



## FAQs

# SETBACK TO SCHOOLS FOR CANNABIS BUSINESSES

**1. Does the City's cannabis ordinance require cannabis businesses to be located a certain distance from schools or other youth-oriented facilities?**

The City's cannabis ordinance requires retail cannabis businesses to be setback at least 600-feet from schools providing K-12 instruction. (Ordinance, § 20-46.080(D)(2).) The distance between the cannabis retail business and a school shall be measured in a straight line from the boundary line of the property on which the cannabis retail is located to the closest boundary line of the property on which a school is located. (Ordinance, §20-46.080(D)(3). The ordinance also precludes cannabis retail facilities from advertising or marketing cannabis or cannabis products on an advertising sign within 1,000 feet of a school. (Ordinance, § 20-46.080(F).) The ordinance does not require any buffers between non-retail cannabis businesses and schools or other youth-oriented facilities.

**2. Does state law require cannabis businesses to be located a certain distance from schools or other youth-oriented facilities?**

The Medicinal and Adult Use Cannabis Regulation and Safety Act (Business and Professions Code §§ 26000 et seq. (MAUCRSA) imposes a 600-foot radius between cannabis businesses and schools providing K-12 instruction, day care centers and youth centers, unless a local jurisdiction specifically allows a different radius (including no setbacks). California Health and Safety Code § 11362.768 requires 600-foot buffers between schools and retail cannabis businesses.

**3. Does federal law require cannabis businesses to be located a certain distance from schools or other youth-oriented facilities?**

Cannabis is listed as a Schedule I drug and is illegal under Federal law. As such, it is illegal for any person to knowingly or intentionally manufacture, distribute, possess with intent to manufacture, dispense or distribute, or dispense cannabis. (21 U.S. Code § 841, subd. (a).) Cannabis businesses are therefore illegal in any location, whether next door to a school, one thousand feet from a school, or ten miles from a school.

A person who violates federal law may be subject to criminal penalties, including imprisonment and fines. (21 U.S. Code § 841, subd. (b).) These penalties are enhanced where a person distributes, possesses with intent to distribute, or manufactures cannabis in, on, or within 1,000 feet of a public or private elementary, vocational or secondary school or a public or private college, junior college or university, or a playground, or a housing facility owned by a public housing authority. (21 U.S. Code § 860, subd. (a).) Penalties are also enhanced where a person distributes, possesses with intent to distribute, or manufactures cannabis in, on, or within 100 feet of a public or private youth center, public swimming pool, or video arcade facility.

**4. Will schools lose federal funding if cannabis businesses are located near the campus?**

Federal law prohibits educational facilities from knowingly permitting *possession, use or distribution of cannabis on school grounds*, and a school's willful violation of this law could potentially place the school's federal grant funds at risk.

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