

Salinas, California, Code of Ordinances >> PART II - THE CODE >> CHAPTER 16B. - MEDICAL MARIJUANA DISPENSARIES. >>

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**CHAPTER 16B. - MEDICAL MARIJUANA DISPENSARIES.**

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**Sections:**

Sec. 16B-1. - Purpose and findings.

Sec. 16B-2. - Definitions.

Sec. 16B-3. - Medical marijuana dispensaries prohibited.

Sec. 16B-4. - Penalties.

**Sec. 16B-1. - Purpose and findings.**

The city council finds that federal and state laws prohibiting the possession, sale and distribution of marijuana would preclude the opening or establishment of medical marijuana dispensaries sanctioned by the city of Salinas, and in order to serve public health, safety and welfare of the residents and businesses within the city, the declared purpose of this chapter is to prohibit medical marijuana dispensaries from being opened or established within the city of Salinas. Nothing contained in this chapter shall be deemed to permit or authorize any use or activity which is otherwise prohibited by any state or federal law.

*(Ord. No. 2480 (NCS), § 2.)*

**Sec. 16B-2. - Definitions.**

When used in this chapter, the following words shall have the meanings ascribed to them in this section:

- (a) "Identification card" means a document issued by the State Department of Health Services which identifies a person authorized to engage in the medical use of marijuana and the person's designated primary caregiver, if any.
- (b) "Medical marijuana" means marijuana authorized in strict compliance with and as set forth in California Health and Safety Code Section 11362.5 et seq. used for medical purposes where the medical use is deemed appropriate and has been recommended by a physician who has determined that the person's health would benefit from the use of marijuana in the treatment of cancer, anorexia, AIDS, chronic pain, spasticity, glaucoma, arthritis, migraine or any other serious medical condition for which marijuana is deemed to provide relief.
- (c) "Medical marijuana dispensary" means any facility or location, whether fixed or mobile, where medical marijuana is made available to, distributed by, or distributed to one or more of the following: a qualified patient, a person with an identification card, or a primary caregiver. All three of these terms are identified in strict accord with California Health and Safety Code Section 11362.5 et seq. A medical marijuana dispensary shall not include the following uses, as long as the location of such use is otherwise in accord with this Code and other applicable law: a clinic licensed pursuant to Chapter 1 of Division 2 of the Health and Safety Code; a health care facility

licensed pursuant to Chapter 2 of Division 2 of the Health and Safety Code; a residential care facility for persons with chronic life-threatening illnesses licensed pursuant to Chapter 3.01 of Division 2 of the Health and Safety Code; a residential care facility for the elderly licensed pursuant to Chapter 3.2 of Division 2 of the Health and Safety Code; a hospice, or a home health agency licensed pursuant to Chapter 8 of Division 2 of the Health and Safety Code, as long as any such use complies strictly with applicable law including, but not limited to, Health and Safety Code Section 11362.5 et seq.

- (d) "Person with an identification card" shall have the meaning given that term by Health and Safety Code Section 11362.7.
- (e) "Primary caregiver" shall have the meaning given that term by Health and Safety Code Section 11362.7.
- (f) "Qualified patient" shall have the meaning given that term by Health and Safety Code Section 11362.7, but who does not have an identification card issued by the State Department of Health Services.

(Ord. No. 2480 (NCS), § 2.)

### **Sec. 16B-3. - Medical marijuana dispensaries prohibited.**

Medical marijuana dispensaries are prohibited and no person shall operate or permit to be operated a medical marijuana dispensary in or upon any premises in the city.

(Ord. No. 2480 (NCS), § 2.)

### **Sec. 16B-4. - Penalties.**

The operation of any medical marijuana dispensary within the city in violation of the provisions of this chapter is hereby declared a public nuisance and shall be abated by action of the city attorney pursuant to all available remedies. Additionally, any person, firm or corporation, whether as principal or agent, employee or otherwise, violating or causing or permitting the violation of any of the provisions of this chapter shall be guilty of a misdemeanor, and upon the conviction thereof shall be punishable by a fine of not more than one thousand dollars or by imprisonment in the Monterey County jail for a term not to exceed one hundred eighty days or by both such fine and imprisonment. Such person, firm or corporation shall be deemed to be guilty of a separate offense for each day during any portion of which any violation of this chapter is committed, continued or permitted by such person, firm or corporation, and shall be punishable as herein provided. Alternatively, in the discretion of the city attorney, any violation of this chapter may be prosecuted administratively pursuant to the city's administrative remedies ordinance, or as otherwise permitted by the City Code or state law.

(Ord. No. 2480 (NCS), § 2.)