



**City of Milpitas**

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**In Response to Change in State Law, Milpitas City Council Introduces Maximally Restrictive Cannabis Delivery Regulations**

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In response to Senate Bill 1186, a new state law that requires local lawmakers to allow medicinal cannabis deliveries, the Milpitas City Council has introduced a comprehensive set of regulations aimed at preserving its commercial cannabis ban and tightly controlling the delivery of medicinal cannabis products within City limits. The ordinance establishes sensible regulations that comply with State law and provides access to medicinal cannabis products to qualifying patients while ensuring controls are in place that maximize community safety. It remains unlawful to deliver recreational cannabis within the City. The new regulations include the following provisions:

**Deliver to Patient or Caregiver:** Cannabis delivery services are only permitted to deliver medicinal cannabis products to registered patients or their designated caregivers.

**Documentation of Medicinal Need:** Prior to delivering medicinal cannabis in Milpitas, delivery services are required to obtain documentation of the customer's medical need, such as a valid medical cannabis recommendation from a licensed healthcare provider.

**Delivery to Fixed Address:** Deliveries are restricted to fixed addresses at either the patient's home or the caregivers place of business, providing further assurance that cannabis products are being delivered to legitimate patients in a secure and controlled environment.

**Age Verification:** Stringent age verification procedures will be implemented to prevent the delivery of cannabis products to minors. Delivery personnel will be required to verify the age of recipients upon delivery and ensure that all transactions comply with state and local laws.



**Only State-Allowed Medicinal Cannabis; No Accessories:** Delivery services are authorized to deliver only state-approved medicinal cannabis products, excluding any accessories or paraphernalia.

**Delivery Hours:** Deliveries will only be permitted from 6:00 a.m. to 10:00 p.m. to promote safety, minimize disturbances to residents, and ensure compliance with local noise ordinances.

**Registration, Business License, and Payment of Applicable Fees:** Delivery services must register with the City and obtain a valid business license. Additionally, they are required to pay all applicable fees and taxes associated with operating within the City limits.

**Maintenance of Documentation:** Delivery services must maintain detailed records of all deliveries including as required by the recently introduced ordinance, the California Department of Cannabis Control, and Assembly Bill 195.

The ordinance, which aims to safeguard public health and safety while facilitating access to medicinal cannabis, will be enforced through a combination of proactive education efforts and targeted enforcement measures. These are as follows:

Education First, Enforcement Second Approach: Delivery services will be provided with comprehensive guidance on regulatory requirements and best practices, empowering them to operate in accordance with the law.

Clearly Prohibiting Attempts or Offers to Deliver: Any attempt or offer to deliver cannabis products in violation of the regulatory framework is prohibited.

Efficient Enforcement: Enforcement efforts will be supported by thorough documentation of delivery activities, allowing authorities to identify and address any instances of non-compliance swiftly and effectively.

Consequences for Violators: Violators of the ordinance may face serious consequences, including fines, civil penalties, and prohibition from delivering within the City.

Mayor Carmen Montano said, "These regulations strike a balance between allowing for the legal delivery of cannabis products as required by the state mandate and ensuring that appropriate safeguards are in place to protect the Milpitas community."

Councilmember Garry Barbadillo shared, "With the change in state law, our enforcement strategy will prioritize education on medical cannabis delivery services, and taking decisive action against those who break the law. By focusing on compliance and accountability, we aim



to ensure the safe and responsible delivery of cannabis products to patients as required by state law.”

If adopted, the ordinance will go into effect thirty (30) days after its second reading at the next regularly scheduled City Council meeting, giving delivery services and residents time to adjust to the new regulations. The City Council plans to closely monitor the implementation of the ordinance and make adjustments as necessary to address any emerging issues.

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### **About the City of Milpitas**

Located at the southern end of San Francisco Bay, Milpitas is a progressive community that is an integral part of Silicon Valley. A full-service city with water utility, sewer utility, police and fire services, Milpitas is a flourishing community with a very diverse and inclusive resident population of nearly 80,000. Often referred to as the Crossroads of Silicon Valley, the City is situated between major thoroughfares in the Bay Area and considered a highly desirable location for world-class technology companies seeking to build a central base of operations. With the addition of the new Milpitas Transit Center offering BART, light rail, and bus service, and multiple new mixed-use development projects, along with a host of new City Plans and Programs in support of an inspiring and sustainable future, the City is at the forefront of building the next generation economy. For more information, visit: [www.milpitas.gov](http://www.milpitas.gov)

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