



COMMUNITY DEVELOPMENT DEPARTMENT

Subject: Medicinal Marijuana Dispensaries

Issue: A medicinal marijuana dispensary is not listed as a specific use in the Development Code. This policy clarifies whether a medicinal marijuana dispensary is a similar use to one or more of the uses listed in Article II of the Development Code.

Reference: Section 18.03.020.E.2

Policy/Procedure: A medicinal marijuana dispensary, or similar use for the dispensing or distribution of marijuana in compliance with State law, is not an allowed use in the Town of Truckee. A medicinal marijuana dispensary is not specifically listed in Article II, and the Director determines that a medicinal marijuana dispensary is not a similar use to any use listed in Article II.

A medicinal marijuana dispensary involves the dispensing or distribution of a drug regulated by Federal and State laws. Such characteristics and activities associated with the dispensing or distribution of a regulated, prescription drug clearly differentiate a medicinal marijuana dispensary from other retail trade uses. Pharmacies are an allowed use as “Medical Services – Clinics and Laboratories” and as an accessory use in large grocery stores, drug stores such as Rite-Aid and Long’s, and hospitals. However, a medicinal marijuana dispensary is not similar in characteristics and activities associated with pharmacies based on the following:

- Pharmacies must comply with State and Federal requirements for the dispensing and storage of drugs in a controlled environment (e.g., drugs must be properly secured).
- Drugs in pharmacies must be dispensed by a pharmacist licensed by the California Board of Pharmacy.
- A final judicial determination has not been made with regard to actual or potential conflicts between State and Federal law with regard to medicinal marijuana dispensaries.

Effective Date: January 4, 2008

Approved by: _____
John McLaughlin, Director

Approved as to Legal Form and Sufficiency:

Dennis Crabb, Town Attorney

Date: _____