

Capitola City Council

Agenda Report



Meeting: November 22, 2022

From: Police Department

Subject: Second Reading of an Ordinance Amending Sections 5.36 and 9.61 of the Capitola Municipal Code Pertaining to Cannabis Delivery

Recommended Action: Pass an Ordinance amending Capitola Municipal Code Sections 5.36 and 9.61 allowing cannabis deliveries within the City of Capitola from any authorized licensed retailers physically located within Santa Cruz County.

Background: On November 10, 2022, the City Council unanimously approved the first reading of the draft ordinance to amend Municipal Code Sections 5.36 and 9.61.

The Santa Cruz City Council considered and introduced a similar ordinance amendment on November 15, 2022. The Santa Cruz County Board of Supervisors considered and introduced a similar ordinance on November 15, 2022. Staff expects the remaining jurisdictions that permit retail cannabis sales will consider similar ordinances this Fall.

Discussion: The proposed amendments to Sections 9.61 and 5.36 of the Capitola Municipal Code would explicitly allow recreational cannabis deliveries from any licensed cannabis retailer within the County while prohibiting deliveries from outside the County.

The intent behind this change is to align the retail cannabis delivery requirements for the cities of Capitola, Watsonville and Santa Cruz and the unincorporated areas of Santa Cruz County. This change should simplify enforcement and compliance efforts for all jurisdictions.

The proposed ordinance also includes language that allows delivery of medical cannabis from businesses located anywhere within the State, as required by the newly adopted Senate Bill 1186. Senate Bill 1186 – Medicinal Cannabis Patients’ Right of Access Act was signed into law on September 18, 2022. This bill enacts the Medicinal Cannabis Patients’ Right of Access Act, which, on and after January 1, 2024, would prohibit local jurisdictions from adopting or enforcing any regulation that prohibits the delivery of medicinal cannabis to medicinal cannabis patients.

Attachments:

1. Proposed Ordinance

Report Prepared By: Andrew Dally, Chief of Police

Reviewed By: Chloé Woodmansee, Assistant to the City Manager; Samantha Zutler, City Attorney

Approved By: Jamie Goldstein, City Manager