



MEETING OF THE MEDICAL CANNABIS COMMISSION

City Hall
2180 Milvia Street
Redwood Room (Sixth Floor)

Thursday, November 17, 2016
2:00 PM

AGENDA

- I. **Call to Order**
 - A. Roll Call and Ex Parte Communication Disclosures
 - B. Changes to Order of Agenda
- II. **Public Comment**
- III. **Approval of Minutes**
 - A. October 6, 2016 Draft Action Minutes (Attachment)
- IV. **Planning Staff Report**
- V. **Chairperson's Report**
- VI. **Subcommittee Report**
- VII. **Discussion and Action Items**
 - A. Discuss and vote on delivery-only dispensary regulations (Sections 12.23.020 and 12.27.115). One attachment:
 1. Draft Sections 12.23.020 and 12.27.115
 - B. Review and vote on changes to BMC Chapters 12.23, 12.25, 12.26 and 12.27 designed to conform to State law. Two attachments:
 1. Draft Chapter 12.23 (Medical Cannabis General Regulation)
 2. Draft Chapter 12.27 (Medical Cannabis Dispensaries and Collectives)
 - C. Discuss and vote on minor changes to selection process. One attachment:
 1. Staff memo with approved selection process attached.
 - D. Discuss Council referral on recreational marijuana and vote on a response to send to Council
 1. Council referral
 2. Commissioner Rice's memo
 3. Staff points for consideration
 4. Information from San Francisco Cannabis Legalization Task Force
 - E. Vote on representatives to attend Council meeting on cultivation issues and Planning Commission meeting on delivery-only dispensaries and expansion of cultivation beyond the M District.
 - F. Adopt calendar for 2016 MCC meetings. One attachment:
 1. Draft 2017 calendar
- VIII. **Information Items** (*In compliance with the Brown Act, no action may be taken on these items. However, they may be discussed and placed on a subsequent agenda for action.*)

None.
- IX. **Correspondence**

None.

X. Adjournment

Berkeley Medical Cannabis Commission website: <http://www.cityofberkeley.info/medicalcannabis/>)

Medical Cannabis Commission Secretary: Elizabeth Greene, 2120 Milvia Street, 2nd Floor, Berkeley CA 94704.

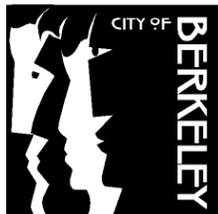
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Any writings or documents provided to a majority of the Commission regarding any item on this agenda will be made available for public inspection at the Planning and Development Department located at 2120 Milvia Street, Berkeley CA. Please contact the Commission Secretary for further information.

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MEETING OF THE MEDICAL CANNABIS COMMISSION

City Hall
2180 Milvia Street
Redwood Room (Sixth Floor)

Thursday, October 6, 2016
2:00 PM

DRAFT ACTION MINUTES

I. Call to Order – 2:00

A. Roll Call and Ex Parte Communications Disclosures

Commissioners present: Carlisle, Cooper, Ferguson-Riffe, Lampach, Pappas

Absent: Rice (excused)

Staff Present: Alex Amoroso, Alison Lenci

B. Changes to Order of Agenda

Motion/second to move item VII.C before VII.A (Pappas/Carlisle). The motion carried 5-0-0-1. (Ayes: Carlisle, Cooper, Ferguson-Riffe, Lampach, Pappas. Noes: None. Abstain: None. Absent: Rice.)

II. Public Comment

One public comment, regarding an upcoming free event organized by the union representing Ex-Felons working in San Francisco to start the process of having non-violent felonies removed from their criminal records.

III. Approval of September 8, 2016 Minutes

Motion/second to approve the minutes with change from Chairman's Report (Pappas) to Vice Chairman's Report (Ferguson-Riffe) (Pappas/Lampach). The motion carried 5-0-0-1. (Ayes: Carlisle, Cooper, Ferguson-Riffe, Lampach, Pappas. Noes: None. Abstain: None. Absent: Rice.)

IV. Planning Staff Report

No Planning Staff Report.

V. Chairperson's Report

Chair Pappas thanked the public for coming to the meeting and made the following announcements:

- He announced that Susan Wengraf will be on the **November 15th** City Council Agenda discussing the process set up in regards to the cultivation ordinance
- About a week ago he attended the CA Food and Drug Administration Meeting which discussed cultivation and working with the Bureau of Medical Cannabis Regulations (BMCR).
- He commented on the Council's discussion and allocation of the two dispensaries chosen and expressed his disappointment.

VI. Subcommittee Report

Chair Pappas gave the report. At their meeting, Commissioners Lampach and Carlisle, and Chair Pappas voted on a selection process for cultivation and discussed the City Council Review of the Cultivation Ordinance. Set sub-committee meeting to discuss same subject matter for Thursday November 3rd, 2016.

VII. Discussion and Action Items

C. Discuss Council referral on recreational marijuana and Commission response and vote on next steps as necessary. Two attachments:

Public Comment: Two public comments. One comment expressed support for AUMA. The other comment was from a representative of Reform CA, who gave details about the changes that can happen should AUMA/Prop 64 pass, including the taxes to expect on recreational and medical cannabis, priority licensing deadlines, and penalties for possession of amounts greater than one ounce. She also clarified that AUMA could be changed by the legislature (rather than another ballot vote).

Discussion: Chair Pappas mentioned that it's important to get the City Council to act. The subcommittee could work on Commissioner Rice's memo – it was suggested that the subcommittee meeting focus on getting AUMA to pass and developing direction for Council regarding the local ordinances, licensing/zoning/taxes that should be focused on if AUMA passes. Section 12.26.035 (which would prevent approval of recreational cannabis businesses until the City Council develops regulations) will go to the Council on October 18th. The MCC generally agreed that changes to Commissioner Rice's memo should be finalized by the subcommittee and forwarded to the MCC by November 3rd.

Motion/second to combine the existing Cultivation Sub-committee with a Subcommittee to work on Commissioner Rice's memo (Pappas/Carlisle). The motion carried 5-0-0-1. (Ayes: Carlisle, Cooper, Ferguson-Riffe, Lampach, Pappas. Noes: None. Abstain: None. Absent: Rice.)

A. Discuss and vote on selection process for cultivation business.

Staff introduced the draft recommendation for cultivation selection process

Public Comment: Five public comments, including a statement about the State's definition of "canopy", and questions about staff review of applications, outdoor cultivation, how applications beyond the number of floor area would be considered, and the possibility of multiple applicants in one space.

Discussion: The MCC asked staff for clarification on the application process:

- Would applications be processed on a first come, first served basis?
- What role would size limitations play?
- What materials would need to be submitted?
- What are the building permit guidelines for cultivation businesses?

Vice Chair Ferguson-Riffe expressed concern about the Building Permit Timeline and asked how City staff would be held accountable for delays in the review

process. Chair Pappas and Commissioner Lampach expressed general satisfaction with the process, and asked for two modifications:

1. Combine Type 2A and Type 3A into same item (Item 1b); and
2. Remove the word “that” from item 7 on page 2, Attachment 1.

Motion/second to approve the recommendation to Staff with two corrections to Attachment 1; combine Type 2A and 3A into one item listed under item 1b. and remove the word ‘that’ in the sentence stated under item 7 (Lampach/Pappas). The motion carried 5-0-0-1. (Ayes: Carlisle, Cooper, Ferguson-Riffe, Lampach, Pappas. Noes: None. Abstain: None. Absent: Rice.)

B. Discuss and vote on language for Delivery-Only Dispensaries.

Public Comment: Two public comments, regarding business licenses and use of unenclosed vehicles.

Discussion: Staff presented a revised version of the proposed BMC changes related to delivery-only dispensaries (see late items). The Planning Commission’s recommendations for the Zoning Ordinance amendments will be presented to the Council along with the MCC’s recommendations for the BMC amendments. The MCC expressed concern about the limit on the number of delivery-only dispensaries (10) and wanted to know how that number was reached. Staff was asked to look into this and respond at the next meeting. The MCC also asked whether restrictions on the location of delivery-only dispensaries could be modified, and suggested new language to reflect the existence of six permitted dispensaries.

Motion/second to modify the first sentence of 12.27.115.A in the following manner: “In addition to the ~~three~~ six existing Retail Dispensaries permitted as of January 1, 2012, under the Berkeley Municipal Code Section 12.26.130...”, and to request Staff clarify the why the number of permitted Delivery-Only Dispensaries is limited to 10, and to continue the discussion and vote of the language on the Delivery-Only Dispensaries to next meeting (Pappas/Lampach). The motion carried 5-0-0-1. (Ayes: Carlisle, Cooper, Ferguson-Riffe, Lampach, Pappas. Noes: None. Abstain: None. Absent: Rice.)

VIII. Adjournment

Motion to adjourn at 3:46 pm

Commissioners in attendance: 5

Members of the public in attendance: Approximately 17

Public Speakers: 10

Length of Meeting: 1 hour and 46 minutes

APPROVED: _____

Elizabeth Greene

Medical Cannabis Commission Secretary

Proposed changes to the Berkeley Municipal Code related to Delivery-Only Dispensaries (Revised)

November 17, 2016

12.23.020 Definitions

H. 1. "Dispensary" means both Retail Dispensaries and Delivery-Only Dispensaries.

2. "Retail Dispensary" shall mean an organization that is authorized under Chapter 12.27 and Title 23 to dispense Medical Cannabis at a lawfully established non-residential location. A Dispensary may also provide other incidental services to its Members to the extent permitted by state law, such as cultivating, acquiring, baking, storing, processing, testing, transporting and delivering Medical Cannabis. In dispensing Medical Cannabis to its Members, a Dispensary may be reimbursed for the cost of its services and materials. A Dispensary may be organized as any statutory business entity permitted under California law, provided it operates in a Not-For-Profit manner as defined in Chapter [12.27](#).

3. "Delivery-Only Dispensary" is a Dispensary that is limited to acquiring Medical Cannabis and delivering it to its Members, and does not have a location to which Members may come to acquire Medical Cannabis or any other good or service.

12.27.115 Delivery-Only Dispensaries – Delivery requirements

A. In addition to the six existing Retail Dispensaries, under Berkeley Municipal Code Section 12.26.130 and any Retail Dispensaries selected under Section 12.27.100, up to 10 Delivery-Only Dispensaries shall be permitted, on a first-come-first-served basis.

B. Delivery-Only Dispensaries shall comply with the requirements of Chapter 12.23 and this Chapter that are applicable to Dispensaries except those that are determined by the City Manager to be inapplicable to Delivery-Only Dispensaries because of the nature of their operation as distinct from Retail Dispensaries.

C. Delivery-Only Dispensaries shall only be allowed under this Section in zoning districts where they are specifically permitted.

D. All Dispensaries that provide delivery services to their members shall comply with the following requirements, as well as all applicable requirements of state law. In the event of a conflict, state law shall prevail.

1. All vehicles used for delivery shall be maintained and operated in a manner and in a condition required by law and applicable regulations.

2. The following persons may not drive delivery vehicles:

a. a person who has been at fault within the two years immediately preceding the application in any motor vehicle accident causing death or personal injury;

b. a person who has been in three or more motor vehicle accidents within the previous 12 months.

c. a person who has been under suspension, revocation or probation by the Department of Motor Vehicles for a cause involving the safe operation of a motor vehicle, or has been convicted of any of the following offenses: driving while under the influence, or reckless driving involving bodily injury, or who does not possess a valid driver's license;

3. The following persons may not be involved in making deliveries:

a. any person who is required to register as a sex offender under Section 290 of the California Penal Code;

b. any person who has been convicted of any offense involving moral turpitude.

4. Persons involved in making deliveries must have in their possession a copy of the document memorializing the City's approval of the delivery service.

5. Delivery vehicles may not advertise any activity related to Cannabis or advertise the name of the Dispensary.

6. Delivery of the Medical Cannabis shall be directly to the residence or business address of the Member. Deliveries to any other location are prohibited.

7. Deliveries of marijuana may occur only between the hours of 8:00 a.m. and 11:00 p.m.

8. All orders to be delivered shall be packaged by the name or identification number of the Member for whom the delivery is intended.

9. In addition to the requirements of Section 12.27.050 subdivisions A and B, the person responsible for making deliveries shall have a copy of the record of all delivery requests while making deliveries.

10. All Dispensaries that provide delivery service shall maintain at all times Commercial General Liability providing coverage at least as broad as ISO CGL Form 00 01 on an occurrence basis for bodily injury, including death, of one or more persons, property damage and personal injury with limits of not less than One Million Dollars (\$1,000,000) per occurrence and Comprehensive Automobile Liability (owned, non-owned, hired) providing coverage at least as broad as ISO Form CA 00 01 on an occurrence basis for bodily injury, including death, of one or more persons, property damage and personal injury, with limits of not less than One Million Dollars (\$1,000,000). The Commercial General Liability policy shall provide contractual liability, shall include a severability of interest or equivalent wording, shall specify that insurance coverage afforded to the City shall be primary, and shall name the City, its officials and employees as additional insured. Failure to maintain insurance as required herein at all times shall be grounds for immediate suspension of the privilege of providing delivery service.

Chapter 12.27

MEDICAL CANNABIS GENERAL REGULATIONS

NOTE: Changes made since February 2016 are shown as track changes.

12.23.010 Purpose and Applicability

The purpose of this Chapter is to collect in one location in this Code all of the definitions and general operating standards applicable to Medical Cannabis Organizations.

12.23.020 Definitions

A. "Active Ingredients" means, in the case of dried cannabis flowers, extractions or infusions, delta-9-tetrahydrocannabinolic acid, delta-9-tetrahydrocannabinol, cannabidiolic acid, cannabidiol, and any cannabinoid or propyl cannabinoid derivative when present in amounts greater than .5% by dry weight, and any mono- or sesquiterpenoid present in an amount exceeding .3% of a product's dry weight.

B. "Batch" means a specific quantity of medical cannabis or medical cannabis products that is intended to have uniform character and quality, within specified limits, and is produced according to a single manufacturing order during the same cycle of manufacture or is from the same crop grown in the same location and harvested in the same manner and at the same time.

C. "Cannabis" shall have the same meaning as the definition of "Marijuana" provided in California Health and Safety Code Section 11018 at this time, but if that definition is amended by state law in the future, as amended. Currently, under Health and Safety Code Section 11018, "marijuana means all parts of the plant cannabis sativa L., whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination."

D. "Cannabis By-Products" means delta-8-THC and cannabiniol when present in amounts greater than .2% of a product's dry weight.

E. "Compound(s)" means any or all of the following chemicals, as the context requires:

a. "THC" or " Δ^9 -THC" means Δ^9 -tetrahydrocannabinol, (Δ)-(6aR,10aR)-6,6,9-trimethyl-3-pentyl-6a,7,8,10a-tetrahydro-6H-benzo[c]chromen-1-ol.

- b. "THCA" or "Δ9-THCA" means the acid form of THC.
 - c. "CBD" or "Cannabidiol" means 2-[(1R,6R)-6-isopropenyl-3-methylcyclohex-2-en-1-yl]-5-pentylbenzene-1,3-diol.
 - d. "CBDA" or "Cannabidiolic acid" means the acid form of CBD.
 - e. "CBN" or "Cannabinol" means 6,6,9-trimethyl-3-pentyl-benzo[c]chromen-1-ol.
- F. "Concentrate" means any oil or butter into which any Compound has been infused or otherwise dissolved.
- G. "Contaminant" means any pesticide, residual solvent or microbiological organism or product thereof.
- H. "Cultivate" and "Cultivation" mean any activity involving the planting, growing, harvesting, drying, curing, grading or trimming of cannabis.
- I. Medical Cannabis.
- 1. "Medical Cannabis" means Cannabis in any form, whether for inhalation, topical application, oral ingestion, or any other form, that is intended or used for medicinal purposes in compliance with state law.
 - 2. "Medical Cannabis Product" is any non-edible product that contains Medical Cannabis.
 - 3. "Edible Medical Cannabis Product" (or "Edible") is edible product that contains Medical Cannabis. Edible Medical Cannabis Products shall not be considered food for purposes of implementation of the California Retail Food Code (Health & Safety Code §§ 113700 *et. seq.*) or the California Sherman Food and Drug and Cosmetic Act (Health & Safety Code §§ 109875 *et. seq.*).
- J. "Medical cannabis collective" or "Collective" shall mean an affiliation, association, or collective of persons comprised exclusively and entirely of qualified patients and the primary caregivers of those patients, the purpose of which is to collectively provide for or assist in the cultivation and distribution of Medical Cannabis to its members. Collectives may have more than one location. Each location of a Collective shall be subject to the applicable regulations in Chapter 12.27.120. Medical cannabis collectives shall not be located in commercial or manufacturing zoning districts, and shall only be allowed in residential zoning districts, and only to the extent they are incidental to a lawfully established residential use in a building located completely within a residential zoning district. A Collective may be organized as any statutory business entity permitted under California law, provided it operates in a Not-For-Profit manner as defined in Chapter 12.27.
- K. 1. "Dispensary" means both Retail Dispensaries and Delivery-Only Dispensaries.
2. "Retail Dispensary" shall mean an organization that is authorized under Chapter 12.27 and Title 23 to dispense Medical Cannabis at a lawfully established non-residential location. A Dispensary may also provide other incidental services to its Members to the extent permitted by state law, such as cultivating, acquiring, baking, storing, processing, testing, transporting and delivering Medical Cannabis. In dispensing

Medical Cannabis to its Members, a Dispensary may be reimbursed for the cost of its services and materials. A Dispensary may be organized as any statutory business entity permitted under California law, provided it operates in a Not-For-Profit manner as defined in Chapter 12.27.

3. "Delivery-Only Dispensary" is a Dispensary that is limited to acquiring Medical Cannabis and delivering it to its Members, and does not have a location to which Members may come to acquire Medical Cannabis or any other good or service.

~~"Medical cannabis dispensary" or "Dispensary" shall mean a facility where medical cannabis, medical cannabis products, or devices for the use of medical cannabis or medical cannabis products are offered, either individually or in any combination, for retail sale, including an establishment that delivers medical cannabis and medical cannabis products as part of a retail sale. A Dispensary may also provide other incidental services to its members, cultivate, acquire, bake, store, process, test, and transport medical cannabis. In dispensing Cannabis to its qualified patients or their primary caregivers, a Dispensary may be reimbursed for the cost of its services and materials. A Dispensary may be organized as any statutory business entity permitted under California law, provided it operates in a Not-For-Profit manner as defined in Chapter 12.27, except as permitted by state law.~~

L. "Medical Cannabis Organization" or "MCO" includes Collectives, Dispensaries and Medical Cannabis Cultivation Businesses.

M. "Medical Cannabis Cultivation Business" or "Cultivation Business" means a Medical Cannabis Organization whose primary activity is Cultivation.

N. "Medical Cannabis Cultivation Facility" or "Facility" means a building or other location where Medical Cannabis is cultivated.

O. "Member" means a qualified patient or primary caregiver as defined in California law who is also a member of a Medical Cannabis Organization pursuant to its rules and consistent with California law.

P. "Not-for-Profit" means that an MCO receives compensation only for the reasonable costs of its operation, including reasonable compensation for products and services provided to Members to enable them to use Medical Cannabis pursuant to Health and Safety Code Sections 11362.7 *et seq.*; reasonable compensation for employees; reasonable out-of-pocket expenses incurred in providing those products or services, or both. Reasonable out-of-pocket expenses may include, but are not necessarily limited to, reasonable expenses for Member services and education, rent or mortgage, utilities, construction, furniture, maintenance, analytic testing, security, professional service costs, regulatory compliance costs, debt service, and reserves.

Q. "Primary caregiver" shall have the same meaning as provided in California Health and Safety Code Section 11362.7.

R. "Principal" means any person that has direct or non-delegated indirect authority over the management or policies of an MCO.

S. "Protected Health Information" means documentation of a Member's medical history or condition other than a physician's recommendation, an identification card issued pursuant to Health and Safety Code Section 11362.7 *et seq.*, or the written designation of a primary caregiver by a qualified patient or identification card holder. Protected Health Information shall not include information conveyed by a Member to a Dispensary regarding such Member's medical condition, information conveyed by a Member to a Dispensary regarding efforts to ameliorate or otherwise address symptoms associated with such Member's medical condition, or information regarding Cannabis or Medical Cannabis Products provided to a Member.

T. "Solvent" means any substance in which another substance is dissolved, forming a solution.

U. "Tincture" means an extract of Cannabis or solution of such, typically made with alcohol.

V. "Qualified patient" shall have the same meaning as provided in California Health and Safety Code Section 11362.7.

12.23.030 Operating Standards – Membership – Eligibility

A. MCOs shall comply with Health and Safety Code Sections 11362.7 *et seq.* and any other state laws that may be adopted concerning Medical Cannabis, including but not limited to Chapter 3.5 of Division 8 of the Business and Professions Code, and Chapters 12.26, 12.27 and 12.285 and Title 23 of the Berkeley Municipal Code, and any other applicable City laws or regulations, and shall pay all applicable state or local taxes. To the extent the requirements of this Chapter and Chapters 12.26, 12.27 and 12.285 are more restrictive than state law, they shall apply. To the extent the requirements of this Chapter and Chapters 12.26, 12.27 and 12.285 are less restrictive than state law, the requirements of state law shall apply.

B. MCOs may consist only of Members.

C. MCOs may only obtain Medical Cannabis from, and supply Medical Cannabis to, their Members, except as provided by state law.

D. MCOs may not admit any person as a Member without first verifying his or her status as a qualified patient or primary caregiver as defined by state law, and shall immediately cancel the membership of any person who diverts Medical Cannabis for non-medical use or in any manner not permitted by this Chapter, Chapter 12.26 or California law.

E. Physicians' recommendations shall be verified prior to granting membership and at least every twelve (12) months thereafter, and a physical or digital record shall be kept of

such verification. No Medical Cannabis may be dispensed except to a Member and pursuant to a recommendation that is no more than twelve (12) months old, unless the recommendation expressly states that it has a longer term or does not expire.

F. Except as may be provided in Chapter 12.27 or 12.25, no person may be allowed to have any position with an MCO other than that of Member if he or she has been convicted of:

1. homicide;
2. within the preceding 10 years, any serious or violent felony listed in Penal Code Section 1192.7(c) or Section 667.5(c);
3. within the preceding 10 years, any violation of Penal Code Sections 243 through 247, except for subdivision (a) of Section 243;

ALTERNATIVE A: MCC RECOMMENDATION – 4. within the preceding 10 years, any offense under subdivisions (d) or (e) of Section 11357 or Section 11361, or Articles 1, 3, 5, 6, or 7 of Chapter 6 of Division 10 of the Health and Safety Code; or

ALTERNATIVE B: STAFF RECOMMENDATION – 4. within the preceding 10 years, any offense under subdivisions (d) or (e) of Section 11357 or Section 11361, or Articles 1, 3, 5, 6, or 7 of Chapter 6 of Division 10 of the Health and Safety Code; or

5. within the preceding 5 years any felony violation of Health and Safety Code Section 11358, Section 11359 or Section 11360.

G. An MCO may only be operated by a Collective, and shall operate in a Not-for-Profit manner.

H. All MCOs shall maintain contemporaneous financial and operational records sufficient to show compliance with this Chapter and Chapters 12.26, 12.27 and 12.25, and state law governing medical cannabis, which records shall be subject to inspection by the City. Such records shall protect the confidentiality of Members.

12.23.040 Authority of City Manager

A. The City Manager or his or her designee shall have authority to determine the nature of any MCO or purported MCO and whether that MCO complies with any of the requirements of this Chapter or Chapters 12.26, 12.27 or 12.25, and to conduct inspections as provided in Chapter 1.16.

B. The City Manager or his or her designee may issue regulations to implement this Chapter and Chapters 12.26, 12.27 and 12.25.

C. The City Manager or his or her designee shall have authority to enter onto private property and perform such inspections as may be necessary or convenient to implement and enforce this Chapter, and to adopt regulations to implement this Chapter or Chapters 12.26, 12.27 or 12.25.

12.23.050 Abatement of violations

A. Violations of this Chapter or Chapters 12.26, 12.27 or 12.25 shall constitute a public nuisance under Chapter 1.26. The City may enforce this Chapter through proceedings under Chapter 1.24, Chapter 1.28, Chapter 23B.64 and any other law or ordinances it deems appropriate.

B. Notwithstanding anything to the contrary, violations of this Chapter or Chapters 12.26, 12.27 or 12.28~~5~~ shall not be punishable as public offenses to the extent that doing so would conflict with state law.

12.23.060 Severability

If any word, phrase, sentence, part, section, subsection, or other portion of this Chapter, or any application thereof to any person or circumstance is declared void, unconstitutional, or invalid for any reason, then such word, phrase, sentence, part, section, subsection, or other portion, or the prescribed application thereof, shall be severable, and the remaining provisions of this Chapter, and all applications thereof, not having been declared void, unconstitutional or invalid, shall remain in full force and effect. The City Council hereby declares that it would have passed this title, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases had been declared invalid or unconstitutional.

Section 2. Posting.

Copies of this Bill shall be posted for two days prior to adoption in the display case located near the walkway in front of Old City Hall, 2134 Martin Luther King Jr. Way. Within fifteen days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.

Chapter 12.27

MEDICAL CANNABIS DISPENSARIES AND COLLECTIVES

NOTE: Changes made since February 2016 are highlighted.

12.27.010 Applicability

A. This Chapter applies to ~~Medical Cannabis Dispensaries~~ ("Dispensaries") and Collectives as defined in ~~Chapter Section 12.26.030~~.

B. The three existing ~~Retail~~ Dispensaries permitted as of January 1, 2012, under Berkeley Municipal Code section 12.26.130 shall have a grace period of 12 months from the effective date of this ordinance to comply with it. Any such ~~Retail~~ Dispensary that substantially complies with this ~~Chapter ordinance~~ by that time may continue to operate and shall not be required to participate in the ranking and allocation process under 12.27.100. Any such ~~Retail Dispensary~~ that does not substantially comply with this ordinance by that date shall cease operation, but may apply to operate under Berkeley Municipal Code section 12.27.100 on the same basis as any other applicant. (Ord. 7360-NS § 1 (part), 2014)

12.27.020 ~~Definitions~~Reserved

~~For purposes of this Chapter, the definitions in Section 12.26.030, as well as the following definitions, shall apply.~~

~~A. "Active Ingredients" means, in the case of dried cannabis flowers, extractions or infusions, — delta-9-tetrahydrocannabinolic acid, — delta-9-tetrahydrocannabinol, cannabidiolic acid, cannabidiol, and any cannabinoid or propyl cannabinoid derivative when present in amounts greater than .5% by dry weight, and any mono- or sesquiterpenoid present in an amount exceeding .3% of a product's dry weight.~~

~~B. "Batch" means:~~

~~1. a discrete quantity of dried Medical Cannabis that is all from the same crop grown in the same location and harvested in the same manner and at the same time;~~

~~2. a discrete quantity of other Medical Cannabis Product that has been prepared or processed in the same manner.~~

~~C. "Cannabis By Products" means delta-8-THC and cannabiniol when present in amounts greater than .2% of a product's dry weight.~~

~~D. "Cultivate" and "Cultivation" mean activities related to the growing, harvesting, drying, curing, processing, manicuring and production of Medical Cannabis, and may include testing, manufacturing and preparation of Edibles, as long as the predominant use is cultivation of Medical Cannabis.~~

~~E. Medical Cannabis:~~

~~1. "Medical Cannabis" means Cannabis, as defined in Section 12.26.030.A, that is intended or used for medicinal purposes in compliance with state law.~~

~~2. "Medical Cannabis Product" is any non-edible product that contains Medical Cannabis.~~

~~3. "Edible Medical Cannabis Product" (or "Edible") is edible product that contains Medical Cannabis. Edible Medical Cannabis Products shall not be considered food for purposes of implementation of the California Retail Food Code (Health & Safety Code §§ 113700 et seq.) or the California Sherman Food and Drug and Cosmetic Act (Health & Safety Code §§ 109875 et seq.).~~

~~F. "Member" means a qualified patient or primary caregiver as defined in California law who is also a member of a Collective or Dispensary pursuant to its rules and consistent with California law.~~

~~G. "Not-for-Profit" means that an organization receives compensation only for the reasonable costs of its operation, including reasonable compensation for products and services provided to Members to enable them to use Medical Cannabis pursuant to Health and Safety Code Sections 11362.7 et seq.; reasonable compensation for employees; reasonable out-of-pocket expenses incurred in providing those products or services, or both. Reasonable out-of-pocket expenses may include, but are not necessarily limited to, reasonable expenses for Member services and education, rent or mortgage, utilities, construction, furniture, maintenance, analytic testing, security, professional service costs, regulatory compliance costs, debt service, and reserves.~~

~~H. "Principal" means any person that has direct or non-delegated indirect authority over the management or policies of a Dispensary or the Medical Cannabis Organization (MCO) that operates it.~~

~~I. "Protected Health Information" means documentation of a Member's medical history or condition other than a physician's recommendation, an identification card issued pursuant to Health and Safety Code Section 11362.7 et seq., or the written designation of a primary caregiver by a qualified patient or identification card holder. Protected Health Information shall not include information conveyed by a Member to a Dispensary regarding such Member's medical condition, information conveyed by a Member to a Dispensary regarding efforts to ameliorate or otherwise address symptoms associated with such Member's medical condition, or information regarding Cannabis or Medical Cannabis Products provided to a Member. (Ord. 7360-NS § 1 (part), 2014)~~

12.27.030 Eligibility requirements

~~A. No person may be allowed to have any position with a Dispensary other than that of Member if he or she has been convicted of:~~

- ~~1. homicide;~~
- ~~2. within the preceding 10 years, any serious or violent felony listed in Penal Code Section 1192.7(c) or Section 667.5(c);~~
- ~~3. within the preceding 10 years, any violation of Penal Code Sections 243 through 247, except for subdivision (a) of Section 243;~~
- ~~4. within the preceding 10 years, any offense under subdivisions (d) or (e) of Section 11357 or Section 11361, or Articles 1, 3, 5, 6, or 7 of Chapter 6 of Division 10 of the Health and Safety Code; or~~
- ~~5. within the preceding 5 years any felony violation of Health and Safety Code Section 11358, Section 11359 or Section 11360.~~

~~B. A Dispensary may only be operated by a Cooperative or Collective, and shall operate in a Not-for-Profit manner.~~

~~CA.~~ No Principal of any Dispensary may be a Principal for any other Dispensary in Berkeley. (Ord. 7360-NS § 1 (part), 2014)

12.27.040 Information requirements

Every Dispensary shall provide the following information to the City, and shall update it annually and whenever there is any material change.

A. A description of the Dispensary and its location, which shall include such information as the City may require that demonstrates compliance with applicable provisions of this Chapter.

B. The name, address and 24-hour contact information for each Principal, including a photocopy of at least one primary form of photo identification, such as a California Drivers License or US Passport. This information shall also include any aliases, maiden or married names or other former legal names.

C. Proof of each Principal's status as a qualified patient or primary caregiver.

D. For each Principal, a signed consent for the City to conduct a background check, including criminal history.

E. Proof of the nature of the Dispensary's organizational status, such as articles of incorporation, by-laws, partnership agreements, and other documentation as may be appropriate or required by the City. (Ord. 7360-NS § 1 (part), 2014)

12.27.050 Operating Standards

~~Dispensaries shall comply with Health and Safety Code Sections 11362.7 et seq. and any other state laws that may be adopted concerning Medical Cannabis, the Attorney General's Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use, and Chapter 12.26 and Title 23 of the Berkeley Municipal Code, and any other applicable City laws or regulations, and shall pay all applicable state or local taxes.~~ Dispensaries shall also comply with the operating standards set forth in this Section.

A. Membership.

~~1. Dispensaries may consist only of Members.~~

~~2. Dispensaries may only obtain Medical Cannabis from, and supply Medical Cannabis to, their Members.~~

~~3~~1. No person other than a Member may Cultivate Medical Cannabis on behalf of a Dispensary.

~~4~~2. The scale of Cultivation by or on behalf of a Dispensary shall be proportional to its Member load.

~~5. Dispensaries may not admit any person as a Member without first verifying his or her status as a qualified patient or primary caregiver as defined by state law, and shall immediately cancel the membership of any person who diverts Medical Cannabis for non-medical use or in any manner not permitted by this Chapter, Chapter 12.26 or California law.~~

~~6. Physicians' recommendations shall be verified prior to granting membership and at least every twelve (12) months thereafter, and a physical or digital record shall be kept of such verification. No Medical Cannabis may be dispensed except to a Member and pursuant to a recommendation that is no more than twelve (12) months old, unless the recommendation expressly states that it has a longer term or does not expire.~~

~~73.~~ No physician recommendations for Medical Cannabis may be provided on site.

~~84.~~ All prospective members must be advised in writing, prior to accession to membership, as follows: "WARNING: Medical cannabis products including edibles are not tested by local, state or federal governmental agencies for health, safety, or efficacy. There may be health risks associated with the consumption of these products."

B. Non-diversion. Dispensaries shall take all practicable steps necessary to prevent and deter diversion of Medical Cannabis to non-Members. Dispensaries must limit access to Medical Cannabis, ~~Medical Cannabis Products and Edibles~~ to authorized personnel only, and must maintain an inventory management system that:

1. Accounts for all Medical Cannabis, ~~Medical Cannabis Products and Edibles~~;
2. Tracks each Batch of Medical Cannabis, ~~Medical Cannabis Products and Edibles~~ received by the Dispensary from its source, including each Batch's approximate content of Active Ingredients and Cannabis By-Products as a percentage of weight;
3. Retains all information listed in paragraphs 1 and 2 above for a period of at least 120 days from receipt of the Batch; and
4. Is capable of producing a summary showing the information necessary to verify non-diversion.

C. Dispensing.

1. Dispensaries may not dispense to any person who is not a Member, and may not dispense without first verifying membership.

2. Dispensaries may not provide more Medical Cannabis ~~for to a Member individual~~ than is necessary for ~~that person's the~~ personal medical use ~~of the Qualified Patient for whom the Medical Cannabis is intended~~, and may not dispense more than one ounce of dried ~~Medical Cannabis in leaf form~~ per day per ~~Qualified Patient~~ as defined in state law; provided that:

a. if a ~~Qualified Patient~~ has a physician's recommendation that this quantity does not meet his or her medical needs, the ~~Qualified Patient~~ or his or her ~~Primary Caregiver~~ may possess, and the Dispensary may dispense to him or her, an amount of Medical Cannabis consistent with those needs;

b. a Dispensary may provide more than one ounce of dried Medical Cannabis if the excess amount is low concentration Medical Cannabis that would not normally be sold for consumption, and is only used for preparation of Medical Cannabis Products ~~or Edibles~~ by a Member; or

c. a ~~Qualified Patient~~ needs a greater quantity due to a planned absence from the area.

3. ~~Retail~~ Dispensaries may not distribute free samples for promotional purposes outside of the Dispensary premises.

4. If a Member has an identification card issued pursuant to Health & Safety Code Section 11362.71 or 11362.735, a Dispensary shall use the number from that card to ensure compliance with this subdivision.

~~5. No physician recommendations for Medical Cannabis may be provided on site.~~

~~6. All prospective members must be advised in writing, prior to accession to membership, as follows: "WARNING: Medical cannabis products including edibles are not tested by local, state or federal governmental agencies for health, safety, or efficacy. There may be health risks associated with the consumption of these products."~~

D. Members and employees.

1. All employees and volunteers must be Members who are at least 18 years of age.

2. Dispensaries may not admit any person under 18 years of age to membership without written authorization of a parent or legal guardian. Any Member under 18 years of age shall be accompanied by a parent or legal guardian at all times that such person is at the Dispensary.

E. Security.

1. Dispensaries shall provide adequate security and lighting on-site to ensure the safety of persons and protect the premises from theft at all times. Lighting shall be of sufficient intensity to illuminate all areas of the lot.

2. Dispensaries must maintain security guards and camera coverage of their entire grounds to an extent sufficient to ensure the safety of persons and deter crime. Cameras must be maintained in good condition, and use a format approved by the City Manager, which is of adequate quality, color rendition and resolution to allow the ready identification of any individual committing a crime. The cameras shall be in use 24 hours per day, seven (7) days per week. The areas to be covered by the security cameras include, but are not limited to, dispensing areas, storage areas, cultivation areas, all doors, parking lots, and any other area determined by the City Manager. Surveillance footage must be retained for a period of 90 days and made available to the Berkeley Police Department for purposes of investigation of alleged crimes, promptly upon request without the necessity of a warrant or subpoena. Retention and maintenance of security camera recordings shall comply with Section 12.27.110.

3. Dispensaries must be equipped with an alarm system that is operated and monitored by a security company licensed by and in good standing with the California Department of Consumer Affairs. Alarms shall be maintained and in good working condition at all times.

4. In order to prevent unauthorized entry during non-business hours, a Dispensary shall either secure all exterior windows and roof hatches from the inside with bars, retractable, folding or sliding metal gates, or metal rollup or accordion doors, or provide at least one security guard during those hours.

5. Any security guards employed by Dispensaries shall be licensed and possess a valid Department of Consumer Affairs "Security Guard Card" at all times. Security personnel may not be armed.

6. All Medical Cannabis, ~~Medical Cannabis Products and Edibles~~, except for limited amounts used for display purposes, samples or immediate sale, shall be securely stored at all times, and the entrance to all storage areas shall be locked and under the control of staff.

7. Dispensaries shall make transactions with payment methods other than cash whenever feasible. All cash received, except that needed for retail customer transactions shall be kept in a secure receptacle such as a drop safe or other type of safe.

F. Neighborhood compatibility.

1. Dispensaries shall be operated to ensure neighborhood compatibility, and shall take all steps necessary to ensure that Members do not create neighborhood disturbances. Such measures shall include, but not be limited to, providing a security guard to patrol the area surrounding the Dispensary during all hours of operation.

2. Dispensaries shall provide the Police Department and all residents and property owners within 100 feet with the current name, phone number, secondary phone number and e-mail address of an on-site community relations staff person to whom notice of any operating problems associated with the establishment may be reported. This information shall be updated as necessary to keep it current. Dispensaries shall encourage neighbors to call this person to try to solve any operating problems.

3. All Dispensaries shall have an on-site manager responsible for overall operation at all times they are open, and shall provide the Police Department with contact information for all such persons, including telephone number and e-mail address. Dispensaries shall also provide the Police Department with the current name and phone numbers of at least one 24-hour-on-call manager. This information shall be updated as necessary to keep it current.

4. Dispensaries shall take all reasonable steps to discourage and correct objectionable conditions that constitute a public or private nuisance in parking areas, sidewalks, alleys and areas surrounding the premises and adjacent properties. Such conditions include, but are not limited to: smoking; creating a noise disturbance; loitering; littering; and graffiti.

5. Dispensaries shall ensure all graffiti is removed from property and parking lots under their control within 72 hours of its appearance.

6. Dispensaries shall operate only between the hours of 9:00 a.m. and 9:00 p.m.

G. Consumption of Medical Cannabis, Tobacco and Alcohol.

1. Smoking of Medical Cannabis is prohibited at Dispensaries and within 50 feet of Dispensaries on the public right of way. For purposes of this subdivision, the term "smoking" does not include the use of an electronic and/or battery-operated device, the use of which may resemble smoking, which can be used to deliver an inhaled dose of Medical Cannabis, including but not limited to any device manufactured, distributed, marketed, or sold as an electronic cigarette, an electronic cigar, an electronic cigarillo, an electronic pipe, an electronic hookah, or any other product name or descriptor.

2. Sale or consumption of tobacco is prohibited at Dispensaries.

3. Sale, service and consumption of alcoholic beverages at Dispensaries is prohibited, and Dispensaries shall prohibit any person in possession of an alcoholic beverage from entering or remaining on the premises.

~~4. This subdivision does not prohibit the testing of Medical Cannabis Products by staff of a Dispensary or the use of tinctures or topical Medical Cannabis Products that do not have intoxicating effects.~~

H. Accessibility. Dispensaries shall comply with all physical accessibility requirements that would be applicable to a newly-constructed building, except that pre-existing Dispensaries permitted under Ordinance No. 6826-N.S. shall not be required to comply with such requirements as long as they remain in the same location as when this Chapter became effective, except as may be required by other laws.

I. Termination of Membership.

A Dispensary shall terminate the membership of any Member of whom it is aware who purposely or repeatedly violates the limitations in this Section or who operates a motor vehicle after ingesting any Medical Cannabis Product at that Dispensary. Prompt termination of membership under this subdivision shall be considered in any enforcement proceeding against a Dispensary. (Ord. 7360-NS § 1 (part), 2014)

12.27.060 Signage

A. A sign shall be posted at the entrance to any Dispensary that includes the following language:

This Dispensary only provides medical cannabis to its members, who must have legally recognized California Medical Cannabis Identification Cards or a verifiable, written recommendation from a physician for medical cannabis.

The required text shall be of sufficient size to be easily read from a distance of five feet.

B. A sign shall be posted in a conspicuous location inside the structure at the location advising:

This Dispensary is registered in accordance with the laws of the City of Berkeley. The sale of marijuana and the diversion of marijuana for non-medical purposes are violations of State law. The use of marijuana may impair a person’s ability to drive a motor vehicle or operate heavy machinery.

C. A sign or signs shall be posted in a location or locations conspicuous from all sales areas inside the structure that state:

WARNING: Medical cannabis products, including edibles are not tested by local, state or federal governmental agencies for health, safety, or efficacy. There may be health risks associated with the consumption of these products.

The required text shall be of sufficient size to be easily read from a distance of five feet. (Ord. 7360-NS § 1 (part), 2014)

12.27.070 Product Safety, Quality Assurance and Labeling

Medical Cannabis ~~and Medical Cannabis Products and Edibles~~ shall be tested, and specified compounds shall be quantitated, as set forth in this Section.

A. The following compounds shall be quantitated as set forth in the following table, using equipment and methodologies with limits of detection for all compounds no greater than 0.1% by weight, or 1 mg/g.

Constituent	Equipment/Methodology
THCA	HPLC ¹ , or GC ² with derivatization <u>or other methodology approved by a state or the federal government as meeting a limit of quantitation of 0.1% by weight</u>
THC	
CBDA	
CBD	
CBN	
¹ High-performance liquid chromatography ² Gas chromatography	

B. The quantitative information required by subdivision A shall be printed on labels for all Medical Cannabis, ~~Medical Cannabis Products and Edibles~~ as set forth in the following table.

Product type	Label information
Cannabis (flowers, leaf and concentrates), <u>including water processed concentrates</u>	% by weight and mg/g
Edibles (other than beverages)	mg/package or mg/serving if applicable; nutritional and allergen information as required by the CDPH for cottage foods
Capsules/pills	mg/capsule
Oils, butters, tinctures (for internal consumption)	weight/volume mg/g
Topicals (external application)	mg/g or mg/mL, as applicable
Beverages	mg/container and mg/serving, if applicable; nutritional and allergen information as required by the CDPH for cottage foods.

C. Medical Cannabis, ~~Medical Cannabis Products and Edibles~~ shall be tested for contaminants as set forth in the following table. Medical Cannabis, ~~Medical Cannabis Products and Edibles~~ that contains more than the permissible levels may not be provided to any Member or any other person, and shall either be destroyed or returned to their source(s) at the option of the owner.

Contaminant	Testing methodology	Permissible amount
<u>EPA-controlled Pesticides commonly used in cannabis cultivation</u>	<u>Any methodology that the City determines is sufficiently sensitive to determine that the permissible amount has not been exceeded using EPA- or FDA-accepted methodologies for pesticides, including, not limited to GC-MS¹, Elisa²</u>	100 ppb (total of all <u>quantitated</u> pesticides) ³
Microbiological contaminants	<u>Any methodology approved by any U.S. or recognized international standards organizations</u> <ul style="list-style-type: none"> • <u>AOAC⁴-986.33</u> • <u>AOAC 997.02 (Milk and Dairy Standards)</u> • <u>AOAC 991.14</u> • <u>PCR⁷ or Petrifilm</u> • <u>PCR or Petrifilm</u> • <u>PCR or Petrifilm</u> 	• APC ⁵⁴ < 100,000 CFUs ⁶⁵ <u>(Plating only)</u> ;
		• Yeast/Mold = APC < <u>10,000</u> CFUs <u>(Plating only)</u>
		• Coliform ≤ 1,000 CFUs <u>(Plating only)</u>
		• Pseudomonas ≤ 1,000 CFUs ⁶
		• Salmonella = 0

		CFU
		• E. coli = 0 CFU (PCR)
Residual flammable solvents (concentrates only)	Head space analysis	400 ppm (total of all solvents) ⁸⁷
¹ Gas chromatography-mass spectrometry ² Enzyme-linked immunosorbent assay ³ Parts per billion ⁴ Association of Analytical Communities ⁵⁴ Aerobic plate count ⁶⁵ Colony-forming unit ⁷⁶ <u>This limit shall apply as of July 1, 2016. Prior to that date, the limit for Pseudomonas shall be 10,000 CFU. Polymerase chain reaction</u> ⁸⁷ Parts per million		

D. Baked goods, such as cookies and brownies, shall be exempt from testing for contaminants. These products are still subject to testing for potency, as required for the label information in Section 12.27.070.B, and must use medical cannabis that has been tested for contaminants.

E. Dispensaries shall maintain a written or computerized log documenting:

1. the date, type, and amount of Product tested;
2. the source(s) of any contaminated Medical Cannabis, ~~Medical Cannabis Product or Edibles~~;
3. the report containing the results of the testing, including the name and level of the substance detected; and
4. the disposition of the Medical Cannabis, ~~Medical Cannabis Product or Edible~~ from which the contaminated sample was obtained, including the amount and the date and manner of disposition.

Such logs shall be maintained for at least one year and made available to the City upon request.

F. Packaging and Labeling for Medical Cannabis ~~and Medical Cannabis Products~~.

1. Medical Cannabis ~~and Medical Cannabis Products~~ that ~~are~~ made available to members shall be contained in packaging that bears labels containing the following information, in addition to any other information that a Dispensary may choose to provide or that may be required by law:

- a. the name and contact information for the Dispensary;
- b. the weight;
- c. the quantity of compounds as set forth in subdivision B;
- d. the date of manufacture or production; and
- e. a complete list of ingredients.

2. Scales and weighing mechanisms must be able to weigh to within 1/100th of a gram, shall be maintained in good working order and shall be subject to annual

inspection by either the Alameda County Department of Agriculture/Weights and Measures or a licensed scale company.

G. Preparation, Packaging and Labeling of Edibles.

1. Edibles. Edibles shall be limited to those items approved in the California Homemade Food Act, Chapter 6.1 (commencing with Section 51035) of Part 1 of Division 1 of Title 5 of the Government Code.

2. Compliance with State Food Safety Requirements. A Dispensary that prepares, dispenses, or in any manner distributes Edible Medical Cannabis Products must comply with the relevant provisions of all State and local laws specified by the City Manager regarding the preparation, distribution, labeling and sale of food, even if those laws are not directly applicable to Edibles. Any facility used by a Dispensary to produce Edibles shall be constructed, operated and inspected in accordance with the applicable building code and applicable food safety requirements.

3. Preparation of Edibles.

a. Individuals involved in the production or distribution of Edibles containing Medical Cannabis shall thoroughly wash their hands before commencing production and before handling the finished product. Gloves must be worn when packaging edible products containing Medical Cannabis.

b. In order to reduce the likelihood of foodborne disease transmission, individuals who are suffering from symptoms associated with acute gastrointestinal illness or are known to be infected with a communicable disease that is transmissible through foodstuffs are prohibited from preparing edible products containing Medical Cannabis until they are free of that illness or disease, or are incapable of transmitting the illness or disease through foodstuffs. Individuals who have sores or cuts on their hands must use gloves when preparing and handling edible products containing Medical Cannabis.

c. Edibles that are produced or distributed at a Dispensary may only be prepared by a Member of that Dispensary and, if prepared in Berkeley, shall only be prepared in a facility permitted and inspected for the production of food by a government agency, such as a commercial kitchen or a facility operating in accordance with the California Homemade Food Act.

d. Certified Food Handler. A Member who produces Edible Medical Cannabis Products must be a State certified food handler. The valid certificate number of such Members must be on record at each Dispensary where the edible product is distributed, and a copy of the certificate kept either on-site, or made available during inspections if kept off-site.

e. Hand-washing Facilities. Hand-washing facilities shall be adequate and convenient and be furnished with running water at a suitable temperature. Handwashing facilities shall be located in the facility in Edible preparation areas and where good sanitary practices require employees to wash and/or sanitize their hands, and provide effective hand-cleaning and sanitizing preparations and sanitary towel service or suitable drying devices.

4. Packaging of Edibles.

a. All Edibles shall be individually wrapped at the original point of preparation. Labeling indicating the nature of the product shall be distinctly and clearly legible on the front of the package. Additional label information must include: (i) a warning if nuts or other known allergens are used; (ii) a warning that the item is a medication containing

Medical Cannabis and the total weight (in ounces or grams) and amount of Active Ingredients in the package; (iii) the date of manufacture; (iv) a statement that the contents are not a food product; and (v) information indicating any caloric impact on the patient. The package label must have a warning clearly legible emphasizing that the product is to be kept away from children.

~~i.b.~~ Labels of Edibles that are not tested for contaminants (baked goods) shall include a statement that the cannabis used in the product was tested for contaminants.

~~b.c.~~ Packaging of Edibles shall be opaque, and may not make it appear as if the Edible is a food product. Packaging that makes the product attractive to children or imitates candy is not allowed.

~~e.d.~~ Packaging of edibles shall be tamper-evident.

5. Producers of Edibles that are not tested for contaminants shall maintain a written or computerized log documenting:

- a. The source of the cannabis used in each batch of product;
- b. The contaminant testing date; and
- c. The testing facility for the cannabis.

~~H. Definitions.~~

~~For purposes of this Section, the following terms are defined as set forth below.~~

~~1. Compound(s) means any or all of the following chemicals, as the context requires:~~

- ~~a. "THC" or "'9-THC" means "9-tetrahydrocannabinol, (")- (6aR,10aR)-6,6,9-trimethyl-3-pentyl-6a,7,8,10a-tetrahydro-6H-benzo[c]chromen-1-ol.~~
- ~~b. "THCA" or "'9-THCA" means the acid form of THC.~~
- ~~c. "CBD" or "Cannabidiol" means~~

~~2-[(1R,6R)-6-isopropenyl-3-methylcyclohex-2-en-1-yl]-5-pentylbenzene-1,3-diol.~~

~~d. "CBDA" or "Cannabidiolic acid" means the acid form of CBD.~~

~~e. "CBN" or "Cannabinol" means 6,6,9-trimethyl-3-pentyl-benzo[c]chromen-1-ol.~~

~~2. "Concentrate" means any oil or butter into which any Compound has been infused or otherwise dissolved.~~

~~3. "Contaminant" means any pesticide, residual solvent or microbiological organism or product thereof.~~

~~4. "Solvent" means any substance in which another substance is dissolved, forming a solution.~~

~~5. "Tincture" means an extract of Cannabis or solution of such, typically made with alcohol. (Ord. 7360-NS § 1 (part), 2014)~~

~~H. This Section shall be deemed repealed and of no further force or effect once testing as set forth in Article 10 of Chapter 3.5 of the Business and Professions Code is available.~~

12.27.080 Medical cannabis for low income Members

A. At least 2% (by weight) of the annual amount of Medical Cannabis **in leaf form** provided by a Dispensary to all Members, shall be provided at no cost to very low-income Members who are Berkeley residents. This amount shall be calculated

every six months, based on the amount dispensed during the immediately preceding six months. Medical Cannabis provided under this Section shall be the same quality on average as Medical Cannabis that is dispensed to other members.

B. For purposes of this Section, income shall be verified using federal income tax returns or other reliable method approved by the City Manager.

C. For purposes this Section, "very low income" shall mean the household income established by the most recent annual City Council resolution that establishes the maximum income levels for qualification for exemption from specified local taxes and fees. (Ord. 7360-NS § 1 (part), 2014)

12.27.090 Records

A. General. All Dispensaries shall maintain contemporaneous financial and operational records sufficient to show compliance with this Chapter, Chapter 12.26, and applicable California law, as well as satisfaction of commitments made in the Dispensary's application and during the ranking and allocation process. Such records shall be maintained in a secure location under the control of the Dispensary within the City of Berkeley, and shall be subject to inspection by the City upon reasonable notice during regular operational hours or by appointment.

B. Finances.

___1. Dispensaries shall operate on a Not-for-Profit basis. Sale of Medical Cannabis to cover anything other than reasonable compensation and reasonable out-of-pocket expenses is explicitly prohibited. To the extent they provide goods or services not related to Medical Cannabis, Dispensaries need not operate on a Not-For-Profit basis.

___2. Dispensaries shall make their financial records available to the City on an annual basis. Such audited records shall be limited to information necessary for the City to determine the not-for-profit status of the organization and shall include information on staff/principal compensation.

___C. Membership. Dispensaries shall keep an accurate roster of Members, which shall include either the State of California Medical Marijuana Identification Card number issued by a county pursuant to Health & Safety Code Sections 11362.7 et seq. or a copy of a physician's referral and, if using a primary caregiver, a written authorization from the qualified patient to be represented by such primary caregiver. Such records shall be maintained in a manner that protects the confidentiality of the Dispensary's Members.

D. Operations. Dispensaries shall maintain the following information and make it available to the City within 30 days of the end of each calendar year.

- ___1. The total number of members during the year;
- ___2. The total amount of revenue collected during the year;
- ___3. The consideration paid for each Batch;
- ___4. Monetary and non-monetary contributions from Members;
- ___5. Total monetary and non-monetary distributions to Members other than Medical Cannabis Products or Edibles dispensed for monetary consideration;
- ___6. Salaries and overhead; and

7. A complete list of the types of Medical Cannabis, Medical Cannabis Products and Edibles available, and the prices thereof.

E. Convictions. Dispensaries shall immediately report any conviction of a person subject to Section 12.27.030.A that would cause him or her to be ineligible to have a position other than that of Member. (Ord. 7360-NS § 1 (part), 2014)

12.27.100 Ranking and allocation procedure and criteria

The Council may by resolution establish procedures and criteria for accepting applications to operate Dispensaries and determining which, if any, to approve. (Ord. 7360-NS § 1 (part), 2014)

12.27.110 Confidentiality of information

A. The City's review of information submitted or maintained pursuant to this Chapter shall preserve the confidentiality of all information about Principals and Members to the maximum extent consistent with state and local law. The City shall incur no liability for the inadvertent or negligent disclosure of such information. Disclosure of any Principal or Member information to the City for purposes of this Chapter shall not be deemed a waiver of confidentiality. Financial information provided to the City pursuant to Section 12.27.090 shall be deemed to be "financial information" covered by Chapter 7.26.

B. The information required by Section 12.27.040 and recordings from security cameras, shall be confidential and shall not be subject to public inspection or disclosure except to City employees for purposes of law enforcement.

C. In order to protect confidentiality, Dispensaries shall not collect or maintain Protected Health Information. Dispensaries shall maintain membership records and information about members in a manner that ensures that the information will not be disclosed except as required by this Chapter or other laws. If a Dispensary maintains information conveyed by a Member to a Dispensary regarding such Member's medical condition, information conveyed by a Member to a Dispensary regarding efforts to ameliorate or otherwise address symptoms associated with such Member's medical condition, or information regarding Medical Cannabis, Medical Cannabis Products and/or Edibles provided to a Member, such information shall be kept in a manner that is in compliance with the Confidentiality of Medical Information Act. Membership lists shall be available to City employees charged with the administration of this Chapter for inspection on site without a warrant during business hours or by appointment. (Ord. 7360-NS § 1 (part), 2014)

12.27.115 Delivery-Only Dispensaries – Delivery requirements

A. In addition to the six existing Retail Dispensaries, under Berkeley Municipal Code Section 12.26.130 and any Retail Dispensaries selected under Section 12.27.100, up to 10 Delivery-Only Dispensaries shall be permitted, on a first-come-first-served basis.

B. Delivery-Only Dispensaries shall comply with the requirements of Chapter 12.23 and this Chapter that are applicable to Dispensaries except those that are determined by the City Manager to be inapplicable to Delivery-Only Dispensaries because of the nature of their operation as distinct from Retail Dispensaries.

C. Delivery-Only Dispensaries shall only be allowed under this Section in zoning districts where they are specifically permitted.

D. All Dispensaries that provide delivery services to their members shall comply with the following requirements, as well as all applicable requirements of state law. In the event of a conflict, state law shall prevail.

1. All vehicles used for delivery shall be maintained and operated in a manner and in a condition required by law and applicable regulations.

2. The following persons may not drive delivery vehicles:

a. a person who has been at fault within the two years immediately preceding the application in any motor vehicle accident causing death or personal injury;

b. a person who has been in three or more motor vehicle accidents within the previous 12 months.

c. a person who has been under suspension, revocation or probation by the Department of Motor Vehicles for a cause involving the safe operation of a motor vehicle, or has been convicted of any of the following offenses: driving while under the influence, or reckless driving involving bodily injury, or who does not possess a valid driver's license;

3. The following persons may not be involved in making deliveries:

a. any person who is required to register as a sex offender under Section 290 of the California Penal Code;

b. any person who has been convicted of any offense involving moral turpitude.

4. Persons involved in making deliveries must have in their possession a copy of the document memorializing the City's approval of the delivery service.

5. Delivery vehicles may not advertise any activity related to Cannabis or advertise the name of the Dispensary.

6. Delivery of the Medical Cannabis shall be directly to the residence or business address of the Member. Deliveries to any other location are prohibited.

7. Deliveries of marijuana may occur only between the hours of 8:00 a.m. and 11:00 p.m.

8. All orders to be delivered shall be packaged by the name or identification number of the Member for whom the delivery is intended.

9. In addition to the requirements of Section 12.27.050 subdivisions A and B, the person responsible for making deliveries shall have a copy of the record of all delivery requests while making deliveries.

10. All Dispensaries that provide delivery service shall maintain at all times Commercial General Liability providing coverage at least as broad as ISO CGL Form 00 01 on an occurrence basis for bodily injury, including death, of one or more persons, property damage and personal injury with limits of not less than One Million Dollars (\$1,000,000) per occurrence and Comprehensive Automobile Liability (owned, non-owned, hired) providing coverage at least as broad as ISO Form CA 00 01 on an occurrence basis for bodily injury, including death, of one or more persons, property damage and personal injury, with limits of not less than One Million Dollars (\$1,000,000). The Commercial General Liability policy shall provide contractual liability, shall include a severability of interest or equivalent wording, shall specify that insurance coverage afforded to the City shall be primary, and shall name the City, its officials and employees as additional insured. Failure to maintain insurance as required herein at all

times shall be grounds for immediate suspension of the privilege of providing delivery service.

12.27.120 Limitations on Collective operations

As a use that is incidental to the residential use of property in residential zoning districts, Collectives shall comply with the following operating limitations:

A. A Collective may not generate more than 5 Member trips per day per location, excluding trips by residents of the Collective location.

B. Cash on hand shall be minimized, and no more than \$1000 may be retained overnight per location.

C. Collectives may not operate at more than four (4) locations in Berkeley, and may not store or maintain at any site at any time more than a combined total of 10 pounds of dried Medical Cannabis and concentrates, of which no more than 1 pound may be concentrates.

D. Collectives may not have Member visits to obtain Medical Cannabis except for social purposes before 8:00 a.m. or after 9:00 p.m.

E. No alcohol may be served for consideration.

F. No consideration may be charged for entry into the Collective or any part of the residence in which the Collective is located, no live entertainment may be provided, and no entertainment of any sort may be provided for consideration.

G. Smoking of Medical Cannabis by non-residents is prohibited in all exterior areas of Collectives and within 50 feet of Collectives on the public right of way.

H. Collectives may not have any exterior display identifying them as such.

I. Establishment and maintenance of a Collective may not involve any changes in utility service or exterior modifications beyond those that would be customary for a residence.

J. Collectives may not have any impacts on adjoining properties, such as, but not limited to, excessive noise, glare, smells, smoke, etc., beyond those that are normal for residential use. (Ord. 7360-NS § 1 (part), 2014)

12.27.130 Operating standards for all Collectives

Collectives shall comply with the following provisions of this Chapter.

A. Section 12.27.050, subdivisions A, B and C.

B. Section 12.27.070 subdivisions A-F. Subsection 12.27.070.C shall only apply to collectives with 25 or more members.

C. Section 12.27.090, subdivisions B and D. Subsection 12.27.090.B.2 shall only apply to collectives with 25 or more members.

D. Section 12.27.110, to the extent applicable.

E. Before it may obtain a business license pursuant as required by Chapter 9.04, a Collective must obtain an inspection from the City that any cultivation or processing of Medical Cannabis that it intends to undertake at a given site will not pose a fire hazard. (Ord. 7360-NS § 1 (part), 2014)

~~12.27.140~~ Reserved.

~~(Ord. 7360-NS § 1 (part), 2014)~~

~~12.27.150~~ Authority of City Manager

~~A. The City Manager or his or her designee shall have authority to determine the nature of any purported Collective or Dispensary and whether that Collective or Dispensary complies with any of the requirements of this Chapter and to conduct inspections as provided in Chapter 1.16.~~

~~B. The City Manager or his or her designee shall have authority to enter onto private property and perform such inspections as may be necessary or convenient to implement and enforce this Chapter, and to adopt regulations to implement this Chapter. (Ord. 7360-NS § 1 (part), 2014)~~

~~12.27.160~~ Abatement of violations

~~A. Violations of this Chapter shall constitute a public nuisance under Chapter 1.26. The City may enforce this Chapter through proceedings under Chapter 1.24, Chapter 1.28, Chapter 23B.64 and any other law or ordinances it deems appropriate.~~

~~B. Notwithstanding anything to the contrary, violations of this Chapter shall not be punishable as public offenses to the extent that doing so would conflict with state law. (Ord. 7360-NS § 1 (part), 2014)~~

12.27.1740 Fees

The City Council may establish by resolution the fees that shall be charged for administration and implementation of this Chapter. The adoption of such fees shall not prevent the City from recovering enforcement costs not specified in such resolution. (Ord. 7360-NS § 1 (part), 2014)

12.27.150 Authority of City Manager

The City Manager may promulgate regulations for the administration and implementation of this Chapter, including, but not limited to, regulations relating to non-diversion, record-keeping, and tracking and tracing Medical Cannabis.

12.27.1860 Severability

If any word, phrase, sentence, part, section, subsection, or other portion of this Chapter, or any application thereof to any person or circumstance is declared void, unconstitutional, or invalid for any reason, then such word, phrase, sentence, part, section, subsection, or other portion, or the prescribed application thereof, shall be severable, and the remaining provisions of this Chapter, and all applications thereof, not having been declared void, unconstitutional or invalid, shall remain in full force and effect. The City Council hereby declares that it would have passed this title, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases had been declared invalid or unconstitutional. (Ord. 7360-NS § 1 (part), 2014)

TO: Medical Cannabis Commission

FROM: Elizabeth Greene, Secretary

SUBJECT: Draft Recommendation for Cultivation Selection Process

DATE: November 17, 2016

The following recommendation is based on the Staff memo from July 21, 2016 and the Cultivation Subcommittee's September 8 and October 6, 2016 comments. Any changes either made by staff for clarification, the subcommittee or based on discussion at the October 6, 2016 meeting are shown as track changes.

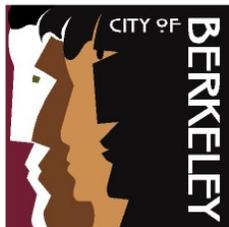
The MCC recommends no selection process for Cultivation Facilities. The MCC recommends that an application period be developed by staff to ensure that the Zoning Ordinance limits on the amount of area that can be used by Cultivation Facilities (180,000 sf) is not exceeded, and also to ensure that small cultivation facilities have an opportunity to locate in the City. The recommended process would have the following features:

1. Allocate a portion of the 180,000 sf total cultivation area to each of the three different state cultivation categories:
 - a. Type 1A and 1B (indoor and mixed light, up to 5,000 sf): unlimited
 - b. Type 2A and 2B (indoor and mixed light, between 5001 – 10,000 sf) and Type 3A and 3B (indoor and mixed light, between 10,001 and 22,000 sf): 72,000 sf for the first application cycle.
2. Open an application period with a limited time frame. During this time, Business License and Zoning Certificate applications will be submitted for specific types of cultivation and locations. Paperwork must also be submitted to demonstrate compliance with City requirements such as proof of Principal(s) patient status, proof of business organizational status, background information for Principals, etc.
3. Staff will review the Zoning Certificate applications and approve those which conform to the Zoning Ordinance. Applications will be reviewed in the order received. If the applications received for a specific cultivator size exceed the space allotted for that category, only those received first will be approved.
4. Applicants with approved Zoning Certificates must submit a Building Permit application within 180 90-days of notice of the Zoning Certificate approval.
5. Applicants must obtain a Building Permit within **180** days of submitting a Building Permit application (State regulation, no extension).
6. Applicants must commence construction within **360** days of submitting a Building Permit (State regulation, no extension).
7. In cases where an applicant does not meet the deadline for either applying for a Building Permit, obtaining a Building Permit, or commencing construction, the Zoning Certificate approval will be revoked and the square-footage of the site will be added back to the available area for ~~that~~ cultivation ~~category~~.

8. Staff would evaluate the need to open additional application periods. If an application period is not deemed necessary, application would be accepted on an on-going basis until the 180,000 sf limit is reached.

This process has the following features:

- Applicants would apply for a business license and zoning certificate like any other business.
- Staff would draft application forms and guidelines as necessary to explain the information required at the Zoning Certificate submittal phase to be in compliance with City and State regulations.
- No discretionary review of the applications by the MCC, Zoning Adjustments Board, City Council or any other group is proposed.
- The application period would allow staff to track the applications received and ensure that the 180,000 square foot limit, and the allocation limit for each cultivation category, are not exceeded.
- This period would also allow property owners to interview potential tenants and select the one/s that are most compatible for the site.



Office of the Mayor

CONSENT CALENDAR
July 19, 2016

To: Honorable Members of the City Council

From: Mayor Tom Bates

Subject: Options for Implementing Recreational Marijuana in Berkeley if it is Legalized in California

RECOMMENDATION

Request that the Medical Cannabis Commission provide recommendations to the Council in early 2017 on implementation, operating standards, selection of dispensaries and local tax options if recreational marijuana is approved by California voters in the November 2016 election. The Commission is asked to consider what lessons can be learned from the experiences with legalized recreational cannabis use in Colorado, Oregon and Washington.

BACKGROUND

There is a strong possibility that voters will approve recreational marijuana use in California in the November 8, 2016 general election. Legalization could have a significant impact in Berkeley, depending in large part on local regulation. It is also expected to generate a large potential for increased tax revenues that could benefit Berkeley.

Given the strong support for legalization and the potential challenges and opportunities it would provide for the City, it is in the City's best interest to be prepared for implementing it.

FINANCIAL IMPLICATIONS

The financial impact could be significant. The City would incur some staff costs for developing and operating a regulatory program, while it could potentially realize a large increase in revenue.

ENVIRONMENTAL SUSTAINABILITY

Legalization is not expected to have a direct environmental impact, though it could result in some indirect impacts.

CONTACT PERSON

Mayor Tom Bates

510-981-7100

DRAFT 2 DRAFT 2 DRAFT 2 DRAFT 2 9/20/16 kmr
Initial Assessment of City Readiness to Implement Legalization of Recreational Cannabis if Approved
by California Voters in November 2016 Election
(Analysis By Berkeley Medical Cannabis Commission (BMCC), per 7/19/16 request from Mayor Bates)

“Legalizing Marijuana is Complicated: Voting Yes or No on marijuana legalization is only the beginning. If marijuana becomes legal, Californians will have to make hundreds of complicated decisions about how to regulate, tax, and sell it.” (This statement is on the wall of the Oakland Museum of California cannabis exhibit, June 6, 12016)

“Legalization of marijuana would not be an event that happens in one election.” (This quote is from the report issued by the Blue Ribbon Panel on Marijuana Policy, released 7/22/15)

MAJOR POINTS to EXPEDITE OPPORTUNITIES to ESTABLISH RECREATIONAL CANNABIS

1. Cities with robust medical cannabis experience will be best positioned to implement recreational cannabis, once State guidelines have been established, and to generate new tax revenue. Full implementation of medical cannabis (cultivation and dispensary) will provide analysis to make decisions regarding recreational cannabis.
2. The BMCC expects our city medical cannabis regulations will be largely transferrable to recreational cannabis. City adjustment of our medical cannabis regulations to new State laws (e.g., MMRSA) proved easy to accommodate.
3. Berkeley City Council (BCC) needs to approve the medical cannabis cultivation operational guidelines. These guidelines, developed by the BMCC and reviewed by city staff, have been before the BCC since February 2016.
4. The BMCC needs to complete the medical cannabis cultivation license selection criteria. The BMCC hopes to have these criteria to the BCC by November 2016.
6. The City needs to expand allowable cultivation beyond the M-District. The near zero percent vacancy rate in the M District effectively precludes cultivation in Berkeley. This crucial problem, with proposed solutions, was presented by the BMCC to the BCC on June 6, 2014.
7. Note: Prop. 64 allows individual cities to decide if they want to permit recreational cannabis businesses.

EXPERIENCE IN COLORADO, OREGON, WASHINGTON

8. “So far, legalization hasn’t affected the number of teenagers who try marijuana in Colorado or Washington.” (This quote is from the Oakland Museum Cannabis exhibit, which the curator reports is based on the federal Monitoring the Future Survey administered by the University of Washington.)
9. Denver Recommends Going Slow. Not A Problem for Berkeley! We Need to Speed Up or We Will Miss Out. The BMCC secretary, Senior Planner Elizabeth Greene, received the “slow” advice from a counterpart in Denver city government. It has been 22 years since California legalized medical cannabis in 1996 and ten years since Berkeley voters passed Msr. T in 2006.
10. State Comparisons Are Difficult. Denver and Colorado Springs do not have an aggregate square foot limit on cultivation (180k SqF in Berkeley), there are few alternatives for industrial space to cultivate outside these city limits, and Colorado doesn’t border a state with legalized cannabis. Colorado Springs does not allow recreational cannabis businesses. The number of medical cultivation licenses and locations in Colorado Springs has declined since 2010.

OTHER MEDICAL CANNABIS INFORMATION

11. The State is expected to give priority to awarding required State licenses for medical cultivation to applicants already approved by their local communities. Aspiring Berkeley cultivators stand to fall behind in the State queue, and the city will continue to lose potential tax dollars, if we do not complete these guidelines.
12. Estimated \$1,000,000 in new annual taxes/120 new jobs from cultivation of medical cannabis. (Significantly more tax revenue if the city decides to allow recreational cannabis.) These numbers are in addition to nearly \$1,000,000 in annual taxes from current dispensaries.

Attachments [to support statements in this analysis, e.g., prior BMCC analyses, Fact Sheets]

TO: Medical Cannabis Commission

FROM: Elizabeth Greene, Secretary

SUBJECT: Staff Recommendation for Recommendations regarding Recreational Cannabis

DATE: November 17, 2016

The MCC has been asked to provide recommendations to the Council on implementation, operating standards, selection of dispensaries and local tax options if recreational marijuana is approved by California voters. Legalization could have a significant impact in Berkeley, and could generate a large potential for tax revenues that could benefit the City. The MCC was asked to provide these recommendations to the Council in early 2017.

In order to meet the Council's timeline, Staff is providing questions for the MCC to consider and provide responses. The MCC can add other questions and responses as necessary. Staff will then work with appointed members of the MCC to develop a report for Council.

Staff recommends that the MCC focus their attention on the following broad questions:

1. Should City regulations for recreational cannabis be developed prior to the State regulations?
2. Should recreational cannabis be treated differently from medical cannabis?
3. Should the mission of the MCC be changed to include recreational cannabis, or should a new commission be created to address this issue?
4. Are there impacts that recreational cannabis will have (or will not have) that should be addressed differently from recreational cannabis? If so, what?
5. Which of the following recreational cannabis business types be permitted in Berkeley?
 - a. Cultivation (small, medium, large)
 - b. Nurseries
 - c. Manufacturing (using non-volatile solvents and volatile solvents)
 - d. Testing
 - e. Retailers
 - f. Distributor
 - g. Microbusiness
6. Should there be a quota on any of the business types?
7. Should existing medical cannabis businesses be allowed to acquire recreational cannabis licenses?
8. Should there distance limits between medical cannabis dispensaries and Retailers?

San Francisco Cannabis State Legalization Task Force
Regulation and City Agency Framework **DRAFT** Workgroup Recommendations

Licensing

<p>Licensing</p>	<p><u>Local Industry Licenses</u></p> <p>Local Policy and Legal/Programmatic/Future Considerations: San Francisco should develop a local adult use cannabis licensing system that aligns and builds upon the State license types and structure.</p> <p>Local Policy and Legal/Programmatic/Future Considerations: The City should consider creation of new license types, in addition to the State-defined license types, to accommodate the diverse businesses within the adult use cannabis industry in San Francisco. Any newly created local license types should be shared with the State and may include the following:</p> <ul style="list-style-type: none"> • New category: Manufacturing 6B Special baking/cooking license • New category: Consumption lounge • New category: Events (e.g. commercial events and farmers’ markets, etc.) <p>Local Policy and Legal/Programmatic/Future Considerations: In order to provide a consumption space, San Francisco should consider waiving licensing requirements for smoking tents at special events where there is no cannabis distribution.</p> <p>Local Policy and Legal/Programmatic: San Francisco should align with the Planning Department’s zoning map for volatile manufacturing, and only issue Type 7 = Manufacturer 2 licenses in these permitted areas.</p> <p><u>Local Workforce Licensing</u></p> <p>Local Policy and Legal/Programmatic/Future Collaborations: San Francisco should consider workforce licensing requirements that create uniform standards across businesses. The City should work with relevant stakeholders to identify appropriate training requirements that achieve a balance</p>
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**San Francisco Cannabis State Legalization Task Force
Regulation and City Agency Framework **DRAFT** Workgroup Recommendations**

	<p>between creating minimum standards that do not also create a barrier to entering the industry. The City should consider various job training formats (e.g. on-the-job training, apprenticeship certification, continuing education, shadow programs at dispensaries, etc.) and leverage existing programs to develop and implement adult use cannabis workforce education and training. The following entities could be involved in this effort:</p> <ul style="list-style-type: none"> • Office of Small Business • City College of San Francisco and other community colleges • San Francisco Unified School District • Charter or private schools • Unions • Oaksterdam University • Patient Focused Certification Program – Americans for Safe Access <p><u>Non-Profit Licenses</u></p> <p>Local Policy and Legal/Programmatic: San Francisco should support the non-profit model and make non-profit licenses available for cannabis organizations that provide compassion programs and supportive services for patients. The City may consider reduced permit costs and state and/or local tax exemptions for non-profit licensees.</p>
Deliveries	<p>Local Policy and Legal/Programmatic/Future Considerations: San Francisco should consider a local license that would allow for adult use mobile delivery/retail services without the brick and mortar retail requirement. Adult use cannabis retailers that possess a delivery-only license should have a hub, or centralized location, to process orders. In-home cannabis businesses pose potential security risks for residential neighborhoods, so these hubs should be in non-residential or live/work commercial zoning locations.</p>

**San Francisco Cannabis State Legalization Task Force
Regulation and City Agency Framework **DRAFT** Workgroup Recommendations**

	<p>Local Policy and Legal/Programmatic: Delivery drivers will need proof of authority to fill delivery orders. The driver should possess an order manifest that includes patient name, order date, delivery date, business name, items ordered, and order time. However, delivery address should not be included, as inclusion of this information may pose a safety risk to consumers.</p> <p>Local Policy and Legal/Programmatic: San Francisco should allow permitted medical cannabis dispensaries that currently operate delivery services to continue to provide deliveries.</p> <p>Local Policy and Legal/Programmatic: Delivery drivers should receive training to minimize potential safety risks. Strategies to ensure safety of drivers may include, but not limited to, training to prevent deliveries on or passing through federal property and use of GPS or body cameras for security purposes.</p> <p>NOTE: Task Force did not reach consensus on aforementioned delivery recommendations during the large group discussion introducing these recommendations.</p>
<p>MCDs and Adult Use Market Participation</p>	<p>Local Policy and Legal/Programmatic: San Francisco should allow cannabis retailers to participate in both the medical cannabis and adult use cannabis markets.</p> <p>Local Policy and Legal/Programmatic: The licensing process for medical cannabis dispensaries should not be more restrictive than that for adult use retail licensees.</p> <p>Local Policy and Legal/Programmatic: San Francisco should consider creating a licensing priority for current medical cannabis dispensaries in operation as of September 30, 2015, to apply for adult use cannabis licenses.</p>

-END-

San Francisco Cannabis State Legalization Task Force
Regulation and City Agency Framework **DRAFT** Workgroup Recommendations

Taxation and Revenue

<p>Taxation</p>	<p>Local Policy and Legal/Programmatic: Proposition 64 establishes state adult use cannabis taxes. To complement the state’s taxation system, San Francisco should consider establishing local cannabis taxes and fees to generate revenue that may be allocated to local cannabis legalization priorities not already funded through state taxes or other funding mechanisms.</p> <p>Local Policy and Legal/Programmatic/Future Collaborations: If San Francisco decides to implement local adult use cannabis taxes and fees, the City should consider up to a 1% excise tax or gross receipt tax.</p> <p>Local Policy and Legal/Programmatic/Future Collaborations: Given that the cannabis industry currently operates primarily on a cash-only basis, San Francisco’s Office of the Treasurer should create a mechanism to collect local adult use cannabis taxes. In addition, the City should explore the use of revenue generated from local taxes to create cannabis banking options.</p>
<p>Revenue Allocation Priorities</p>	<p>Local Policy and Legal/Programmatic: San Francisco should allocate potential State and local adult use cannabis taxes and fees towards the City’s local regulatory, policy, and programmatic goals with respect to cannabis legalization. Allocation priorities include, but are not limited to:</p> <ul style="list-style-type: none"> • Workforce development • Entrepreneurial opportunity fund • Education, students, and youth • Community-identified priorities (e.g. community benefit agreements)
<p>Data Collection</p>	<p>Local Policy and Legal/Programmatic/Future Collaborations/Future Research: San Francisco should use an evidence-based approach to inform future adult use cannabis policies and legislation.</p>

**San Francisco Cannabis State Legalization Task Force
Regulation and City Agency Framework **DRAFT** Workgroup Recommendations**

	The City should engage key stakeholders to identify and collect appropriate data points to assess the impact of cannabis legalization.
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DRAFT

San Francisco Cannabis State Legalization Task Force
Regulation and City Agency Framework **DRAFT** Workgroup Recommendations

Agency Oversight

<p>Local Regulatory and Regulatory Oversight Structure</p>	<p>Local Policy and Legal/Programmatic/Future Collaborations: In developing an appropriate local regulatory and regulatory oversight structure for adult use cannabis, San Francisco should consider the following characteristics to ensure success for the entities responsible for regulation:</p> <ul style="list-style-type: none"> • Responsive • Timely • Accountable • Strong leadership • Transparent • Promote certainty in process • Multi-agency collaborative model <p>Note: the entities responsible for regulation should not play an advocacy role</p> <p>Local Policy and Legal/Programmatic/Future Collaborations: San Francisco should consider new and/or existing regulatory and regulatory oversight structures for adult use cannabis regulation. Options would include the following:</p> <ul style="list-style-type: none"> • Option 1: Standalone agency with its own staff and commission • Option 2: Standalone agency with its own staff, no commission • Option 3: Part of an existing agency
<p>Local Agency Collaboration</p>	<p>Local Policy and Legal/Programmatic/Future Collaborations: San Francisco should anticipate that numerous City agencies will have a role in adult use cannabis regulation. City Agencies that may play a role in adult use cannabis regulation include, but are not limited to: the Department of Public Health, Police Department, Planning Department, Fire Department, Tax Collector’s Office, Department of Building Inspection, San Francisco Municipal Transportation Authority. The cannabis regulatory role of each agency should be distinct and not overlap.</p>

San Francisco Cannabis State Legalization Task Force
Regulation and City Agency Framework **DRAFT** Workgroup Recommendations

Track and Trace	Local Policy and Legal/Programmatic: Proposition 64 establishes a State-level track and trace monitoring system to track cannabis from seed to sale. This State system is sufficient for local cannabis tracking within San Francisco.
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DRAFT

San Francisco Cannabis State Legalization Task Force
Public Safety and Social Environment **PRELIMINARY** Recommendations

Public Safety

<p>Driving Under the Influence</p>	<p>Local Policy and Legal/Future Considerations/Future Research Needed: Local policy guidelines for driving under the influence should be developed that are based on behavior testing until science-based testing exists.</p> <p>Future Collaborations/Future Considerations: San Francisco should provide technical assistance to California Highway Patrol (CHP) as they develop DUI protocols and standards. As part of this technical assistance, San Francisco should explore the use of cannabidiol (CBD) as an antidote to manage overconsumption, with the current naloxone program as a potential model.</p> <p>Programmatic: San Francisco should develop and implement a City-wide DUI public awareness campaign.</p>
<p>Neighborhood Safety</p>	<p>Local Policy and Legal: San Francisco should develop cannabis business operating standards to form part of the business permitting process. These standards would ensure that cannabis businesses are “good neighbors” to the communities in which they are located.</p> <p>Local Policy and Legal: Cannabis businesses should be like any other business in San Francisco in appearance and manner: well-lit, clean, appropriate hours of operation, guidelines for security, etc.</p>
<p>San Francisco Police Department (SFPD) Enforcement and Training Priorities</p>	<p>Local Policy and Legal/Future Collaborations: Three top considerations for the San Francisco Police Department when it is developing its criminal enforcement and training strategies are:</p> <ul style="list-style-type: none"> a) Strategies must represent community sensitivities and be developed together with parents or an agent of family representation; b) Strategies should be informed by subject matter experts in all areas of the cannabis industry, and not simply police officers training and/or educating other police officers; c) The SFPD should collaborate with Child Protective Services to establish guidelines for determining the safety of a juvenile in the custody of an impaired adult.

-END-

San Francisco Cannabis State Legalization Task Force
Public Safety and Social Environment **PRELIMINARY** Recommendations

Public Consumption

<p>Meaning of the Word “public”</p>	<p>Local Policy and Legal: San Francisco should allow and create policy pathways for smoking cannabis in public places that become privatized. These pathways should follow rules set by the San Francisco Department of Public Health for tobacco use.</p> <p>Local Policy and Legal: The smoking of cannabis should be allowed anywhere that tobacco smoking is allowed. Indoor venues must provide Heating Ventilation and Air-Conditioning (HVAC) systems if smoking is allowed indoors.</p> <p>Future Collaborations: The San Francisco City Attorney should provide further legal guidance regarding consumption in public-private spaces, i.e. where, when and how it could be done in the City.</p>
<p>On-site Consumption per AUMA</p>	<p>Local Policy and Legal: San Francisco should allow on-site consumption at cannabis retail locations.</p> <p>Local Policy and Legal: San Francisco’s on-site consumption requirements should not be stricter than those outlined in the AUMA.</p>
<p>Overconsumption and Encouraging Safe and Responsible use Across the City</p>	<p>Local Policy and Legal/Future Collaborations: The City and the San Francisco Department of Public Health should collaborate with the cannabis industry and the community to develop a health promotion strategy for preventing overconsumption and youth access.</p>

-END-

San Francisco Cannabis State Legalization Task Force
Public Safety and Social Environment **PRELIMINARY** Recommendations

Youth Access and Exposure

<p>Education</p>	<p>Programmatic/Future Collaborations: The San Francisco Unified School District (SFUSD) should be involved in developing age-appropriate cannabis education for San Francisco Schools.</p> <p>Programmatic/Future Collaborations: The SFUSD has an existing educational model focusing on wellness centers and health-based classroom education that should be used as the foundational framework for age-appropriate cannabis education. This framework should be analyzed (via data review) to identify gaps and revitalize the curriculum to effectively educate schoolchildren about cannabis use.</p> <p>Programmatic/Future Collaborations: AUMA funding for student-focused cannabis education programs should also capture children outside of the SFUSD system.</p> <p>Programmatic/Future Collaborations: AUMA funding for student-focused cannabis education programs should be distributed in a collaborative way across a variety of organizations, especially those that are already engaged in these issues. To ensure this, San Francisco should develop funding criteria for making grants.</p> <p>Programmatic: The State should vest decisions regarding student education implementation and funding criteria solely in the counties.</p>
<p>Preventing Sales to Minors</p>	<p>Future Research Needed: San Francisco should conduct research regarding access for minors in the illicit market after the passage of Prop 215 and in other states that have legalized cannabis for adult use in order to better understand how minors may access cannabis after adult use is legalized in California.</p>
<p>Advertising</p>	<p>Future Considerations: The regulation of other industries, such as alcohol and tobacco industries, should serve as a model for monitoring the effect of advertising on minors.</p> <p>Local Policy and Legal/Future Research Needed: The San Francisco City Attorney should conduct research regarding the free speech limits to regulating cannabis advertising at the local level.</p>

San Francisco Cannabis State Legalization Task Force
Public Safety and Social Environment **PRELIMINARY** Recommendations

	<p>Future Research Needed: San Francisco should conduct research to learn more about the strategies other adult use legalization states have used to regulate advertising to protect youth.</p> <p>Future Considerations: San Francisco’s advertising regulating bodies must do continuous forecasting to appropriately guard against “too much cannabis advertising” and be agile in adapting to rapidly emerging social trends that could increase exposure to youth.</p>
<p>Criminal Diversion and Decriminalization Options for Youth</p>	<p>Local Policy and Legal: It is unlikely that, even with the most robust cannabis education programs for youth, there will be a zero percent usage rate among minors in San Francisco - they may continue to consume and/or sell in schools and other places. In light of that, San Francisco schools should take a reality-based disciplinary approach and rely on harm reduction principles to manage such situations. For example, for minors who commit cannabis-related offenses while at school, suspension and expulsion should not be the default tools used by schools to discipline students.</p> <p>Local Policy and Legal/Programmatic/Future Collaborations: San Francisco Unified School District should identify and collaborate with key stakeholders to explore alternatives to expulsion for youth facing disciplinary action for cannabis.</p>
<p>Youth Protection</p>	<p>Local Policy and Legal/Programmatic/Future Collaborations: San Francisco should develop policies to protect youth, e.g. develop clear packaging requirements to prevent accidental cannabis consumption by youth.</p>

-END-

San Francisco Cannabis State Legalization Task Force
Land Use, Social Justice, and Tourism **PRELIMINARY** Workgroup Recommendations

Land Use

<p>Non-Retail Uses</p>	<p>Local Policy and Legal: San Francisco should allow non-retail adult use cannabis uses (i.e. cultivation, manufacturing, distribution) and utilize the existing Planning Code framework to establish land use controls for those uses.</p> <p>Local Policy and Legal: Consistent with current regulations for non-retail medical cannabis uses, non-retail adult use cannabis uses should be exempt from distance requirements for sensitive uses (e.g. schools, youth centers, etc.)</p>
<p>Retail Uses</p>	<p>Local Policy and Legal/Future Collaborations: San Francisco should develop meaningful qualitative findings for the Planning Commission and/or other commission(s) to use when reviewing adult use retail locations.</p> <p>Local Policy and Legal/Future Collaborations: San Francisco should consider reducing the distance new cannabis retailers can operate in proximity to sensitive uses to one that is less than the State-required 600 feet. San Francisco should also consider measuring this distance with a "path of travel" approach rather than a straight line, parcel to parcel measurement.</p> <p>Local Policy and Legal/Future Collaborations: San Francisco should develop reasonable quantitative standards to regulate the location of, and permitting process for, adult use retail locations in San Francisco. These standards should include, but are not limited to:</p> <ul style="list-style-type: none"> a) Strategies to facilitate meetings between the applicant and neighboring community prior to the Planning Commission hearing and/or application process to address neighborhood concerns b) Strategies to prevent clustering (as discussed below) c) Considerations for proximity to sensitive uses (as discussed below) <p>Local Policy and Legal/Future Collaborations: San Francisco should further define and/or refine definitions of “sensitive uses” and consider narrowing the definition to expand the “green zone” (or</p>

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potential locations in which new cannabis retailers could operate) where appropriate.

Local Policy and Legal: San Francisco should consider varying approval processes (e.g. neighborhood notice only; notice plus mandatory Discretionary Review hearing; notice plus Conditional Use Authorization; etc.) for different zoning districts, with more rigorous review processes in Neighborhood Commercial Districts or other locations which present potential land use conflicts and less rigorous processes in other districts, such as Downtown or industrial districts.

Local Policy and Legal/Future Collaborations: San Francisco should develop policies to prevent clustering of adult use cannabis retailers. Strategies may include:

- a) Use of “buffer zones” around other adult use retail locations. The distance of these buffer zones should balance both community concerns and business interests with the aim of preventing too high a concentration of retail locations in a given district while also encouraging healthy competition.
- b) Stricter clustering provisions in Neighborhood Commercial Districts to balance neighborhood concerns, and less strict clustering requirements in other districts, such as Downtown or Industrial districts.

Local Policy and Legal: San Francisco should include adult use cannabis retail businesses in existing Formula Retail rules.¹

Local Policy and Legal: San Francisco should allow retail locations above the ground floor, such as spaces located at basement level, second floor or higher.

Local Policy and Legal/Future Collaborations/Future Considerations: San Francisco should develop a mechanism for businesses shut down by the federal government or whose leases were bought out to be re-permitted.

¹ Formula retail rules state that if an establishment has eleven or more retail locations worldwide, it is subject to a more stringent review and authorization process.

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	<p>Local Policy and Legal/Future Considerations: San Francisco should align regulations for adult use cannabis retail signage on store fronts with regulations for other retail businesses.</p>
<p>MCD vs. Adult Use Retail Zoning Approval Processes</p>	<p>Local Policy and Legal/Future Collaborations: Adult use cannabis retailers, as distinct from medical use cannabis retailers, should not be subject to the heightened ADA requirements that currently apply to MCDs.</p> <p>Local Policy and Legal/Future Collaborations: San Francisco should craft a reasonable process for current medical cannabis dispensaries to transition into the adult use market. A “transition” would include a medical dispensary adding adult use products or a medical dispensary switching to an adult use business model. Such “grandfathered” medical cannabis businesses should be exempt from new, more restrictive land use provisions that may be applicable to adult use retail businesses.</p>

-END-

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Social Justice/Workforce Development

<p>Successful Workforce</p>	<p>Local Policy and Legal/Programmatic/Future Collaborations: The City should collaborate with San Francisco City College, San Francisco Unified School District, and other workforce development organizations and key stakeholders, to develop new or build upon existing training and apprenticeship programs as workforce pathways for individuals to participate in all aspects of the cannabis industry (i.e. cultivation, laboratory testing, manufacturing, retail, etc.). These programs should increase opportunities for individuals to enter the cannabis industry, but also be part of a broader workforce strategy to increase job opportunities in other sectors, such as IT, human resources, and finance.</p> <p>Local Policy and Legal: San Francisco should ensure that those with a criminal justice history are not automatically barred from job opportunities within the cannabis industry, and that license holders are incentivized to hire people with a criminal justice history to the extent possible.</p> <p>Local Policy and Legal/Programmatic/Future Collaborations: San Francisco should create incentives (rather than mandates) for cannabis businesses to hire local residents and individuals from communities affected by mass incarceration. The City should also create hiring preference policies for residents who have moved out of the City due to the high cost of living.</p> <p>Local Policy and Legal/Programmatic/Future Collaborations: San Francisco should lower financial barriers to enter the cannabis industry by collaborating with workforce development organizations to provide high quality, free or low-cost cannabis workforce trainings, which should include both online and in-person modalities.</p> <p>Programmatic/Future Collaborations: The cannabis industry is a dynamic field, and as such, San Francisco should collaborate with workforce development organizations to provide continuing education to maintain a well-trained, competent workforce and assure patient/consumer safety as new technologies and products emerge.</p>
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	<p>Programmatic/Future Collaborations: San Francisco should create job opportunities and mechanisms to educate, train, and hire the formerly incarcerated, transitional age youth (age 18-21), and young adults (age 21-26). The City’s current process for hiring the formerly incarcerated could serve as a model.</p> <p>Programmatic/Future Collaborations: San Francisco should work with key stakeholders to develop mechanisms to publicize job opportunities and draw diverse candidates to the cannabis workforce, such as job fairs, public education campaigns, or other pipelines.</p> <p>Local Policy and Legal/Programmatic/Future Collaborations: San Francisco should ensure that existing workforce policies and protections of wage and benefit rights are extended to the cannabis industry workforce, such as connecting worker rights protections to the permitting process.</p> <p>Programmatic/Future Collaborations: Post-legalization, there will be a need for lab technicians with the capacity for testing cannabis products, and San Francisco should invest in this capability.</p>
<p>Entrepreneurship Opportunities</p>	<p>Local Policy and Legal/Programmatic: San Francisco should engage workforce development organizations, community-based organizations, community members, and other key stakeholders to develop strategies to reduce economic barriers for people of color and the formerly incarcerated to enter the cannabis industry as entrepreneurs. Strategies could include:</p> <ul style="list-style-type: none"> a) Streamlined permitting process to help operators reduce initial start-up costs (e.g. subsidized rent while undergoing permitting process) b) Creation of grants or other funding opportunities to assist people of color and the formerly incarcerated in achieving business ownership c) Equity licensing d) Subsidized permitting and licensing fees e) Use of existing small business support structures and programs as models, such as the Mission Economic Development Agency (MEDA), Minority-owned Business Enterprise (MBE), Women-owned Business Enterprise (WBE) programs.

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	<p>Local Policy and Legal/Programmatic/Future Research Needed/Future Considerations: Due to federal cannabis prohibition, cannabis business owners cannot easily access banking services, and therefore, must operate on a largely cash-only basis. Thus, business ownership is limited to entrepreneurs with access to capital. San Francisco should therefore advocate for a change in federal prohibition policy and explore opportunities to use City funding and/or local credit unions to provide banking services, such as small business loans, to cannabis businesses.</p>
<p>AUMA Community Reinvestment Grants</p>	<p>Local Policy and Legal/Programmatic/Future Collaborations: San Francisco should apply for AUMA Community Reinvestment Grants and collaborate with key stakeholders to allocate funding to programs that benefit the communities targeted by the AUMA grant funding. Program priority areas could include:</p> <ul style="list-style-type: none"> • the educational system • childcare subsidies • services for the formerly incarcerated and other communities affected by cannabis prohibition • housing • job creation • behavioral health services • criminal record expungement <p>Local Policy and Legal/Programmatic/Future Collaborations: San Francisco should explore opportunities for cannabis businesses to invest in community benefit agreements that allocate resources to community services.</p>
<p>Social Justice</p>	<p>Local Policy and Legal/Programmatic/Future Collaborations: San Francisco should include cultural competency trainings as part of the cannabis workforce development strategy.</p> <p>Local Policy and Legal/Programmatic/Future Collaborations: San Francisco should develop pathways, such as an amnesty program, to encourage existing businesses to transition from the illicit to</p>

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legal market.

Programmatic/Future Collaborations: The City and San Francisco Police Department should collaborate with community policing and diversion programs to educate businesses on the transition from the illicit to legal market.

Local Policy and Legal: The San Francisco District Attorney and Public Defenders Offices should work to streamline the record expungement process for individuals with eligible previous convictions as outlined in the AUMA.

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Tourism/Hospitality

<p>San Francisco Cannabis Culture</p>	<p>Local Policy and Legal/Programmatic/Future Collaborations: San Francisco should collaborate with stakeholders to develop policies that achieve an appropriate balance between discretion and visibility of adult use cannabis culture. Along these lines, the City should create pathways that allow tourists to access adult use cannabis products and legal consumption spaces while preventing undesired exposure for those who prefer limited interaction with the cannabis industry. Strategies could include the following:</p> <ul style="list-style-type: none"> • Allow cannabis consumption indoors to prevent unintended exposure • Limit visibility of consumption in adult use retail storefront locations to prevent exposure from the street • Collaborate with tourism/hospitality stakeholders to provide tourists with educational materials and information about safe access and consumption of adult use cannabis <p>Local Policy and Legal/Programmatic/Future Collaborations: San Francisco should collaborate with key stakeholders within the hospitality and tourism industry to develop pathways for lodging establishments to become “cannabis-friendly,” thereby providing a legal consumption space for tourists without access to a private residence.</p> <p>Future Collaborations/Future Considerations: There is a notable desire within the culinary community to incorporate adult use cannabis in dining options/opportunities, including the use of cannabis as a meal ingredient and the establishment of food/cannabis pairing options. San Francisco should collaborate with key stakeholders, such as culinary and hospitality organizations, to develop strategies for increasing these opportunities for restaurants and other food establishments. Strategies could include:</p> <ul style="list-style-type: none"> • Developing, proposing and pursuing a state legislative approach that would create an exemption for these types of culinary experiences • Development of a patron notification process for any food establishment offering these
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	<p>opportunities</p> <ul style="list-style-type: none"> • Development of mechanisms to determine the appropriate distribution of cannabis-friendly dining venues throughout the City
<p>Tourist and Resident Experiences</p>	<p>Local Policy and Legal/Programmatic/Future Collaborations: San Francisco should collaborate with key stakeholders, such as the Department of Public Health and tourism/hospitality organizations, to develop educational materials for tourists and residents that:</p> <ul style="list-style-type: none"> • promote safe cannabis consumption • provide information on different product types and their physiological effects, and • outline strategies to identify and manage overconsumption. <p>The educational materials should be made available in various languages and formats (e.g. websites, brochures, signage, mobile applications, etc.), and distributed where adult use cannabis is allowed to be consumed and/or purchased, such as cannabis retail locations.</p> <p>Local Policy and Legal/Programmatic/Future Collaborations: San Francisco, in collaboration with key City Agencies and stakeholders, should develop educational materials and trainings for cannabis retail licensees, their employees, and cannabis business license applicants on serving cannabis and cannabis products safely, responsibly, and legally. The Licensee Education on Alcohol and Drugs (LEAD) Program could serve as a model for this.</p>

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PROPOSED 2017 Commission Meeting Dates

Name of Commission: Medical Cannabis Commission

Commission Secretary: Elizabeth Greene

2017 Meeting Dates

Month	Meeting Day and Date	Time
January 2017	Thursday, 1/5/17	2:00 PM
February 2017	Thursday, 2/2/17	2:00 PM
March 2017	Thursday, 3/2/17	2:00 PM
April 2017	Thursday, 4/6/17	2:00 PM
May 2017	Thursday, 5/4/17	2:00 PM
June 2017	Thursday, 6/1/17	2:00 PM

Month	Meeting Day and Date	Time
July 2017	Thursday, 7/6/17 OR	2:00 PM
	Thursday, 7/13/17	
August 2017	NO MEETING	
September 2017	Thursday, 9/7/17 OR	2:00 PM
	Thursday, 9/14/17	
October 2017	Thursday, 10/5/17 OR	2:00 PM
	Thursday, 10/12/17	
November 2017	Thursday, 11/2/17 OR	2:00 PM
	Thursday, 11/9/17	
December 2017	NO MEETING	

April consideration – Passover is on Tuesday, 4/11/17, Easter Sunday and Orthodox Easter are on Sunday, 4/16/17.

June consideration – Memorial Day is on Monday, 5/29/17

July consideration – July 4th is observed on Tuesday, 7/4/17.

September consideration – Labor Day is on Monday, 9/4/17. Yom Kippur is on Saturday, 9/30/17.

October consideration – If September meeting is held on 9/14, then there will only be three weeks between that and an 10/5 meeting. Indigenous People’s Day is Monday, 10/9/17.

November consideration – If October meeting is held on 10/12, then there will only be three weeks between that date and a 11/2 meeting. Veteran’s Day is observed on Friday, 11/10/17.