

Oakland Public Safety Committee gives cannabis tolerance a green light

Contributed by Justin Baker

Measure covers private sales to adults

The City Council's Public Safety Committee met June 14 with a packed hall and unanimous public testimony supporting regulated cannabis sales in Oakland.

"We truly are showing that we are a respectable, political constituency with clout," said Mikki Norris, a board member of the Oakland Civil Liberties Alliance, primary sponsor of Measure Z, which won by 65.2% last fall.

The committee responded by taking decisive action on a motion by councilmember and mayoral candidate Nancy Nadel to launch the oversight committee, define the scope of "private" sales, and instruct law enforcement to follow the voter mandate for cannabis tolerance. It also voted to limit membership on the oversight committee to city residents.

Councilmember Pat Kernighan seconded Nadel's motion, which passed 3-0 with the vote of Jean Quan and an abstention by Larry Reid. Kernighan, elected to the District 2 seat earlier this year in a special election, said she had not voted for Measure Z, but she understood it and respected the will of the voters.

Constituents crowded into the meeting with concerns about the city attorney's definition of what voters meant when they made private adult cannabis sales, cultivation and use law enforcement's lowest priority. He interpreted it as meaning non-commercial locations only, rather than other non-public places. The net effect would have been to limit tolerance to the home rather than allow clubs or designated private adult-use areas that require proof of age to enter.

Backers of the measure argued that voters clearly intended to keep sales "off the streets" by moving them into commercial settings to be taxed and regulated as soon as possible.

Speakers made a strong case for ventilated, on-site smoking areas and age controls through ID checks or membership cards. Both of these systems have worked well in medicinal cannabis outlets.

Kernighan, herself an attorney, said that the language must be taken at face value and that it did not appear to her that voters intended to restrict cannabis sales, cultivation or use to the home. Nor did she want to unduly tie the oversight group's hands as to what possibilities to consider.

City council members now need to designate oversight committee members to make sure that tolerance carries forward as intended. Each council member is to select a resident to serve for two years while meeting quarterly.

Dr. Frank Lucido, a family practitioner, told the committee that he had contacted more than one council member about his interest in bringing a physician's sensibility to the issue.

Nadel's appointee to the oversight committee, Richard Lee, said, "I look forward to working on the committee to create guidelines for private adult sales. Well-regulated cannabis sales will benefit Oakland and continue to revitalize Oaksterdam."

Lee said that the city's experience with regulating its medical marijuana dispensaries gave the community transferable skills that could apply to adult use facilities. Councilmember Quan agreed, noting that the city's dispensary permit ordinance seems to be working.

A poll found that public opposition to the section of that ordinance that shut down most of the dispensaries had encouraged voters to pass Measure Z. Supporters see this as a signal that voters want to revive Oaksterdam as a cannabis-friendly zone.

Chris Conrad, curator of the Hash-Marijuana-Hemp Museum in Amsterdam, told how the Dutch model of tolerance and coffeeshops would apply to Oakland. To protect private activities from federal or state harassment, he said, business licenses and tax records would not indicate whether cannabis was sold or consumed, as long as a controlled-access private adult area had been designated and sales taxes were paid, without listing what was being sold. Failure to keep minors out or public nuisance complaints would be a basis to pull a business license.

With the success of Measure Z in Oakland, other communities are beginning to consider adopting similar ordinances. A political consulting company, The Next Generation, has been contracted to do early research on suitable locations around the state.

After decades of discrimination and mistreatment, cannabis consumers are finally making their claim to equitable treatment. For more information visit www.taxandregulate.org.