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PRESS RELEASE

Downey May Continue to Enforce Ban on Cannabis Delivery

Downey, CA, December 2, 2020:

In April 2019, the City of Downey, as part of a coalition of 25 local jurisdictions from across California, filed a lawsuit against the California Bureau of Cannabis Control (the “BCC Action”). The lawsuit alleged that Title 16, section 5416, subdivision (d), of the California Code of Regulations (“Regulation 5416(d)”) — which allows delivery of recreational cannabis to a physical address in any jurisdiction in California, even if a jurisdiction has passed an ordinance prohibiting or limiting such deliveries — is invalid under California law and inconsistent with the will of the voters in passing Proposition 64.

On November 17, 2020, the Court in the BCC Action ruled that Regulation 5416(d) does not prohibit cities and counties from regulating, or prohibiting entirely, recreational cannabis delivery within their jurisdictions. The Court found that the Plaintiff jurisdictions were not subject to Regulation 5416(d), as it only applies to state delivery licensees. Finding no conflict between Regulation 5416(d) and the local ordinances of the Plaintiffs, the Court dismissed the BCC Action on the ground that the claims did not present a “ripe controversy” for adjudication under California law. Under the Court’s decision, the City of Downey’s ban on cannabis delivery is valid, binding, and fully enforceable within the City.

“The Court’s ruling in the BCC Action is a big win for our City, as it protects our right for local control over cannabis regulation,” said Mayor Blanca Pacheco. “We will continue to enforce the ban on cannabis delivery in our City, as well as any and all commercial cannabis activities.”

Mayor Pro Tem Claudia M. Frometa added, “We are pleased to know that the Court’s decision upholds the protections guaranteed to local cities and counties under Proposition 64 and ensures the state does not take away local control.”

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