



Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Councilmember Peter Ortiz

SUBJECT: SEE BELOW

DATE: May 14th, 2024

Approved: 

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SUBJECT: Item 4.1 - Cannabis Regulation of Tobacco Retailers Status Report

RECOMMENDATION

1. Accept the staff report with the following direction:
 - a. Direct the Administration to Amend Title 20 to define and establish vape and smoke shops as an enumerated use within the land use tables for zoning districts and require a Conditional Use Permit or other permit as appropriate to operate.
 - i. While completing this, analyze the feasibility of placing a cap on Conditional Use Permits or other permit for this use while staff works to develop either proposed new cost recovery fees and resources or general funding streams and resources to build out a program in either Code Enforcement or the San José Police Department Division of Cannabis Regulation's to include regulating vape and smoke shops.
 - b. Return to the Public Safety, and Strategic Finance Committee by end of 2024 (or after new year) with an update on these efforts.

DISCUSSION

I am thankful to staff from both Code Enforcement and San José Police Department who've outlined the current measures of oversight for the ongoing issue of illegal and potentially dangerous items being sold out of smoke and vape shops in the city. It is valuable to both council staff and the public alike to understand where to report and the different types of both administrative citations and criminal violations when facing these issues.

That being said, the reality of the situation is that youth across the city are gaining access to illegal and unsafe items being sold at smoke and vape shops. In the US, between 2017 and 2019, cases of accidental pediatric exposures to cannabinoid products increased 1,375%, with nearly one quarter of which required hospitalization;

the proportion of pediatric exposures from hemp-derived products is unclear. Reports of harm from $\Delta 8$ THC and other products claiming to be derived from hemp have multiplied.

To that end, the risk at hand are clear and action steps must be taken. It is my hope that the direction of this memo will help City staff gain a better handle of the issue at hand and ensure compliance in an expedient manner, thus ensuring the safety of youth throughout the city.

The signers of this memorandum have not had, and will not have, any private conversation with any other member of the City Council, or that member's staff, concerning any action discussed in the memorandum, and that each signer's staff members have not had, and have been instructed not to have, any such conversation with any other member of the City Council or that member's staff.