

ORDINANCE NO. 6187

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SONOMA, STATE OF CALIFORNIA, AMENDING CHAPTER 14 OF THE SONOMA COUNTY CODE TO REGULATE MEDICAL CANNABIS DISPENSARIES AND EDIBLE CANNABIS PRODUCT MANUFACTURING SITES

The Board of Supervisors of the County of Sonoma, State of California, does ordain as follows:

Section I. Chapter 14 of the Sonoma County Code is hereby amended as follows:

(A) Article I, Administration and Enforcement, is amended to read:

Article I. Administration and Enforcement.

Sec. 14-1-010. In General.

The health officer, as referred to in this Chapter, or his/her designee shall administer and enforce the provisions of this Chapter, applicable state law, and the rules and regulations promulgated by the State Department of Public Health.

This Chapter and the articles contained herein apply to the entire county and all incorporated cities and towns of the county.

Sec. 14-1-020. Definitions.

- a) "Department" means the county of Sonoma, Department of Health Services, Environmental Health and Safety Section.
- b) "Enforcement agency" means the county of Sonoma, Department of Health Services, Environmental Health and Safety Section.
- c) "Enforcement officer" means the agent, registered environmental health specialist or environmental health specialist trainee authorized by the Director of Health Services, Health Officer or Director of Environmental Health.
- d) "Health officer" as referred to in this Chapter, means the Sonoma County Health Officer/Deputy Health Officer or his/her authorized representatives.
- e) "Health permit" as referred to in this Chapter, means a permit or registration issued by the department for milk dairy, retail food, public swimming pool, body art, medical cannabis dispensary, or edible cannabis product manufacturing site as those terms are defined throughout this Chapter and in the California Food and Agricultural Code, and the California Health and Safety Code.
- f) "Hearing officer" as referred to in this Chapter, means the Director of Environmental Health or his/her authorized representative.
- g) "Person" as referred to in this Chapter, includes any individual, firm, association, organization, partnership, joint venture, estate, trust, business trust, limited liability company, receiver, syndicate, corporation, company, tribe or any other group or combination acting as a unit and includes the plural as well as the singular number.

Sec. 14-1-030. Requirement of Permit.

It is unlawful for any person without a health permit to control, lease, act as agent for, conduct, operate, or manage any milk dairy, retail food facility, public swimming pool, body art facility, medical cannabis dispensary, or edible cannabis product manufacturing site as those terms are defined throughout this Chapter.

Health permits shall be prominently posted in public view at the location or upon the equipment for which it was issued. Health permits shall not be transferable upon change of ownership of the location or equipment for which it was issued.

The holder of the health permit shall make payment to the department, on or before the anniversary date as established at the time of permit issuance, an annual fee as established by the Board of Supervisors' resolution, and as more fully set forth below.

Sec. 14-1-040. Suspensions and Revocations.

Health permits shall be valid until revoked, suspended or as conditioned by the enforcement officer.

Any health permit issued pursuant to this Chapter may be suspended or revoked for good cause by the enforcement officer. "Good cause" for the purpose of this Section, means a violation of state law, a violation of any of the provisions of this Chapter, a violation of the administrative rules or regulations adopted thereunder, a violation of any condition of such health permit, or failure to make payment of the required health permit fee to the department.

The following practices will be utilized during a permit revocation or suspension:

- a) Whenever an enforcement officer finds that a person is not operating in compliance with their health permit, a written notice to comply shall be issued to the person. If the person fails to comply within fifteen (15) days of the notice, the enforcement officer shall issue a second written notice to comply describing the acts or omissions with which the person is charged and informing them of their right to request a hearing.
- b) At any time within a fifteen-day period after service of such notice, the person may request a hearing before the hearing officer and department to show cause why the health permit should not be suspended or revoked.
- c) A failure to request a hearing within fifteen (15) days shall be deemed a waiver of a right to such a hearing.
- d) Any hearing provided for in this Section shall be conducted in accordance with Section 14-1-060.
- e) A health permit may be reinstated or a new health permit issued if the enforcement agency determines that the conditions that prompted the permit suspension or revocation no longer exist.

Sec. 14-1-050. Immediate Health Permit Suspension or Revocation.

Notwithstanding the provisions of this Chapter, and except as otherwise specifically provided by state law, the enforcement officer may immediately suspend or revoke a health

permit if the enforcement officer determines that there is an immediate threat to public health, safety, or welfare.

The enforcement officer shall serve the permit holder, within forty-eight (48) hours of the suspension or revocation, written notice of the grounds for the immediate suspension or revocation of the health permit. A person may appeal the suspension or revocation by filing a written notice to request a hearing before the hearing officer.

If a hearing is requested, it shall be conducted in accordance with Section 14-1-060.

Sec. 14-1-060. Hearing Procedure.

Whenever this Chapter provides for a hearing, the hearing shall be conducted in accordance with this Section.

- a) Upon receipt of a written request for a hearing, the hearing officer shall set a hearing date at the earliest practicable time. The hearing shall be held no later than fifteen (15) calendar days after receipt of the request for a hearing. Upon written request of the registrant or permit holder, the hearing officer may postpone a hearing date, if circumstances warrant the action. The hearing officer shall give notice of the hearing to the parties at least ten (10) calendar days before the date of the hearing.
- b) When circumstances warrant, the hearing officer may order a hearing at any reasonable time within this fifteen-day period to expedite the permit suspension or revocation process.
- c) Neither the provisions of the Administrative Procedure Act (Government Code Section 11500 *et seq.*) nor the formal rules of evidence in civil or criminal judicial hearings shall apply to such hearing. At the hearing, the hearing officer may admit any evidence, including witness testimony, relevant to the determination of the matter, except as otherwise provided in this Chapter. A record of the hearing shall be made by any means, including electronic recording, so long as a reasonably accurate and complete written transcription of the proceedings can be made.
- d) The hearing officer shall issue a written notice of decision to the person within five (5) working days following the hearing. Notice of the written decision, including findings of facts, conclusions of law, and notification of the time period in which judicial review may be sought pursuant to Code of Civil Procedure Section 1094.6 shall be served on all parties. The notice of decision shall also specify the acts or omissions with which the person is charged, and shall state the terms of the suspension or that the health permit has been revoked. Any decision rendered by the hearing officer shall be a final administrative decision.
- e) Judicial Review. Hearing officer decisions shall be final, subject to judicial review under the provisions of California Code of Civil Procedure Sections 1094.5 and 1094.6. California Code of Civil Procedure Section 1094.6 governs limitation of time for filing petitions under Section 1094.5, as set forth in Sonoma County Code Section 1-7.5.

(B) Article VI, Medical Cannabis Dispensary and Edible Cannabis Product Manufacturing Site, is hereby added to Chapter 14 of the Sonoma County Code as follows:

Article VI. – Medical Cannabis Dispensary and Edible Cannabis Product Manufacturing Site

Sec. 14-6-010. Purpose.

This Article provides for the enforcement of California laws and regulations pertaining to medical cannabis dispensaries and edible cannabis product manufacturing sites, and to establish local requirements as authorized in Health and Safety Code Section 11362.77 and the 2016 Medical Cannabis Regulation and Safety Act.

All definitions, authority, scope, responsibilities, requirements, standards, conditions, exemptions, procedures and penalties described within state law are adopted and incorporated.

Sec. 14-6-020. In General.

Although edible cannabis products are not defined as a food in Health and Safety Code, Sonoma County requires that all edible cannabis products sold at medical cannabis dispensaries or manufactured at edible cannabis product manufacturing sites comply with the requirements of Health and Safety Code Section 13700 *et seq.* and other applicable food safety codes, which provide a system of prevention and overlapping safeguards designed to minimize foodborne illness, ensure employee health, demonstrate industry manager knowledge, ensure safe food preparation practices and delineate acceptable levels of sanitation for preparation of edible products.

Sec. 14-6-030. Definitions.

For the purposes of this Article:

- a) “Agency Having Jurisdiction” means the agency having delegated authority to adopt, determine, mandate or enforce ordinances and regulatory requirements established by the County of Sonoma and other jurisdictional governing bodies.
- b) “Cannabis” means all parts of the plant *Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannabis ruderalis*, or any other strain or varietal of the genus *Cannabis* that may exist or hereafter be discovered or developed that has psychoactive or medicinal properties, whether growing or not, including the seeds thereof. “Cannabis” also means marijuana as defined by Section 11018 of the Health and Safety Code as enacted by Chapter 1407 of the Statutes of 1972. For the purpose of this section, “cannabis” does not mean “industrial hemp” as defined by Section 81000 of the Food and Agricultural Code or Section 11018.5 of the Health and Safety Code. Cannabis is classified as an agricultural product separately from other agricultural crops.
- c) “County” means the entire county and all incorporated cities and towns of the County, which have delegated cannabis health permit authority to the Director.
- d) “County Department” means any department or agency operated by the County of Sonoma.

- e) "Delivery" means the commercial transfer of medical cannabis or medical cannabis products from a dispensary, up to an amount determined by the bureau to a primary caregiver or qualified patient as defined in Section 11362.7 of the Health and Safety Code, or a testing laboratory. "Delivery" also includes the use by a dispensary of any technology platform owned and controlled by the dispensary, or independently licensed under this Chapter that enables qualified patients or primary caregivers to arrange for or facilitate the commercial transfer by a licensed dispensary of medical cannabis or medical cannabis products.
- f) "Director" means the Director of the Sonoma County Department of Health Services or the Health Officer or any individual designated by the Director to act on his or her behalf, including the Director of Environmental Health and Environmental Health Specialists.
- g) "Dispensary" or "Medical cannabis dispensary" means a facility operated in accordance with state law, 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 retail sale.
- h) "Edible Cannabis Product" means manufactured cannabis that is intended to be used, in whole or in part, for human consumption, including but not limited to chewing gum. An edible cannabis product is not considered food as defined by Section 109935 of Health and Safety Code or a drug as defined by Section 109925 of the Health and Safety Code.
- i) "Edible Cannabis Manufacturing Site" refers to a "Manufacturer" that produces, prepares, or propagates "Edible Cannabis Products."
- j) "Imminent Health Hazard" means a significant threat or danger to health that is considered to exist when there is evidence sufficient to show that a product, practice, circumstance or event creates a situation that can cause infection, intoxication, disease transmission, vermin infestation, or hazardous condition that requires immediate correction or cessation of operation to prevent injury, illness, or death.
- k) "Manufacturer" means a person that conducts the production, preparation, propagation or compounding of "manufactured cannabis" or medical cannabis products either directly or indirectly or by extraction methods, or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis at a fixed location that packages or repackages medical cannabis or medical cannabis products or labels or relabels its container.
- l) "Manufactured Cannabis" means raw cannabis that has undergone a process whereby the raw agricultural product has been transformed into a concentrate, an edible product, or a topical product.
- m) "Manufacturing site" means a location that produces, prepares, propagates, or compounds manufactured medical cannabis or medical cannabis products, directly or indirectly, by extraction methods, independently by means of chemical synthesis, or by

a combination of extraction and chemical synthesis, and is owned and operated by a licensee for these activities.

- n) "Medical cannabis," "medical cannabis product" or "cannabis product" means any product containing cannabis, including but not limited to flowers, buds, oils, tinctures, concentrates, extractions, and edibles intended to be sold for use by medical cannabis patients in California pursuant to the Compassionate Use Act of 1996 (Proposition 215), found at Section 11362.5 of the Health and Safety Code. For the purposes of this Chapter, medical cannabis does not include industrial hemp as defined by Section 81000 of the Food and Agricultural Code or Section 11018.5 of the Health and Safety Code.
- o) "Medical Cannabis Identification Card" or "Identification Card" means a document issued by the State Department of Health Services pursuant to California Health and Safety Code Sections 11362.7 *et seq.* that identifies a person authorized to engage in the medical use of cannabis and the person's designated primary caregiver, if any, or identifies a person as a primary caregiver for a medical cannabis patient.
- p) "Nonsale Distribution" means to give a medical cannabis product or coupon at no cost or at a nominal cost of less than 25 percent of the full retail value of the item exclusive of taxes and fees to a person who is not a dispensary.
- q) "Permittee" means the "Person" acting as the owner, proprietor, manager, or operator of a medical cannabis dispensary who obtains a permit pursuant to this Article.
- r) "Primary caregiver" shall have the same definition as California Health and Safety Code Section 11362.7 *et seq.*, and as may be amended, and which defines "primary caregiver" as an individual, designated by a qualified patient or by a person with an identification card, who has consistently assumed responsibility for the housing, health, or safety of that patient or person, and may include a licensed clinic, a licensed health care facility, a residential care facility, a hospice, or a home health agency as allowed by California Health and Safety Code Section 11362.7(d)(1-3). A primary caregiver shall be at least 18 years of age, unless the primary caregiver is the parent of a minor child who is a qualified patient or a person with an identification card or the primary caregiver is a person otherwise entitled to make medical decisions under state law pursuant to Sections 6922, 7002, 7050, or 7120 of the Family Code.
- s) "Qualified patient" shall have the same definition as California Health and Safety Code Section 11362.7 *et seq.*, and as may be amended, and which states that a "qualified patient" means a person who is entitled to the protections of California Health and Safety Code Section 11362.5, but who does not have a valid medical cannabis identification card. For the purposes of this Article, a "qualified patient who has a valid identification card" shall mean a person who fulfills all of the requirements to be a "qualified patient" under California Health and Safety Code Section 11362.7 *et seq.* and also has a valid medical cannabis identification card.

Sec. 14-6-040. Medical Cannabis Dispensary and Edible Cannabis Product Manufacturing Site Permits.

- a) No person shall operate in the county, any medical cannabis dispensary or any edible cannabis product manufacturing site or any other enterprise or establishment in which edible cannabis product is manufactured or offered for sale or sold, without a valid permit issued in accordance with this Article and a valid permit as required in Sonoma County Code Section 26-88-126(c). Such permits shall be displayed prominently in or upon the place of business for which it is issued.
- b) All applications for medical cannabis dispensary or edible cannabis product manufacturing site permits shall be on a form supplied by the department and shall be accompanied by the applicable fee(s), as described in Section 14-6-050 and Section 14-6-060. The applicant for medical cannabis dispensary permit or edible cannabis product manufacturing site permit shall set forth, under penalty of perjury, the following on the permit application:
 - 1. The proposed location of the medical cannabis dispensary or the edible cannabis product manufacturing site.
 - 2. Approved use permit number as issued by the appropriate planning agency.
 - 3. The name and residence address of each person applying for the permit and any other person who will be engaged in the management of the medical cannabis dispensary or edible cannabis product manufacturing site.
 - 4. A unique identifying number from at least one government issued form of identification such as a social security card, a state driver's license or identification card, or a passport for each person applying for the permit and any other person who will be engaged in the management of medical cannabis dispensary or edible cannabis product manufacturing site.
 - 5. Written evidence that each person applying for the permit, and any other person who will be engaged in the management of medical cannabis dispensary or edible cannabis product manufacturing site is at least 21 years of age.
 - 6. The Director is hereby authorized to require in the permit application any other information including but not limited to any information necessary to discover the truth of the matters set forth in the application.
- c) A permit to operate shall not be issued by the department until its inspection has determined that the proposed medical cannabis dispensary or edible cannabis product manufacturing site and its method of operation meet the specifications and conform to the provisions of Sonoma County Code Chapters 14 and 26, and California Health and Safety Code Section 11362.5 *et seq.*
- d) All permits for medical cannabis dispensaries and edible cannabis product manufacturing sites shall expire on the annual renewal date. Permits are valid only for the person, location, and type of sales or activity approved. Permits shall not be transferable upon change of ownership of the dispensary or manufacturing site.

- e) In recommending the granting or denying of a permit and in granting or denying the same, the Director shall give particular consideration to the capacity, capitalization, complaint history of the applicant and any other factors that in their discretion he or she deems necessary to the peace and order and welfare of the public.
- f) No medical cannabis dispensary permit or edible cannabis product manufacturing site permit shall be issued under this Article if the Director finds:
 - 1. That the applicant has provided materially false documents or testimony; or
 - 2. That the applicant has not complied fully with the provisions of this Article or any county and state codes, laws and regulations; or
 - 3. That the applicant has not obtained a permit from Sonoma County Planning Resource Management Department and all other approvals as required by the Agency Having Jurisdiction; or
 - 4. That the operation as proposed by the applicant, if permitted, does not comply with all applicable laws, including, but not limited to, the Building, Planning, Housing, Police, Fire, and Health Codes of the County, including the provisions of this Article and regulations issued by the Director pursuant to this Article; or
 - 5. That a permit for the operation of a medical cannabis dispensary or medical cannabis manufacturing site permit or a County use permit, which permit(s) had been issued to the applicant or to any other person who will be engaged in the management of the medical cannabis dispensary or medical cannabis manufacturing site permit has been revoked, unless more than two years have passed from the date of the revocation to the date of the application; or
 - 6. That the County has revoked a permit for the operation of a business in the County which permit had been issued to the applicant or to any other person who will be engaged in the management of the medical cannabis dispensary or medical cannabis manufacturing site permit unless more than two years have passed from the date of the application to the date of the revocation.
- g) The Director shall notify the Sheriff's Department, Permit and Resource Management Department, Fire and Emergency Services, Agricultural Commissioner's Office and other appropriate agencies of all approved permit applications.
- h) The final permit shall contain the following language: "Issuance of this permit by the County of Sonoma is not intended to and does not authorize the violation of state or federal law."

Sec. 14-6-050. Fees.

- a) Prior to submitting the medical cannabis dispensary permit or edible cannabis product manufacturing site permit application, each applicant shall submit an operating and facility plan to the Department, along with a plan check fee as established by the current Board of Supervisors' fee resolution.

- b) At the time of approval of the facility plan, the applicant shall submit to the Department, the medical cannabis dispensary or edible product manufacturing site application and annual permit fee(s) as established by the current Board of Supervisors' fee resolution. The fee shall be calculated so as to recover the reasonable regulatory cost of administration and enforcement of this Article, including, for example, issuing a medical cannabis dispensary or edible cannabis product manufacturing site permit, administering the permit program, dispensary or manufacturing site inspection and compliance checks, documentation of violations, late fees for delinquent permits, and enforcement proceedings, but shall not exceed the cost of the regulatory program authorized by this Article and by California law. All fees and interest upon proceeds of fees shall be used exclusively to fund administration and enforcement of this Article. Fees are nonrefundable, except as may be required by law.
- c) Each separate location of business shall be deemed a separate enterprise or medical cannabis dispensary or edible product manufacturing site for purposes of this Article.
- d) Any permit that has not been reinstated by the annual renewal date will not be valid, due to failure to submit permit fees, and shall be deemed delinquent. Permits that continue to remain delinquent will be subject to late fees at intervals of thirty (30) days and sixty (60) days past the anniversary date. The amount assessed shall be included in the fee schedule approved by resolution of the Board of Supervisors.
- e) Conditions requiring additional inspections due to noncompliance with applicable statutes/regulations will incur additional re-inspection service fees as provided in the fee schedule in effect at the time of noncompliance.

Sec.14-6-060. Operational Requirements for Medical Cannabis Dispensaries.

- a) Medical cannabis dispensaries shall meet all the operating criteria for the dispensing of medical cannabis as is required pursuant to California Health and Safety Code Section 11362.7 *et seq.*, by this Article, by the Director's Rules and regulations for the permitting and operation of medical cannabis dispensaries and by all other County Department guidelines.
- b) Medical cannabis dispensaries must operate in a permanently constructed structure and may not operate from a vehicle or non-permanent structure.
- c) Medical cannabis dispensaries shall sell or distribute only cannabis manufactured and processed in the State of California that has not left the state before arriving at the medical cannabis dispensary with the additional requirement that medical cannabis dispensaries shall sell or distribute only edible cannabis products that have been manufactured and processed in a facility permitted by a local jurisdiction and in compliance with state licensing requirements.
- d) It is unlawful for any person or association operating a medical cannabis dispensary under the provisions of this Article to permit any breach of peace therein or any disturbance of public order or decorum by any tumultuous, riotous or disorderly conduct, or otherwise, or to permit such dispensary to remain open, or patrons to

remain upon the premises, between the hours of 7 p.m. and 7 a.m. the next day, unless otherwise allowed by the use permit.

- e) No medical cannabis product shall be smoked, ingested or otherwise consumed on the premises or in the public right-of-way within twenty-five feet of a medical cannabis dispensary. Medical cannabis dispensaries shall post a sign near their entrances and exits providing notice of this policy.
- f) All sales and dispensing of medical cannabis shall be conducted in person on the premises of the medical cannabis dispensary. Deliveries, as defined in this Article and in Health and Safety Code, can only be made by a dispensary in Sonoma County provided the medical cannabis dispensary that delivers medical cannabis or medical cannabis products shall comply with the following:
 - 1. All employees of a dispensary delivering medical cannabis or medical cannabis products shall carry a copy of the dispensary's current permit authorizing those services with them during deliveries and shall present that permit upon request to county department, state and local law enforcement, employees of regulatory authorities, and other state and local agencies.
 - 2. During delivery, the permittee shall maintain a physical copy of the delivery request and shall make it available upon request of the department and law enforcement officers. The delivery request documentation shall comply with state and federal law regarding the protection of confidential medical information.
 - 3. The qualified patient or primary caregiver requesting the delivery shall maintain a copy of the delivery request and shall make it available, upon request, to the department and law enforcement officers.
 - 4. The employee of the dispensary who is delivering medical cannabis or medical cannabis products shall verify and document that the individual taking possession of the product is a qualified patient or primary caregiver.
- g) The medical cannabis dispensary shall not hold or maintain a license from the State Department of Alcohol Beverage Control to sell alcoholic beverages, or operate a business that sells alcoholic beverages. Nor shall alcoholic beverages be consumed on the premises or on in the public right-of-way within fifty feet of a medical cannabis dispensary. Dispensaries shall prohibit patrons from entering or remaining on the premises if they are in possession of or are consuming alcoholic beverages or are under the influence of alcohol.
- h) The medical cannabis dispensary shall not hold or maintain a permit as a food facility from the County of Sonoma. Food products shall not be sold or consumed on the premises.
- i) The medical cannabis dispensary shall not hold or maintain a tobacco retail license to sell tobacco products or tobacco paraphernalia from the County of Sonoma. Tobacco products or tobacco paraphernalia shall not be sold or consumed on the premises.

- j) No manufactured edible cannabis products shall be dispensed that contain other addictive substances such as nicotine or caffeine. Minimal amounts of alcohol, in as much as are residual from manufacturing or required solvents for the cannabis containing product, are allowed provided that the alcohol content is 10 percent or less, the amount of alcohol in an individual serving would not create alcohol intoxication with ingestion of a single dose, and the product is clearly labeled with both the alcohol content and a statement that "Warning: this product contains alcohol."
- k) The medical cannabis dispensary shall not engage in the Nonsale Distribution of any medical cannabis product. Discounting practices, including the honoring or redeeming coupons to allow a consumer to purchase a medical cannabis product for less than full retail price, sale of product through multiple-package discount for less than full retail price, and provision of a free or discounted item in consideration of purchase of a medical cannabis product are prohibited.
- l) Medical cannabis dispensaries may sell or distribute cannabis only to qualified patients with a medical cannabis identification card or a verifiable, written recommendation from a physician for medical cannabis. The medical cannabis dispensary shall maintain records of all qualified patients with a valid identification card and primary caregivers with a valid identification card using only the identification card number issued by the state or County pursuant to California Health and Safety Code Section 11362.7 *et seq.* For qualified patients who present a physician recommendation in lieu of a valid identification card, the medical cannabis dispensary shall maintain a record of qualified patient identifying information in a manner consistent with patient privacy laws.
- m) All advertisements must include language stating "Only individuals with legally recognized Medical Cannabis Identification Cards or a verifiable, written recommendation from a physician for medical cannabis may obtain cannabis from medical cannabis dispensaries" written in size 11 font or larger, and must be read in oral advertisements. Advertisements may not cater to youth or children, i.e. no cartoon characters and no depictions of youth utilizing cannabis. Advertisements may not be placed in locations that cater to youth or children.
- n) The medical cannabis dispensary shall provide the Director and Agencies Having Jurisdiction the name and phone number of an on-site staff person to whom one can direct notices of complaints or violations.
- o) The medical cannabis dispensary shall meet any specific, additional operating procedures and measures as may be imposed as conditions of approval by the Director in order to insure that the operation of the medical cannabis dispensary is consistent with the protection of the health, safety and welfare of the community, qualified patients and primary caregivers, and will not adversely affect surrounding uses.

Sec. 14-6-070. Operational Requirements for Edible Cannabis Product Manufacturing Sites.

- a) Edible cannabis product manufacturing sites shall meet all the operating criteria for the manufacturing of medical cannabis containing edible products as is required pursuant to California Health and Safety Code Section 11362.7 *et seq.*, by this Article, by the

Director's Rules and Regulations for the permitting and operation of edible cannabis product manufacturing sites and by all other County Department agency guidelines.

- b) No manufactured edible cannabis products shall be produced that contain other addictive substances such as nicotine or caffeine. Minimal amounts of alcohol, in as much as are residual from manufacturing or required solvents for the cannabis containing product, are allowed provided that the alcohol content is 10 percent or less, the amount of alcohol in an individual serving would not create alcohol intoxication with ingestion of a single dose, and the product is clearly labeled with both the alcohol content and a statement that "Warning: this product contains alcohol."
- c) Manufactured edible cannabis products shall be:
 - 1. Not designed to be appealing to children or easily confused with commercially sold candy or foods that do not contain cannabis.
 - 2. Delineated or scored into standardized serving sizes if the cannabis product contains more than one serving and is an edible cannabis product in solid form.
 - 3. Homogenized to ensure disbursement of cannabinoids throughout the product.
- d) Manufactured edible cannabis products shall be labeled and in an opaque, resealable, child-resistant and tamper-evident package. Labels and packages of medical cannabis products shall meet the following requirements in addition to any state requirements:
 - 1. Medical cannabis packages and labels shall not be made to be attractive to youth and children.
 - 2. All medical cannabis product labels shall include the following information, prominently displayed and in a clear and legible font:
 - i) Manufacture date and source.
 - ii) The following statements in bold print: Product contains medical cannabis; Keep out of reach of children and animals; for medical use only; the intoxicating effects of this product may be delayed by up to two hours; and this product may impair the ability to drive or operate machinery. Please use extreme caution.
 - iii) A warning if nuts or other known potential allergens are used.
 - iv) List of pharmacologically active ingredients, including, but not limited to, tetrahydrocannabinol (THC), cannabidiol (CBD), and other cannabinoid content, the THC and other cannabinoid amount in milligrams per serving, servings per package, and the THC and other cannabinoid amount in milligrams for the package total.
 - v) Identification of the source and date of cultivation and manufacture.
- e) Edible Manufacturing Operations shall not be permitted or operate as a wholesale food manufacturer, retail food facility or cottage food producer.
- f) The edible cannabis product manufacturing site shall meet any specific, additional operating procedures and measures as may be imposed as conditions of approval by the

Director in order to insure that the operation of the medical cannabis dispensary is consistent with the protection of the health, safety and welfare of the community, qualified patients and primary caregivers, and will not adversely affect surrounding uses.

Sec. 14-6-080. Permit Program Implementation

- a) The Director shall adopt policies and create operational procedures, operational standards and marking guides for medical cannabis dispensaries and edible cannabis manufacturing sites related to this Article. These shall include, but are not limited to:
 - 1. A requirement that the operator require employees to wash hands and use sanitary utensils when handling cannabis;
 - 2. Regulations to reduce the risk to public health of edible cannabis products including requirements parallel to state and local laws regarding preparation, distribution and sale of food and restrictions on manufacturing and sale of edible products that require time-temperature control to keep them safe for human consumption;
 - 3. Regulations prohibiting the manufacturing, packaging and/or sale of cannabis products that are designed to be especially appealing to children or youth;
 - 4. Requirements on tracking and reporting of products sold; and
 - 5. Regulations related to management and disposal of waste products.
- b) The Director shall issue rules and regulations regarding the imposition of administrative penalties on medical cannabis dispensaries or edible cannabis product manufacturing sites.

Sec. 14-6-090. Inspections and Penalties.

- a) The Director shall inspect each medical cannabis dispensary and edible cannabis product manufacturing site no fewer than two times annually, for the purpose of determining compliance with the provisions of this Article, and/or the rules and regulations adopted pursuant to this Article, or in response to a complaint. If informal attempts by the Director to obtain compliance with the provisions of this Article fail, the Director may take the steps outlined in Article I of this Chapter.
- b) Every person to whom a permit shall have been granted pursuant to this Article shall post a sign in a conspicuous place in the medical cannabis dispensary or edible cannabis product manufacturing site. The sign shall state that it is unlawful to refuse to permit an inspection by the Department of Health Services, or any city peace, fire, planning, or building official or inspector, conducted during the hours the establishment is open to the public and at all other reasonable times, of the areas of the establishment to which patrons and employees have access.
- c) Administrative Citations. In addition to all other legal remedies, criminal or civil, which may be pursued by the county to address any violation of the County Code, this subsection provides for administrative citations, pursuant to the authority conferred by the Government Code, including Section 53069.4. Violations of any provision of the County Code or health permit conditions are subject to administrative citation. Each act,

omission, or condition may be cited as a separate violation and each violation that continues, exists, or occurs on more than one day may constitute a separate violation on each day, at the discretion of the agency having jurisdiction.

1. The Director may issue an administrative citation requiring the owner or operator of a medical cannabis dispensary or edible cannabis manufacturing site to take corrective action as necessary to abate a nuisance, or to protect human health and safety or the environment.
 2. An administrative citation shall not be issued for any minor violation, as defined by the Director, which is corrected immediately in the presence of the inspector. Immediate compliance in that manner shall be noted in the inspection report.
 3. Any dispensary, dispensary operator, dispensary manager or manufacturer who violates any provision of this Article or any rule or regulation adopted pursuant to this Article may, after being provided notice and an opportunity to be heard, be subject to an administrative citation penalty not to exceed \$1,000 for the first violation of a provision or regulation in a two year period, \$5,000 for the second violation of the same provision or regulation in a two year period, and \$10,000 for the third and subsequent violations of the same provision or regulation in a two year period.
 4. Any dispensary, dispensary operator, dispensary manager or manufacture who operates without a health permit shall be subject to an administrative citation penalty of \$10,000 for the first offense within two years, \$25,000 for the second offense within two years, and \$50,000 for the third offense within two years.
- d) If a permit is revoked, no application for a medical cannabis dispensary or edible cannabis product manufacturing site may be submitted by the same person for two years.

Sec. 14-6-100. Immediate Closure

- a) Notwithstanding the provisions of this Chapter, and except as otherwise specifically provided by state law, the enforcement officer may immediately suspend or revoke a health permit if the enforcement officer determines that there is an immediate threat to public health, safety, or welfare and order the medical cannabis dispensary or edible cannabis product manufacturer immediately closed.
- b) If interference in the performance of the duty of the enforcement officer occurs, the enforcement officer may temporarily suspend the permit and order the medical cannabis dispensary or edible cannabis product manufacturer immediately closed.
- c) The enforcement officer shall serve the permit holder, within forty-eight (48) hours of the suspension or revocation, written notice of the grounds for the immediate suspension or revocation of the health permit. A person may appeal the suspension or revocation by filing a written notice to request a hearing before the hearing officer.
- d) If a hearing is requested, it shall be conducted in accordance with Section 14-1-060.

Sec. 14-6-110. Reporting

- a) At least biennially, commencing in January 2019, the Director shall make a report to the Board of Supervisors that includes the following:
 1. Number and location of medical cannabis dispensaries and medical cannabis manufacturing sites currently permitted and operating in the County;
 2. An estimate of the number of medical cannabis patients currently active in the County;
 3. A summary of the past year's violations of this Article and penalties assessed;
 4. Current health, human and safety data; and
 5. Recommendations to the Board of Supervisors.
- b) Upon receipt of this Report, the Board of Supervisors shall consider whether any changes to County Code are warranted.

Sec. 14-6-120. Severability

If any section, subsection, sentence, clause or phrase of this Article is, for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Chapter.

Section II.

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional and invalid, such decision shall not affect the validity of the remaining portion of this Ordinance. The Board of Supervisors hereby declares that it would have passed this Ordinance and every section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

Section III.

Adoption and implementation of this Ordinance is exempt from the California Environmental Quality Act ("CEQA") pursuant to Section 15061(b)(3) of the State CEQA Guidelines because it can be seen with certainty that there is no possibility that this ordinance may have a significant effect on the environment. Adoption and implementation of the standards, permit requirements, and other measures contained in the ordinance will not result in any direct physical change to the environment on their own. In the alternative, the adoption and implementation of this ordinance is exempt from CEQA pursuant to Section 15308 of the State CEQA Guidelines as an action taken to assure the maintenance, restoration, enhancement, and protection of the environment where the regulatory process involves procedures for protection of the environment. The basis for this determination is that this Ordinance does not in itself approve any construction activities, but instead establishes standards, permit requirements, and other measures that regulate health and safety at medical cannabis dispensaries and edible cannabis product manufacturing sites. These standards, permit requirements, and other measures will assure the protection of human health, which is an aspect of the environment

under Public Resources Code Section 21083(b)(3), by establishing standards and enforcement measures for regulating medical cannabis dispensaries and edible cannabis product manufacturing sites. The Director of the Department of Health Services is directed to file a notice of exemption in accordance with CEQA and the State CEQA Guidelines.

Section IV.

This Ordinance shall be and the same is hereby declared to be in full force and effect from and after thirty (30) days after the date of its passage. A summary of the Ordinance shall be published once before the expiration of fifteen (15) days after passage, with the names of the Supervisors voting for or against the same, in *The Press Democrat*, a newspaper of general circulation published in the County of Sonoma, State of California.


In regular session of the Board of Supervisors of the County of Sonoma introduced on the 6th day of December, 2016 and finally passed and adopted this 13th day of December, 2016, on regular roll call of the members of said Board by the following vote:

Supervisors:

| | | | | |
|------------|--------------|-----------|------------|---------------|
| Gorin: Aye | Rabbitt: Aye | Zane: Aye | Gore: Aye | Carrillo: Aye |
| Ayes: 5 | Noes: 0 | Absent: 0 | Abstain: 0 | |


WHEREUPON, the Chair declared the above and foregoing Ordinance duly adopted and

SO ORDERED.



Chair, Board of Supervisors
County of Sonoma

ATTEST:



Sheryl Bratton,
Clerk of the Board of Supervisors
