
 - (2) Establishing limited access areas accessible only to authorized dispensary personnel.
 - (3) Storing all finished medical cannabis and medical cannabis products in a secured and locked room, safe, or vault, and in a manner as to prevent diversion, theft, and loss, except for limited amounts of cannabis used for display purposes, samples, or immediate sale.
- (b) A dispensary shall notify the City and the appropriate law enforcement authorities within 24 hours after discovering any of the following:
 - (1) Significant discrepancies of more than five percent (5%) identified during inventory.
 - (2) Diversion, theft, loss, or any criminal activity involving the dispensary or any agent or employee of the dispensary.
 - (3) The loss or unauthorized alteration of records related to cannabis, registered qualifying patients, primary caregivers, or dispensary employees or agents.
 - (4) Any other breach of security.
 - (c) Every dispensary must abide by the following operational controls, and failure to do so is grounds for revocation of its license:
 - (1) No dispensary may remain open and/or operating between the hours of 8 PM and 10 AM.
 - (2) No dispensary shall permit cannabis and/or alcohol consumption at the premises or in any area of the location used for parking any vehicle.
 - (3) No dispensary may permit entry of a minor unaccompanied by a parent or legal guardian on its premises.
 - (4) No dispensary shall permit any cannabis or cannabis products to be visible from the exterior of the premises.
 - (5) No dispensary may illuminate any portion of its premises during closure hours by lighting that is visible from the exterior of the premises, except such lighting as is reasonably utilized for the security of the premises.

Section 5.56.051.

- (a) Deliveries, as defined in this chapter, can only be made by a dispensary.
- (b) Upon issuance of a license under this chapter, a dispensary that delivers medical cannabis or medical cannabis products shall require all employees of a dispensary delivering medical cannabis or medical cannabis products shall carry a copy of

COMPLETE TEXT OF MEASURE B-Continued

the dispensary's current license authorizing those services with them during deliveries and the employee's government-issued identification, and shall present that license and identification upon request to state and local law enforcement, employees of regulatory authorities, and other state and local agencies enforcing this chapter.

- (c) During delivery, the licensee shall maintain a physical copy of the delivery request and shall make it available upon request of the City and/or City law enforcement officers. The delivery request documentation shall comply with state and federal law regarding the protection of confidential medical information.
- (d) The qualified patient or primary caregiver requesting the delivery shall maintain a copy of the delivery request and shall make it available, upon request, to the City and/or City law enforcement officers.

Section 5.56.052.

- (a) A licensee shall keep accurate records of commercial cannabis activity.
- (b) All records related to commercial cannabis activity as defined by this Chapter shall be maintained for a minimum of seven years.
- (c) The City may examine the books and records of a licensee and inspect the premises of a licensee as the City deems necessary to perform its duties under this chapter. All inspections shall be conducted during standard business hours of the licensed facility or at any other reasonable time.
- (d) Licensees shall keep records identified by the licensing authorities on the premises of the location licensed. The City may make any examination of the records of any licensee. Licensees shall also provide and deliver copies of documents to the City upon request.
- (e) A licensee or its agent, or employee, that refuses, impedes, obstructs, or interferes with an inspection of the premises or records of the licensee pursuant to this section has engaged in a violation of this chapter.
- (f) If a licensee or an employee of a licensee fails to maintain or provide the records required pursuant to this section, the licensee shall be subject to a citation and fine of thirty thousand dollars (\$30,000) per individual violation.

Section 5.56.053. This chapter shall not interfere with an employer's rights and obligations to maintain a drug and alcohol free workplace or require an employer to permit or accommodate the use, consumption, possession, transfer, display, transportation, sale, or growth of cannabis in the workplace or affect the ability of employers to have policies prohibiting the use of cannabis by employees and prospective employees, or prevent employers from complying with state or federal law.

COMPLETE TEXT OF MEASURE B-Continued

Part F. Privacy

Section 5.56.060.

- (a) Information identifying the names of patients, their medical conditions, or the names of their primary caregivers received and contained in records kept by the City for the purposes of administering this chapter are confidential and shall not be disclosed pursuant to the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code), except as necessary for authorized employees of the State of California or any city, county, or city and county to perform official duties pursuant to this chapter.
- (b) Information identifying the names of patients, their medical conditions, or the names of their primary caregivers received and contained in records kept by the bureau for the purposes of administering this chapter shall be maintained in accordance with Chapter 1 (commencing with Section 123100) of Part 1 of Division 106 of the California Health and Safety Code, Part 2.6 (commencing with Section 56) of Division 1 of the California Civil Code, and other state and federal laws relating to confidential patient information.
- (c) Nothing in this section precludes the following:
 - (1) Employees of the City notifying state or local agencies about information submitted to the agency that the employee suspects is falsified or fraudulent.
 - (2) Notifications from the City to state or local agencies about apparent violations of this chapter or applicable local ordinance.
 - (3) Verification of requests by state or local agencies to confirm licenses and certificates issued by the regulatory authorities or other state agency.
 - (4) Provision of information requested pursuant to a court order or subpoena issued by a court or an administrative agency or local governing body authorized by law to issue subpoenas.
- (d) Information shall not be disclosed by the City beyond what is necessary to achieve the goals of a specific investigation, notification, or the parameters of a specific court order or subpoena.

SECTION 4. FINDINGS REGARDING RIGHTS TO PRIVACY

The People of the City of Campbell find and declare that Section 3 of this act, which adds Section 5.56.060 to the Campbell Municipal Code, Revised, thereby imposes a limitation on the public's right of access to the meetings of public bodies or the writings of public officials and agencies within the meaning of Section 3 of Article I of the California Constitution. Pursuant to that constitutional provision, the People of the City of Campbell make the following findings to demonstrate the interest protected by this limitation and the need for protecting that interest: the limitation imposed under this act is necessary for purposes of compliance with the federal Health Insurance Portability and

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Accountability Act of 1996 (42 U.S.C. Sec. 1320d et seq.), the Confidentiality of Medical Information Act (Part 2.6 (commencing with Section 56) of Division 1 of the California Civil Code), and the Insurance Information and Privacy Protection Act (Article 6.6 (commencing with Section 791) of Part 2 of Division 1 of the California Insurance Code).

SECTION 5. SEVERABILITY

The provisions of this act are severable. If any provision of this act or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

ARGUMENT IN FAVOR OF MEASURE B

Vote YES on B to allow 3 dispensaries, delivery and cultivation of medical cannabis in Campbell.

Dispensaries must be 600 feet away from schools, and property must not have entrances or exits that abut any residential zones. Hours of operation are limited from 10:00 a.m. to 8:00 p.m. Patients with medical cannabis cards may cultivate up to 100 square feet of marijuana for personal use WITHOUT registration with the police department.

KEEP CAMPBELL GREEN upholds the will of the voters and demands FAIR & SAFE access for local patients who need medical cannabis. Keep Campbell Green upholds CA state law and maintains the PRIVACY of patients' and caregivers' identities.

KEEP CAMPBELL GREEN opposes the City of Campbell's restrictive policies on medical cannabis, particularly when CA voters have already passed prop 64 legalizing adult recreational use. The city's proposed 2-year ban on dispensaries and police oversight of legal personal cultivation is discriminatory. The city's measure is not "Responsible", rather misleading and borders a full-on ban.

Please join patients, caregivers, local community leaders and business owners and vote Yes on B.

/s/ Kale Schulte

On behalf of Keep Campbell Green

REBUTTAL TO ARGUMENT IN FAVOR OF MEASURE B

VOTE NO on Measure B

Medical marijuana use is already legal in Campbell. Measure B is not necessary for Campbell residents to have legal access to medical marijuana.

A NO vote on Measure B does not change the legal use of medical marijuana by individuals.

Delivery and personal cultivation of medical marijuana is already legal in Campbell. Licensed dispensaries in San Jose have already begun to deliver medical marijuana to Campbell residents.

Measure B seeks to allow 500 square feet of medical marijuana cultivation for caregivers. It is concerning because **nothing in Measure B prohibits the sale and distribution of excess marijuana from these large cultivation locations.** Cultivation could be near your house, school, daycare facility or parks.

Measure B is sponsored by **out-of-town profit-driven businesses** that have no concern for the health and safety of Campbell residents.

Measure B **does not guarantee the quality and safety of the marijuana** product sold.

Each dispensary may create at least 500 car trips through your neighborhood each day.

Measure B will **cost the taxpayers of Campbell at least \$900,000** per year.

Measure B cost taxpayers \$463,400 to place the measure on the Special Election ballot. **This cost could have been avoided if the Initiative proponents worked with the City, as requested,** to provide the typical protection measures for marijuana dispensaries that exist in cities throughout California.

Protect the children and neighborhoods in Campbell.

VOTE NO on Measure B

/s/ Eric Dion Andrew
School Superintendent

/s/ Robert S. Carlson
President, Campbell Police Foundation

/s/ Carol Hoffman
Member, Civic Improvement Commission

/s/ Paul Resnikoff
Vice Mayor, City of Campbell

ARGUMENT AGAINST MEASURE B

MEASURE B is **not about compassionate use of marijuana** for patients who need medicinal relief; it is about opening marijuana businesses in Campbell. State law already allows the use of medical marijuana in Campbell, and the City allows delivery of medical marijuana to patients residing in Campbell.

MEASURE B is **sponsored by out-of-town special interest groups** that put their financial interests ahead of sound policies for Campbell. Costs could have been avoided if proponents for MEASURE B worked with the City to develop responsible regulations. Instead, MEASURE B circumvents local laws and does not comply with the City's General Plan and land use policies.

MEASURE B **allows marijuana storefronts to open next to our homes**, as well as restaurants, daycares, pre-schools, places of worship, city parks and the library. These high volume businesses will overwhelm our local streets, requiring access and parking for more than 1,500 additional cars every day.

MEASURE B is **misleading**. The language is not clearly written and exposes the City to unnecessary litigation. The measure was written by and for the commercial marijuana industry-not for the people of Campbell.

MEASURE B permits **dangerous cash-only businesses**. Since marijuana is banned federally, these businesses with large amounts of money on-site increase the potential for violent crime in our neighborhoods.

MEASURE B will result in **unfunded taxpayer costs of more than \$950,000 annually** for oversight and enforcement.

Voting NO on MEASURE B will protect Campbell from threats to public safety. Patients will continue to have the ability to get the relief they need in Campbell without MEASURE B.

Local law enforcement officers, educators, business owners and residents across Campbell urge you to protect our neighborhoods and maintain public safety by voting **NO ON MEASURE B**.

/s/ Cynthia L. Dodd
Principal, Rolling Hills Middle School

/s/ Jason Baker
Former Mayor, City of Campbell

/s/ David Livingston
President, Campbell Police Officers Assoc.

/s/ Elizabeth Gibbons
Mayor, City of Campbell

/s/ Jimmy L. Zien
Home Church Assoc. Pastor

REBUTTAL TO ARGUMENT AGAINST MEASURE B

Vote YES on measure B

MEASURE B has been and will only be about one thing. **Equal and unfettered access to medical marijuana by ALL patients.** Compassionate...responsible...fair.

MEASURE B **was created by patients, caregivers and concerned family members in Campbell.** Over 100 individuals that reside in Campbell have made this initiative a reality.

MEASURE B **adheres to state guidelines that provide more than adequate distances from sensitive areas.**

MEASURE B **does not increase the risk of violent crime in Campbell.** There are no statistics to support this claim and it is an attempt to drum up fear and restrict rights that have already been established.

MEASURE B **will generate a revenue stream in Campbell.** This revenue can be directed towards schools, roads and planned development to help develop our city further.

VOTE YES ON MEASURE B

/s/ Kale Schulte

On behalf of Keep Campbell Green