



Business Name: _____

Business Address: _____

Type of Business: Collective Dispensary

Submittal Form: Medical Cannabis Criteria and Requirements

Thank you for obtaining a City of Berkeley Business License. Obtaining a business license is required by Chapter 9.04, Business Licenses, of the Berkeley Municipal Code, with additional requirements regarding cannabis businesses in Section 9.04.136, Cannabis Businesses. **However, a business license does not give you use legal status.** The following information is provided to ensure that you are aware of other City requirements that may apply to your business.

NOTE: Collectives must submit a scaled, dimensioned and accurate floor plan showing the area to be used for cultivation as part of the business license application. Plans should be drawn to architect's or engineer's scale, as appropriate (architect's scale must be 1/8" = 1'; engineer's scale must be 1" = 10'). The scale, as well as the property address and name/contact information of the person preparing the plan, should be included on the plan.

CRITERIA – ALL MEDICAL CANNABIS USES

Section 12.26 of the Berkeley Municipal Code includes the following criteria for medical cannabis uses:

- Membership in a medical cannabis collective must be restricted to qualified patients and their primary caregivers. Primary caregivers shall not be allowed to obtain cannabis for their own personal use. A primary caregiver cannot be a member of a medical cannabis collective unless the primary caregiver's qualified patient is also a member. (12.26.040.B)
- Medical cannabis collectives and each member thereof shall not sell, barter, give away, or otherwise distribute cannabis to non-members of the medical cannabis collective. (12.26.040.C)
- Medical cannabis collectives shall not accumulate more cannabis than is necessary to meet the personal medical needs of their qualified patients. (12.26.040.D.1)
- Medical cannabis collectives that cultivate medical cannabis plants outdoors or in any place that is visible with the naked eye from any public or other property, can cultivate only 10 such plants at one time on a single parcel or adjacent parcels of property. This restriction does not apply to plants grown on secure rooftops, balconies, or other locations that are not visible from other buildings or land. (12.26.040.E and 12.26.070.D)
- Collectives are strongly encouraged to consult available cannabis cultivation literature to ensure that medical cannabis cultivated under state law is free of undesired toxins or molds. Collectives are encouraged to use their best effort to determine whether or not cannabis is organically grown. (12.26.060)
- Collectives must maintain contemporaneous financial and operational records sufficient to show compliance with Chapter 12.26 and state law governing medical cannabis. These records are subject to inspection by the City. The records shall protect the confidentiality of the collective's members. (12.26.130)
- Collectives must be in compliance with all other applicable federal, state and local laws. (12.26.140)

Business Address: _____

CRITERIA – COLLECTIVE SPECIFIC

Section 12.26 of the Berkeley Municipal Code includes the following criteria for medical cannabis uses classified as collectives:

- A collective is defined as “a cooperative, affiliation, association or collective of persons comprised exclusively and entirely of qualified patients and the primary caregivers of those patients”. (12.26.030.D)
- The purpose of a collective is to provide education, referral, or network services to qualified patients, and to facilitate or assist in the cultivation and manufacture or acquisition of medical cannabis for qualified patients. (12.26.030.D)
- Except as permitted by Section 12.26.130 or Title 23, medical cannabis collectives shall not be located in commercial or manufacturing districts.
- Collectives are only allowed as incidental to residential use. (12.26.030.D)
- Cultivation is limited to the lesser of 200 square feet or 25% of building square footage; area over that is not considered incidental to a residential use and is prohibited. (12.26.040.D.2)

CRITERIA – DISPENSARY SPECIFIC

Section 12.26 of the Berkeley Municipal Code and Section 23E.16.070 of the Zoning Ordinance include the following criteria for medical cannabis collectives which are also classified as dispensaries. In cases of conflict or inconsistencies between the criteria for collectives and dispensaries, a dispensary shall follow the criteria given for a dispensary.

- A dispensary is defined as “any medical cannabis collective that is allowed under Section 12.26.130 to dispense medical cannabis at a non-residential location”. (12.26.030.E)
- A dispensary may not be located within 600 feet of another medical cannabis dispensary or a public or private elementary, middle or high school. (23E.16.070.A.2)
- A dispensary may also provide other services to its members, cultivate, acquire, bake, store, process, test, and transport medical cannabis. (12.26.030.E)
- In dispensing medical cannabis to its qualified patients or their primary caregivers, a dispensary may be reimbursed for the cost of its services and materials. (12.26.030.E)
- No new dispensaries may be approved until the City adopts a licensing process and standards for medical cannabis dispensaries. (23E.16.070.B)

ADVISORIES – REQUIREMENTS FOR ALL MEDICAL CANNABIS USES

All medical cannabis uses should also be aware of the following permit requirements:

- Building and Fire Safety: It is unlawful for any person, firm or corporation to erect, construct, alter, convert or use, occupy or maintain any building or structure or cause or permit the same to be done in violation of the following Berkeley Municipal Codes:
 - Section 19.28.020 (Building Code);
 - Section 19.30.030 (Electrical Code);
 - Section 19.34.030 (Plumbing Code); and
 - Section 19.48.020/109.1 (Fire Code).

I have received this memo and am aware of the criteria and advisories contained herein.

Business/Organization Name: _____

Owner/Representative Name: _____

Owner/Representative Signature: _____

Phone number for Owner/Representative: _____

Date: _____