CALIFORNIA SUPREME COURT HEARS ORAL ARGUMENT IN MEDICAL MARIJUANA DISPENSARY CASE

The California Supreme Court heard oral arguments on Tuesday in City of Riverside v. Inland Empire Patient's Health and Wellness Center – the case challenging Riverside’s ordinance banning medical marijuana dispensaries.

Riverside’s ordinance prohibits medical marijuana dispensaries in any zone in the city and provides that a violation can be abated as a public nuisance. After the ordinance was adopted, the defendants opened a dispensary and the city obtained an injunction to close it. The Court of Appeal upheld the injunction and the defendant appealed the decision to the Supreme Court. The defendant contended that Riverside’s ordinance is invalid since state medical marijuana laws preempt or prevent cities from prohibiting dispensaries. Riverside argued that the California Constitution provides cities with broad authority to control and regulate land uses within their borders and that state medical marijuana laws do not limit that power. Several Supreme Court justices appeared to express skepticism about the defendant’s arguments in the case.

Following the argument, Gregory P. Priamos, city attorney, Riverside said the city “is cautiously optimistic that the Supreme Court will uphold the decision of our Court of Appeal. The Supreme Court’s decision will be very significant with respect to a city’s exercise of its constitutional police power as well as the exercise of its traditional land use powers.”

The Supreme Court has granted review in five other cases involving ordinances that either ban or regulate medical marijuana dispensaries, but only the Riverside case has been argued. The Court’s decision will be issued within 90 days and is expected to provide valuable guidance to local public agencies on the authority to ban or regulate dispensaries.

The League thanks Thomas B. Brown and Stephen A. McEwen of Burke Williams & Sorensen for preparing the amicus brief on the League’s behalf in this case.