

## CHAPTER 9-125 - MEDICAL MARIJUANA DISPENSARY REGULATIONS

### Sections:

#### 9-125.1 - INTENT.

The intent of this Chapter is to prohibit the establishment of facilities for the distribution (including selling, serving, storing, keeping, manufacturing, exchanging or giving away) of medical marijuana within the unincorporated area of San Joaquin County, irrespective of Health and Safety Code Section 11362.765(a) as it applies to Health and Safety Code Section 11570. It is not the intent of this Chapter to otherwise prohibit or inhibit the right of seriously ill people to obtain and use marijuana for medicinal purposes pursuant to The Compassionate Use Act of 1996 and The Medical Marijuana Program of the Health and Safety Code. Nor is it the intent of this Chapter to prohibit or inhibit such a right in hospitals, clinics, residential care facilities, or similar facilities, licensed pursuant to the Health and Safety Code.

(Ord. No. 4388, § 3, 3-2-2010; Ord. No. 4413, § 4, 8-9-2011; Ord. No. 4443, § 2, 10-8-2013)

#### 9-125.2 - DEFINITION.

The following definition applies to this chapter in addition to those definitions in Section 9-110.4 of this Title:

**Medical Marijuana Dispensary.** "Medical Marijuana Dispensary" means any facility where medical marijuana is made available pursuant to Health and Safety Code Sections 11362.5 (The Compassionate Use Act of 1996) and Sections 11362.7 through 11362.83 (Medical Marijuana Program).

A medical marijuana dispensary shall not include the following uses, so long as such uses comply with this code, Health and Safety Code Section 11362.5, et seq., and other applicable law:

1. A clinic licensed pursuant to Chapter 1 of Division 2 of the Health and Safety Code.
2. A health care facility licensed pursuant to Chapter 2 of Division 2 of the Health and Safety Code.
3. A residential care facility for persons with chronic life-threatening illness licensed pursuant to Chapter 3.01 of Division 2 of the Health and Safety Code.
4. A residential care facility for the elderly licensed pursuant to Chapter 3.2 of Division 2 of the Health and Safety Code.
5. A hospice or a home health agency licensed pursuant to Chapter 8 of Division 2 of the Health and Safety Code.

(Ord. No. 4388, § 3, 3-2-2010; Ord. No. 4413, § 5, 8-9-2011; Ord. No. 4443, § 3, 10-8-2013)

#### 9-125.3 - PROHIBITION.

No person shall establish, operate, or permit the establishment or operation of a medical marijuana dispensary in or upon any premises in the unincorporated San Joaquin County.

(Ord. No. 4388, § 3, 3-2-2010; Ord. No. 4413, § 6, 8-9-2011)