

Medical Marijuana FAQs

What did the Resolution adopted by City Council on December 14, 2017 do?

The Fresno City Council adopted a Resolution to begin the process to amend the City's medical marijuana (cannabis) ordinances. The intent was to allow medical marijuana businesses to begin the state licensing application process; however, local permits are needed for a business to operate legally.

Can a medical marijuana business now operate legally within the City?

No. A medical marijuana business may not operate until the City land use entitlement process is complete and the business has been properly permitted. The City is not currently issuing local permits to establish a medical marijuana business, but may begin to do so depending on the final outcome of the proposed medical marijuana ordinance amendments. It is anticipated amendments to current medical marijuana ordinances will likely be final in three to four months, after going through the public review process and undergoing CEQA analysis; however, there is no guarantee if or when these amendments will be adopted by the City Council.

Does a business license allow a medical marijuana business to operate legally?

No. A business license issued by the City does not permit a marijuana business to operate, but is merely the required registration to pay City taxes.

Can a Councilmember grant a local permit to a medical marijuana business?

No. The City Council can decide policy regarding marijuana, which is then enforced by City Administration. The Development and Resource Management Department (DARM) processes land use entitlement applications, just as it does for any other type of business. For some permits, the City Council is the final decision making body. The City is not currently accepting applications or processing local permits to establish medical marijuana businesses.

If the City adopts amendments to medical marijuana ordinances, what is the permitting process?

The permitting process will depend on the type of entitlement required by the final ordinance that is ultimately adopted. Typically, it requires an application which is reviewed by the DARM Director but may also require the Planning Commission and Council to consider the permit. An application usually requires a Site Plan and other site specific and business information to be submitted.

Where will medical marijuana businesses be permitted to operate?

The locations where medical marijuana businesses may operate is unknown at this time, and will be determined when medical marijuana ordinance amendments are adopted.

How does a medical marijuana business apply for a state license?

A state license must be obtained through one of the following state agencies:

<http://bcc.ca.gov/>

<http://calcannabis.cdfa.ca.gov/>

<https://www.cdph.ca.gov/Programs/CEH/DFDCS/Pages/MCSB.aspx>

A temporary license expires after 120 days and requires local authorization. The Resolution authorized medical marijuana businesses to begin the process; however, since a business will not have a local land use entitlement, the business is not authorized to operate legally within the City.

An annual license requires the City to have a valid ordinance allowing that type of business. Since no medical marijuana ordinance amendments have been made, an annual license would not be granted.

If I operate a medical marijuana business illegally, can that jeopardize my ability to be granted a local permit?

Yes. Operating a business illegally can potentially prevent the City from granting an individual a local permit in the future.

Can a medical marijuana business legally operating outside of the City make legal deliveries to customers in the City?

No. The City currently has a ban on all marijuana activities. A delivery of marijuana may not be made to a location within the City.

The following link provides more information on cannabis use:

<https://www.cdph.ca.gov/Programs/DO/letstalkcannabis/Pages/helpful-resources.aspx/>

Neither this FAQs, nor any other representation, authorization, nor permit issued by the City shall create any vested right regarding marijuana operations or businesses. Any benefit conferred by this is temporary and subject to change, and shall expire permanently on the effective date of the City Council's enactment of new marijuana legislation. No claim for loss of property rights or due process of any kind shall be maintained against the City.

Please be advised that under federal law, it is still illegal to possess, cultivate, or distribute marijuana.

For questions regarding medical marijuana businesses, please contact the Fresno City Attorney's Office at attorneys@fresno.gov