Marijuana Use & Crime Free Multi Housing

APARTMENT MANAGER TRAINING

Funded by the County of San Diego, Health and Human Services Agency, Behavioral Health Services
Schedule (1) Drug:
• No “medical value”
• High propensity for abuse and addiction
New Attorney General Sessions, is on record saying cannabis is “dangerous” and that “good people don’t smoke marijuana.”

“We need grown-ups in charge in Washington to say that marijuana is not the kind of thing that ought to be legalized, it ought not to be minimized, that it’s in fact a very real danger,” he said, noting statistics on accidents and traffic fatalities.
THE NEW LAW!
PROP. 64
The AUMA provisions legalizing personal use and cultivation of nonmedical marijuana took effect November 9, 2016.

A person 21 years of age or older may possess, process, transport, purchase or give away to persons 21 years of age or older not more than 28.5 grams of marijuana in the non-concentrated form and not more than 8 grams of marijuana in a concentrated form.

Local governments cannot ban within a private residence by a person 21 years and older for personal use the indoor cultivation of up to six nonmedical marijuana plants per private residence.

Not more than six living plants may be planted, cultivated, harvested, dried, or processed within a single private residence, or upon the grounds of that private residence, at one time.
1 OUNCE = 28.3 GRAMS

Allowable Recreational Use:

- 28.5 grams of marijuana in non concentrated form.
- 8 grams concentrated

Medical:

- Under Prop. 215, patients are entitled to whatever amount of marijuana is necessary for their personal medical use. However, patients can be arrested if they exceed reasonable amounts and they can be cited or fined for exceeding local laws.
Marijuana use is allowed only on private property, not in parks or on sidewalks or “anywhere where smoking is banned”.

Medical marijuana patients would continue to be allowed to cultivate up to 100 square feet of pot plants.

*For medical use a minor (under 18 years of age) can apply as a patient or caregiver under certain conditions.
No public consumption allowed!

No marijuana use either medical or non-medical allowed on school property. (including the bus)

Employers can still drug test and terminate an employee that fails a mandatory drug screen.

No consumption allowed while driving or in vehicles.
Since marijuana is illegal at the federal level, you can’t send it through the U.S. Postal Service. Most private carriers, such as FedEx and UPS, state you can’t use their services to ship anything that’s federally illegal.
Data from Colorado Children's Hospital showed that urine taken from babies less than 2 tested positive for marijuana metabolites in 20% of admissions for pulmonary complaints.

“Children can be exposed to the chemicals in marijuana when it is smoked by someone nearby.”
BUTANE HASH OIL
CONCENTRATES - WAX, BUTANE HASH OIL, EDIBLES
(BUD CONTAINING – 26% THC, CONCENTRATES MAY CONTAIN 30 - 99%)
EXPLOSIONS SAN DIEGO

Butane hash oil lab explosions on the rise locally
BHO PARAPHERNALIA

BHO extraction equipment:
POPULAR BUTANE PRODUCTS
VAPING VARIOUS FORMS OF POT

- Dry Herb Vape
- Hash Oil & Wax Vape
- Wax Vape- Dabbing
The devices burn so hot creates formaldehyde.

E-liquid is a neuro toxin (risk from ingestions of small amounts).

You can vape, dab, a variety of substances with virtually no odor.

Hard to test the device for verification of substance.

Explosion risks! (lithium-ion battery)
Vaper Severely Injured When His E-Cigarette Blows Up In His Face, Creating A New Hole In His Mouth
BY BRANDON WENERD - 09.10.15

There’s a lot of fuss about whether or not vaping is safer than smoking. We’ve posted like four articles on the subject in the past year here at BroBible (here, here, here, and here). It’s a contentious subject with no clear answers. The only conclusion is that both have their inherent risks that all users should be aware of.

The story of 23-year-old James Lauria is an awful one, however. According to Fox 5 DC, he was casually vaping when his e-cigarette device exploded in his face.

“It’s just a normal day,” explained James. “I’m at work and things quieted down and I stepped away for a second like I always do. Next thing I know, it exploded and I was on my way to a hospital in an ambulance, and that is the last thing I remember.”
The U.S. Food and Drug Administration, started regulating e-cigarettes in May 2016.

FDA has identified about 66 explosions in 2015 and early 2016, after recording a total of 92 explosions from 2009 to September 2015.

“Any products purchased prior to May 2016 use at your own risk!”
LAWSUITS

Man catches fire after e-cigarette explodes in his pocket at petrol station - video

A man has suffered second-degree burns after his faulty e-cigarette set his trousers on fire at a petrol station in the US state of Kentucky. CCTV footage from the Quality One convenience store in the town of Owensboro shows the flames igniting as sparks start shooting out of his trousers.

E-cigarette explosions prompt three lawsuits in California

Vicente Garza
October 16, 2015

- Severe injuries to his mouth, tongue, and left index finger
- 7 day hospitalization
- Two surgeries on his tongue
- Two surgeries on his left index finger, including amputation at the knuckle
- Ongoing treatment at the Grossman Burn Center

A 16-Year-Old Teen Suffered Second Degree Burns When an E-Cigarette Exploded in His Face

E-cigarettes are all the rage these days, as the grim fates of chain smokers make traditional drugs increasingly unpopular. But as researchers continue to look into whether the e-cigarette presents the same risks as its predecessor, it would seem there’s another horrifying hazard e-cigs pose that cigarettes never did: explosions.

Such was the fate of 16-year-old Ty Greer, a teen in Alberta, Canada, who suffered second degree burns and broken teeth after his e-cigarette spontaneously exploded just inches from his mouth while he was using it in his car.

"It hit my kid’s face on fire, busted two teeth out," Perry Greer, Ty’s father, told the Canadian Press. "It burned the back of his throat, burned his tongue very badly. If he wasn’t wearing glasses, he possibly could have lost his eyes... He wanted to die. That is how much pain he was in."

In Case You Missed It

Doctors’ message to Asian Americans: Watch out for diabetes even if you’re young and thin

1:30 AM
LEASES AND POLICIES
CONTROL THE IMPACT TO OTHERS!

- Protect other tenants from exposure (use - second hand smoke, dangerous extraction methods)

- Prevent property damage (cultivation - mold, mildew, electrical issues, second hand smoke in carpets, curtains, increased cleaning costs etc.)

- Maintain a safe environment to live!
Can a landlord ban the cultivation/smoking of marijuana on his or her property?

**Answer:** Yes. An individual or private entity may prohibit or restrict personal possession, smoking, and cultivation of marijuana on the individual’s or entity’s privately owned property. A state or local government agency also may prohibit or restrict such activities on property owned, leased, or occupied by the state or local government. (Health & Safety §§ 11362.45(g) and (h).)
“Go Smoke Free”
Model Smoke-Free Lease Addendum

This model lease addendum prohibits smoking of all tobacco products, including e-cigarettes, everywhere on property—both inside and outside—and encourages consideration of an enforcement policy.

**It should be modified to fit your property’s needs.**

Changes to one part of the policy may require changes to other parts as well.

Created by Live Smoke Free and updated by the Public Health Law Center with funds from the Minnesota Department of Health.

This document is provided for educational purposes only and should not be considered legal advice.

November 2016

Tenant and all members of Tenant's household are parties to a written lease with Landlord (the Lease). This Addendum states the following additional terms, conditions, and rules that are hereby incorporated into the Lease. A breach of this Lease Addendum gives each party all the rights contained herein, as well as the rights in the Lease.

1. **Purpose of Smoke-Free Policy.** The parties desire to mitigate (i) the irritation and known adverse health effects of secondhand smoke; (ii) the increased maintenance, cleaning, and redecorating costs from smoking; (iii) the increased risk of fire from smoking; and (iv) the higher costs of property insurance for a non-smoke-free building.

2. **Definitions:**

   “Smoke” or “Smoking” means inhaling or exhaling smoke, aerosol, or vapor from any lighted or heated cigar, cigarette, pipe, electronic delivery device, or any other natural or synthetic substance.

   “Smoke-Free Zone” means an area in which smoking is prohibited.

Date: __________________ Property Name: ___________________ Apartment/Unit Number: ______

Tenant Name(s): ______________________________________
Tenant Address: _______________________________________

Tenant and all members of Tenant's family or household are parties to a written Lease with Landlord. This Lease Addendum states the following additional terms, conditions, and rules, which are hereby incorporated into the Lease, effective ______ [recommended 60-90 days following date of Lease Addendum]. A breach of this Lease Addendum shall give each party all the rights contained herein, as well as the rights in the Lease.

1. **Purpose and application of Smokefree Policy.** The parties desire to mitigate (i) the irritation and known adverse health effects of secondhand smoke; (ii) the increased maintenance, cleaning, and redecorating costs from smoking; (iii) the increased risk of fire from smoking; and (iv) the higher costs of fire insurance for a non-smokefree building. Tenant acknowledges that the smokefree policy established by this Lease Addendum is applicable as follows:

   ______ In all properties owned or managed by Landlord or
   ______ In this property and the following other properties owned or managed by Landlord:
Add a separate lease addendum prohibiting smoking or using tobacco or marijuana on the property. (Specifically call out use, cultivation, possession, “smoking is prohibited” & Federally prohibited.)

Landlords are advised to seek legal advice from a fair housing knowledgeable attorney before making any decision to deny an accommodation request or evict a resident for use of medical marijuana.
Although medical and (and now recreational) use and cultivation may be legal under state and local laws, federal laws do not contain any exceptions, even for medical reasons. Thus, it continues to be a violation of federal law to use or cultivate marijuana...for any purpose.

A residential landlord may be able to argue that the FEHA (Fair Employment and Housing Act) does not require the landlord to allow medical marijuana use or cultivation in housing.

An accommodation is reasonable unless it creates an undue financial or administrative burden, or fundamentally changes the nature of the landlord’s business. Since medical use or cultivation is illegal under federal law, a landlord could determine that allowing it is not a “reasonable” accommodation.
Sample Documents:

- Post Prop. 64 - School District Notification Letter
- Lease Addendum
- “Social Host” Ordinance Language
- Drug Testing Policy
- Fact Sheet with Treatment Options
- Data
MPI RESOURCES AVAILABLE

MPI develops and disseminates data documents, educational materials and conducts media advocacy.

Examples:

- Community Readiness Assessment Report
- Informational Postcards on marijuana
- Materials available in English and Spanish
- Trainings available for youth, parents, everyone!

Materials can be downloaded from MPI website:

http://www.mpisdcounty.net/
QUESTIONS?