

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified copy of portion of proceedings, Meeting of July 19, 2016

AN ORDINANCE OF THE COUNTY OF HUMBOLDT REMOVING SECTIONS 313-56 AND 314-56 RELATING TO THE PROHIBITION OF STOREFRONT-BASED MEDICAL CANNABIS COLLECTIVE OR COOPERATIVE DISPENSING FACILITIES, AND AMENDING SECTION 313-55.3 AND 314-55.3 OF THE HUMBOLDT COUNTY CODE, RELATING TO THE REGULATION OF STOREFRONT-BASED MEDICAL CANNABIS DISPENSARIES

ORDINANCE NO. 2554

The Board of Supervisors of the County of Humboldt do ordain as follows:

- SECTION 1. Section 313-56 et seq. of Chapter 3 of Division 1 of Title III is hereby deleted as shown on the attached pages.
- SECTION 2. Section 314-56 et seq. of Chapter 4 of Division 1 of Title III is hereby deleted as shown on the attached pages.
- SECTION 3. Section 313-55.3 et seq. of Chapter 3 of Division 1 of Title III is hereby amended as shown on the attached pages.
- SECTION 4. Section 314-55.3 et seq. of Chapter 4 of Division 1 of Title III is hereby amended as shown on the attached pages.
- SECTION 5. Amendments to 314-56 et seq. and 314-55.3 et seq. (Regulations Outside the Coastal Zone) shall take effect and be in force thirty (30) days following adoption. Amendments to 313-56 et seq. and 313-55.3 et seq. (Regulations Inside the Coastal Zone) shall take effect immediately upon certification of the proposed amendments to the local coastal program by the California Coastal Commission.

PASSED, APPROVED, AND ADOPTED this 19th day of July, 2016 on the following vote, to wit:

AYES: Supervisors Sundberg, Fennell, Lovelace, Bohn, Bass
NOES: Supervisors -
ABSENT: Supervisors -



MARK LOVELACE, Chair
Board of Supervisors of the County of Humboldt,
State of California

(SEAL)

ATTEST:
Kathy Hayes, Clerk of the Board of Supervisors
of the County of Humboldt, State of California

By:  _____
Ana Hartwell, Deputy

SECTION 1. Section 313-56.1 entitled, Medical Marijuana Collective or Cooperative Dispensing Facility, of Chapter 3 of Division 1 of Title III is hereby deleted as follows:

~~“313-56.1 MEDICAL MARIJUANA COLLECTIVE OR COOPERATIVE DISPENSING FACILITY~~

~~56.1.1 Purpose.~~ The purpose of these regulations is to prohibit the establishment of any medical marijuana collective or cooperative dispensing facility in all zones, and to prohibit the operation of any unpermitted medical marijuana collective or cooperative dispensing facilities in all zones.

~~56.1.2 Applicability.~~ These regulations shall apply in all zones. However, these regulations shall not apply to any medical marijuana collective or cooperative dispensing facilities that are operating under valid conditional use permits granted by the County of Humboldt at the time of the passage of this ordinance. These regulations shall not affect the ability of these permitted facilities from applying for new conditional use permits prior to the expiration of their current permit.

~~56.1.3 Definitions.~~ A “medical marijuana collective or cooperative dispensing facility” is any facility or location, whether fixed or mobile, where a primary caregiver, a person with identification cards or a qualified patient makes available, sells, transmits, gives or otherwise provides marijuana to five or more primary caregivers, persons with identification cards or qualified patients, as defined in California Health and Safety Code section 11362.5 *et. seq.*, or any facility where qualified patients, persons with identification cards and primary caregivers meet or congregate collectively and cooperatively to cultivate or distribute marijuana for medical purposes under the purported authority of California Health and Safety Code section 11362.5 *et. seq.*

~~56.1.3.1~~ “Medical marijuana collective or cooperative dispensing facility” shall not include the following uses, so long as such uses comply with this Code, Health and Safety Code Section 11362.5 *et seq.*, and other applicable law:

~~56.1.3.1.1~~ A clinic licensed pursuant to Chapter 1 of Division 2 of the Health and Safety Code.

~~56.1.3.1.2~~ A health care facility licensed pursuant to Chapter 2 of Division 2 of the Health and Safety Code.

~~56.1.3.1.3~~ A residential care facility for persons with chronic life threatening illness licensed pursuant to Chapter 3.01 of Division 2 of the Health and Safety Code.

~~56.1.3.1.4~~ A residential care facility for the elderly licensed pursuant to Chapter 3.2 of Division 2 of the Health and Safety Code.

~~56.1.3.1.5~~ A hospice or a home health agency, licensed pursuant to Chapter 8 of Division 2 of the Health and Safety Code.

~~56.1.3.1.6~~ A hospice or a home health agency, licensed pursuant to Chapter 8 of Division 2 of the Health and Safety Code.

~~56.1.4 Establishment and Operation of Medical Marijuana Collective or Cooperative Dispensing Facilities Prohibited.~~ The establishment of a medical marijuana collective or cooperative dispensing facilities, as defined in this Chapter, is declared to be unlawful and a prohibited use in all zones. The operation of a medical marijuana collective or cooperative dispensing facility, as defined in this Chapter, without a conditional use permit validly issued by the County is declared to be unlawful and a prohibited use in all zones.

~~56.1.5 Violation.~~ Any person or entity in violation of this Chapter shall be subject to the enforcement remedies as set forth in Chapter 2, Division 1 of Title III; Division 13 of Title II; Division 12 of Title II; and any and all other remedies available to the County.”

SECTION 2. Section 314-56.1 entitled, Medical Marijuana Collective or Cooperative Dispensing Facility, of Chapter 4 of Division 1 of Title III is hereby deleted as follows:

~~**“314-56.1 MEDICAL MARIJUANA COLLECTIVE OR COOPERATIVE DISPENSING FACILITY**~~

~~**56.1.1 Purpose.** The purpose of these regulations is to prohibit the establishment of any medical marijuana collective or cooperative dispensing facility in all zones, and to prohibit the operation of any unpermitted medical marijuana collective or cooperative dispensing facilities in all zones.~~

~~**56.1.2 Applicability.** These regulations shall apply in all zones. However, these regulations shall not apply to any medical marijuana collective or cooperative dispensing facilities that are operating under valid conditional use permits granted by the County of Humboldt at the time of the passage of this ordinance. These regulations shall not affect the ability of these permitted facilities from applying for new conditional use permits prior to the expiration of their current permit.~~

~~**56.1.3 Definitions.** A “medical marijuana collective or cooperative dispensing facility” is any facility or location, whether fixed or mobile, where a primary caregiver, a person with identification cards or a qualified patient makes available, sells, transmits, gives or otherwise provides marijuana to five or more primary caregivers, persons with identification cards or qualified patients, as defined in California Health and Safety Code section 11362.5 *et. seq.*, or any facility where qualified patients, persons with identification cards and primary caregivers meet or congregate collectively and cooperatively to cultivate or distribute marijuana for medical purposes under the purported authority of California Health and Safety Code section 11362.5 *et. seq.*~~

~~**56.1.3.1** “Medical marijuana collective or cooperative dispensing facility” shall not include the following uses, so long as such uses comply with this Code, Health and Safety Code Section 11362.5 *et seq.*, and other applicable law:~~

~~**56.1.3.1.1** A clinic licensed pursuant to Chapter 1 of Division 2 of the Health and Safety Code.~~

~~**56.1.3.1.2** A health care facility licensed pursuant to Chapter 2 of Division 2 of the Health and Safety Code.~~

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~~**56.1.3.1.4** A residential care facility for the elderly licensed pursuant to Chapter 3.2 of Division 2 of the Health and Safety Code.~~

~~**56.1.3.1.5** A hospice or a home health agency, licensed pursuant to Chapter 8 of Division 2 of the Health and Safety Code.~~

~~**56.1.3.1.6** A hospice or a home health agency, licensed pursuant to Chapter 8 of Division 2 of the Health and Safety Code.~~

~~56.1.4 Establishment and Operation of Medical Marijuana Collective or Cooperative Dispensing Facilities Prohibited.~~ The establishment of a medical marijuana collective or cooperative dispensing facilities, as defined in this Chapter, is declared to be unlawful and a prohibited use in all zones. The operation of a medical marijuana collective or cooperative dispensing facility, as defined in this Chapter, without a conditional use permit validly issued by the County is declared to be unlawful and a prohibited use in all zones.

~~56.1.5 Violation.~~ Any person or entity in violation of this Chapter shall be subject to the enforcement remedies as set forth in Chapter 2, Division 1 of Title III; Division 13 of Title II; Division 12 of Title II; and any and all other remedies available to the County.”

SECTION 3. Section 313-55.3 of Chapter 3 of Division 1 of Title III is hereby amended as follows:

313-55.3 Medical Cannabis Dispensaries

55.3.1 Authority and Title

This section applies to all medical Cannabis Dispensaries, as defined in this Code, that are located in the coastal zone.

55.3.2 Purpose and Intent

The purpose of this Section is to minimize the negative land use impacts that can be associated with the dispensing of medical cannabis by a Dispensary, as defined herein, to a qualified patient and to facilitate local implementation of the California Medical Cannabis Regulation and Safety Act ("MCRSA").

55.3.3 Applicability and Interpretation

55.3.3.1 These regulations shall apply to the locating and permitting of medical cannabis Dispensaries in zoning districts which authorize this use, as specified under Section 55.3.8.2 of this Code.

55.3.3.2 The distribution of medical cannabis by medical cannabis Dispensaries within the jurisdiction of the County of Humboldt shall be controlled by the provisions of this Code, regardless of whether the distribution existed or occurred prior to the adoption of this Code.

55.3.3.3 All distribution of medical cannabis by medical cannabis Dispensaries, as defined herein, regardless of whether the use was previously approved by the Humboldt County Planning Commission or the Humboldt County Board of Supervisors, shall come into full compliance with these regulations within one (1) year of the adoption of the ordinance establishing this Code.

55.3.3.4 Nothing in this Code is intended, nor shall it be construed, to exempt the dispensing of medical cannabis by a dispensary or delivery service, as defined herein, from compliance with the Humboldt County zoning and land use regulations, as well as other applicable provisions of the County Code, or compliance with the MCRSA and any other applicable state laws.

55.3.3.5 Nothing in this Code is intended, nor shall it be construed, to exempt medical cannabis Dispensaries, as defined herein, or other cannabis-related activities governed by these regulations from any and all applicable local and state construction, electrical, plumbing, land use, or any other building or land use standards or permitting requirements.

55.3.3.6 Nothing in this Code is intended, nor shall it be construed, to preclude a landlord from limiting or prohibiting medical cannabis Dispensaries.

55.3.3.7 The definitions in this Code are intended to apply solely to the regulations herein. Applicable definitions in Humboldt County Code section 313-135 et seq. and section 111-1 et seq. may also apply to this Code.

55.3.4 Severability

If any provision of this Code, or the application thereof, is held invalid, that invalidity shall not affect any other provision or application of this Code that can be given effect without the invalid provisions or application; and to this end, the provisions or application of this Code are severable.

55.3.5 Release of Liability and Hold Harmless

As a condition of approval for any conditional use permit and coastal development permit approved for medical cannabis Dispensaries, as defined herein, the owner or permittee shall indemnify and hold harmless the County of Humboldt and its agents, officers, elected officials, and employees for any claims, damages, or injuries brought by affected property owners or other third parties due to the operations of medical cannabis Dispensaries and for any claims brought by any of their clients for problems, injuries, damages, or liabilities of any kind that may arise out of the handling or dispensing of medical cannabis.

55.3.6 Penalties

All of the remedies provided for in this section shall be cumulative and not exclusive for violations of this Code.

Any violation of this Code shall be, and the same hereby is declared to be, a public nuisance and unlawful and shall be subject to injunction, abatement or any other administrative, civil, or criminal remedy available to the County under the applicable state and county laws.

55.3.7 Definitions

Except as otherwise provided, when used in this Code, the following terms shall have the following meanings:

Church: a non-profit organization that operates exclusively for religious purposes and is an organization as described in section 501(c) (3) of the Internal Revenue Tax Code, as amended. For purposes of this Code, “church” includes a church, synagogue, temple, mosque, or other place of worship and related church property, such as a school or a youth camp.

Dispensing: any activity involving the retail sale of medical cannabis or medical cannabis products from a dispensary.

Medical Cannabis: cannabis (as defined in Business and Professions Code section 19300.5(f)), including marijuana and cannabis concentrate (as defined in Business and Professions Code section 19300.5(g)), that has been recommended to an individual by a licensed physician for the treatment of an illness or disease pursuant to California Health & Safety 11362.5 et seq.

Medical Cannabis Dispensary: 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 retail sale. This does not include Medical Cannabis Research Laboratories and Testing Facilities, and Medical Cannabis Business Offices, as described under 55.3.15 and 55.3.16 of this code.

Medical Cannabis Delivery Service: A medical cannabis Dispensary, as defined herein, that delivers medical cannabis to qualified patients from a “store-front” base of operations located in a commercial or industrial zone within the unincorporated area of Humboldt County. A medical cannabis delivery service shall not be operated from a residential-zoned parcel and is not eligible for an address of convenience.

Personal Medical Cannabis: medical cannabis that is cultivated, processed, or stored for a single qualified patient’s use.

Place Where Children Congregate: may include, but is not limited to, a school bus stop, park, playground, a school as defined herein, tutoring facility, or any establishment that either advertises in a manner that identifies it as providing services primarily intended for minors or the individuals who regularly patronize, congregate, or assemble at the establishment are primarily minors.

Primary Caregiver: an individual designated by the qualified patient who has consistently assumed responsibility for the housing, health, or safety of that patient pursuant to statutory and case law.

Qualified Patient: a person who has a recommendation for medical cannabis by a licensed physician and is entitled to the protections offered by California Health & Safety Code Section 11362.5, and who may or may not have an identification card issued by the State Department of Public Health identifying the individual as a person authorized to engage in the use of medical cannabis.

Residential Treatment Facility: a facility, whether residential or non-residential, providing treatment for drug or alcohol dependency.

School: public or private institution of learning for minors offering a regular course of instruction as required by the California Education Code, or any child or day care facility licensed by the State of California. This includes a nursery school, kindergarten, Head Start program, elementary school, middle school, high school, continuation or vocational school for minors, or any special institute of education, but it does not include a vocational or professional institution of higher education primarily intended for students over eighteen (18), such as a community or junior college, college, or university.

Testing laboratory: facility, entity, or site that offers or performs tests of medical cannabis or medical cannabis products and that is both of the following:

- (1) Accredited by an accrediting body that is independent from all other persons involved in the medical cannabis industry in the state.
- (2) Registered with the State Department of Public Health.

55.3.8 General Provisions

This section applies to all medical cannabis Dispensaries, as defined in this Code.

55.3.8.1 All medical cannabis Dispensaries shall operate in compliance with this Code, the MCRSA, and all other applicable state and local laws.

55.3.8.2 Medical cannabis dispensaries shall only be allowed in specifically enumerated zones with a valid business license, and a conditional use permit and coastal development permit, issued pursuant to Section 312-3.1 of the code. Zoning districts where a Dispensary may be located are CN, CG, MB, ML, and MG.

55.3.8.3 The fact that an applicant possesses other types of state or county or city permits, licenses or other entitlements does not exempt the applicant from the requirement of obtaining a coastal development permit and a conditional use permit from the County of Humboldt to operate a Dispensary within the jurisdiction of the County.

55.3.8.4 Dispensaries shall at all times be operated in such a way as to ensure the safety of patients and staff; to ensure the security of the medical cannabis; and to safeguard against the diversion of medical cannabis for non-medical purposes.

55.3.9 Medical Cannabis Dispensary Requirements

In addition to all other requirements for a conditional use permit and coastal development permit, all of the following terms and provisions must be met in order for the Planning Commission to consider granting or renewing a conditional use permit or coastal development permit to operate a medical cannabis Dispensary:

55.3.9.1 Preparation of a hazardous materials storage, handling, and disposal plan approved by the Division of Environmental Health, if applicable.

55.3.9.2 The Planning Commission shall specifically regulate the location of medical cannabis Dispensaries by considering the potential impacts and cumulative impacts of proposed medical cannabis Dispensaries to the community area as a whole and specifically on the following existing uses located within a 600 foot radius of a proposed Dispensary, regardless of whether those existing uses are located within the jurisdiction of the County. The Planning Commission shall have the discretion to deny a conditional use permit or a coastal development permit for any proposed medical cannabis Dispensary within 600 feet of the following uses if the Commission determines that the impacts of a proposed Dispensary have the potential to be significant on the following uses:

55.3.9.2.1 Residential neighborhoods and their inhabitants;

55.3.9.2.2 Church, as defined herein;

55.3.9.2.3 Playgrounds, public parks, libraries, licensed day care facilities, and places where children congregate, as defined herein;

55.3.9.2.4 Residential treatment facilities, as defined herein; and

55.3.9.2.5 The cumulative impacts resulting from the addition of another cannabis dispensary, delivery service or other distribution or transfer facility when there are others within a 600 foot radius of the proposed new facility.

55.3.9.3 No medical cannabis Dispensaries, operators, establishments, or providers who possess, cultivate, or distribute medical cannabis shall be located within a 600-foot radius of a school [Health & Safety Code section 11362.768 (b)]. This distance shall be measured in a straight

line from the property line of the school to the property line of the medical cannabis dispensing facility, operator, establishment, or provider.

55.3.9.4 Submission of an Operations Manual and compliance with the Operating Standards, pursuant to sections 55.3.10 and 55.3.11 of this Code.

55.3.10 Operations Manual

Notwithstanding any other regulations or requirements for submitting an application for a conditional use permit or a coastal development permit, medical cannabis Dispensaries shall submit to the Planning Commission an Operations Manual which provides for the following:

- 55.3.10.1 Authorization for the County, its agents, and employees, to seek verification of the information contained within the conditional use permit and coastal development permit applications, the Operations Manual, and the Operating Standards at any time before or after the conditional use permit and coastal development permit are issued; and
- 55.3.10.2 A description of the staff screening processes, which shall include a requirement for criminal background checks; and
- 55.3.10.3 The hours and days of the week when the Dispensary will be open; and
- 55.3.10.4 Text and graphic materials showing the site, floor plan and facilities. The material shall also show structures and land uses within a 600 foot radius; and
- 55.3.10.5 A description of the security measures located on the premises, including but not limited to, lighting, alarms, and automatic law enforcement notification, and how these will assure the safety of staff and clients and secure the medical cannabis against diversion for non-medical purposes; and
- 55.3.10.6 A description of the screening, registration and validation process and procedures for qualified patients and primary caregivers; and
- 55.3.10.7 A description of qualified patient records acquisition and retention procedures and policies; and
- 55.3.10.8 A description of the processes, procedures and inventory controls for tracking the disparate strains, the source of supply, and amounts of medical cannabis that come in and go out of the Dispensary; and
- 55.3.10.9 Description of measures taken to minimize or offset the carbon footprint from operational activities; and
- 55.3.10.10 Description of chemicals stored, used and any effluent discharged as a result of operational activities; and
- 55.3.10.11 The procedure, documentation, and notice process for assuring the quality and safety of all medical cannabis distributed; and

55.3.10.12 The procedure and documentation process for determining patient dosage, including any testing for the major active agents in medical cannabis offered to qualified patients, such as cannabinoids tetrahydrocannabinol (THC), Cannabidiol (CBD), and Cannabinol (CBN); and

55.3.10.13 Any other information as may be requested by the County, its employees, and/or by the Planning Commission; and

55.3.10.14 Dispensaries shall implement their policies and procedures as outlined in their Operations Manual as approved by the Planning Commission. Any deviations from or changes in the Operations Manual must be conveyed to the Humboldt County Planning and Building Department in writing within thirty (30) days of the change.

55.3.11 Operating Standards

Notwithstanding any other regulations or requirements, medical cannabis Dispensaries shall comply with all of the following operating standards:

55.3.11.1 Dispensaries that function as medical cannabis delivery services shall not operate from an address of convenience located in a residential zone, as this category of business is not eligible for an address of convenience. Medical cannabis delivery services shall only operate from a “store-front” Dispensary in a commercial or industrial zone with an approved conditional use permit and coastal development permit; and

55.3.11.2 Medical cannabis Dispensaries may not be operated by any persons who have been convicted of a felony in the last five (5) years; and

55.3.11.3 No dispensing of medical cannabis to an individual qualified patient shall be permitted more than twice a day; and

55.3.11.4 The hours of operation of medical cannabis Dispensaries shall be no earlier than 10 a.m. and no later than 7 p.m.; and

55.3.11.5 Medical cannabis Dispensaries shall only provide medical cannabis to an individual qualified patient who has a valid, verified physician’s recommendation issued in the State of California. Dispensaries shall verify on an annual basis, or more frequently if required by the State of California, that the physician’s recommendations of their clients are current and valid; and

55.3.11.6 Dispensaries shall display their client rules and/or regulations in a conspicuous place that is readily seen by all persons entering the Dispensary. A copy of the client rules and/or regulations shall be provided to the qualified patient by a medical cannabis delivery service; and

55.3.11.7 Smoking, ingesting or otherwise consuming medical cannabis products on the premises of a medical cannabis Dispensary is prohibited. Each building entrance to a medical cannabis Dispensary shall be clearly and legibly posted with a notice indicating that smoking,

ingesting or consuming medical cannabis or medical cannabis edibles on the premises or in the vicinity of the Dispensary is prohibited; and

55.3.11.8 Each building entrance to a medical cannabis Dispensary shall be clearly and legibly posted with a notice indicating that persons under the age of eighteen (18) are precluded from entering the premises unless they are qualified patients and they are accompanied by their parent or legal guardian; and

55.3.11.9 No medical cannabis Dispensary or delivery service shall provide medical cannabis to any qualified patient or holder of a medical cannabis recommendation who is under 18 unless their parent or guardian has previously given written permission that is on file with the delivery service and that same parent or guardian is present to accept the delivery of medical cannabis; and

55.3.11.10 All medical cannabis Dispensaries shall display a copy of the inspection receipt issued by the Humboldt County Sealer of Weights and Measures for all weighing and measuring devices; and

55.3.11.11 All medical cannabis dispensed by Dispensaries must be obtained in accordance with the MCRSA and other applicable state and local laws; and

55.3.11.12 All signs for medical cannabis Dispensaries must comply with sections 313-87.3 and 314-87.2 of the County Zoning Regulations; and

55.3.11.13 An up-to-date inventory of all hazardous materials stored and used onsite shall be maintained on the premises of the medical cannabis Dispensary with a copy of this inventory provided to the Humboldt County Division of Environmental Health; and

55.3.11.14 Medical cannabis Dispensaries shall maintain all necessary permits, and pay all required taxes and fees. Dispensaries shall also provide invoices to vendors to ensure vendor's tax liability responsibility; and

55.3.11.15 Medical cannabis Dispensaries shall implement their policies and procedures as outlined in their Operations Manual as approved by the Planning Commission. Any deviations from or changes in the Operations Manual or in the Operating Standards must be conveyed to the Humboldt County Planning and Building Department in writing within thirty (30) days of the change; and

55.3.11.16 Medical cannabis Dispensaries shall comply with any and all conditions of their conditional use permit and coastal development permit.

55.3.12 Performance Review Reports

55.3.12.1 Medical cannabis Dispensaries shall submit a "Performance Review Report" on an annual basis from their initial date of operation for review and approval by the Planning Commission. The Planning Commission may delegate review of the annual Performance Review Report to the Zoning Administrator at the time of the initial hearing or at any time thereafter. This annual "Performance Review Report" is intended to identify the

effectiveness of the approved conditional use permit, Operations Manual, Operating Standards, and conditions of approval, as well as the identification and implementation of additional procedures as deemed necessary. In the event the Planning Commission identifies problems with specific CCDF that could potentially lead to revocation of the associated conditional use permit and coastal development permit pursuant to section 312-14 of the Humboldt County Code, the Planning Commission may require the submittal of more frequent "Performance Review Reports."

55.3.12.2 Medical cannabis Dispensaries shall be inspected by the Humboldt County Sheriff or his/her designee, and/or employees of the Humboldt County Planning and Building Department and/or the Code Enforcement Investigator on an annual basis, or more frequently as requested by the Planning Commission (or the Zoning Administrator if authority is delegated per section 55.3.12.1), to determine if the Dispensary is in compliance with its conditional use permit and coastal development permit, Operating Standards, and Operations Manual. After payment of the inspection fees as indicated in the following section, a copy of the results from this inspection shall be given to the Dispensary for inclusion in their "Performance Review Report" to the Planning Commission (or the Zoning Administrator if authority is delegated per section 55.3.12.1).

55.3.12.3 Inspection and review fees pursuant to the County's adopted schedule of fees and charges, as amended from time to time by the Board of Supervisors, shall be paid by medical cannabis Dispensaries and accompany the "Performance Review Report" for costs associated with the inspection and the review of the report by County staff.

55.3.12.4 Non-compliance by medical cannabis Dispensaries in allowing the inspection by the above-mentioned County personnel, or refusal to pay the required fees, or non-compliance in submitting the annual "Performance Review Report" for review by the Planning Commission shall be deemed grounds for a revocation of the conditional use permit and coastal development permit and/ or subject the holder of the permit(s) to the penalties outlined in this Code, above.

55.3.13 Permit Revocation & Transfer

55.3.13.1 A conditional use permit and coastal development permit shall be revoked or modified according to Humboldt County Code Section 312-14 (Revocation Procedures). Permit revocation or modification shall be sought for non-compliance with one or more of the requirements listed in this Code, for failure to comply with the requirements of the Humboldt County Certified Unified Program Agency (CUPA), or for the grounds listed in Section 312-14.1 and any successor provisions.

55.3.14.1 Conditional use permits and coastal development permits to operate a medical cannabis Dispensary may be transferred upon approval by the Planning Commission after a noticed public hearing.

55.3.15 Medical Cannabis Testing Laboratories, Business and Research Institutions

Testing laboratories, as defined herein, and businesses and research institutions engaged in the research of medical cannabis, medical cannabis products, or devices used for the medical use of cannabis

products at which no commercial cannabis cultivation (as defined in section 55.4.7, Title III, Division I, Chapters 3 and 4 of the Humboldt County Code), or distribution, manufacture, dispensing, or sale of medical cannabis occurs shall be allowed in any zone in which medical laboratories and medical testing facilities are permitted. Medical cannabis testing laboratories shall be subject to all the regulations and standards applicable to medical laboratories and medical testing facilities in the Humboldt County Code and the MCRSA.

55.3.16 Medical Cannabis Business Offices

Business offices for medical cannabis Dispensaries at which no cultivation, processing, storage, handling, or distribution of cannabis in any form occurs shall be allowed in any zone in which business offices are allowed. Medical cannabis business offices shall be subject to all the regulations and standards applicable to business offices in the Humboldt County Code.

SECTION 4. Section 314-55.3 of Chapter 4 of Division 1 of Title III is hereby amended as follows:

314-55.3 Medical Cannabis Dispensaries

55.3.1 Authority and Title

This section applies to all medical cannabis Dispensaries, as defined in this Code.

55.3.2 Purpose and Intent

The purpose of this Section is to minimize the negative land use impacts that can be associated with the dispensing of medical cannabis by a Dispensary, as defined herein, to a qualified patient and to facilitate local implementation of the California Medical Cannabis Regulation and Safety Act (“MCRSA”).

55.3.3 Applicability and Interpretation

55.3.3.1 These regulations shall apply to the locating and permitting of medical cannabis Dispensaries in zoning districts which authorize this use, as specified under Section 55.3.8.2 of this Code.

55.3.3.2 The distribution of medical cannabis by medical cannabis Dispensaries within the jurisdiction of the County of Humboldt shall be controlled by the provisions of this Code, regardless of whether the distribution existed or occurred prior to the adoption of this Code.

55.3.3.3 All distribution of medical cannabis by medical cannabis Dispensaries, as defined herein, regardless of whether the use was previously approved by the Humboldt County Planning Commission or the Humboldt County Board of Supervisors, shall come into full compliance with these regulations within one (1) year of the adoption of the ordinance establishing this Code.

55.3.3.4 Nothing in this Code is intended, nor shall it be construed, to exempt the dispensing of medical cannabis by a dispensary or delivery service, as defined herein, from compliance with the Humboldt County zoning and land use regulations, as well as other applicable provisions of the County Code, or compliance with the MCRSA and any other applicable state laws.

55.3.3.5 Nothing in this Code is intended, nor shall it be construed, to exempt medical cannabis Dispensaries as defined herein, or other cannabis-related activities governed by these regulations from any and all applicable local and state construction, electrical, plumbing, land use, or any other building or land use standards or permitting requirements.

55.3.3.6 Nothing in this Code is intended, nor shall it be construed, to preclude a landlord from limiting or prohibiting medical cannabis Dispensaries.

55.3.3.7 The definitions in this Code are intended to apply solely to the regulations herein. Applicable definitions in Humboldt County Code section 314-135 et seq. and section 111-1 et seq. may also apply to this Code.

55.3.4 Severability

If any provision of this Code, or the application thereof, is held invalid, that invalidity shall not affect any other provision or application of this Code that can be given effect without the invalid provisions or application; and to this end, the provisions or application of this Code are severable.

55.3.5 Release of Liability and Hold Harmless

As a condition of approval for any conditional use permit and coastal development permit approved for medical cannabis Dispensaries, as defined herein, the owner or permittee shall indemnify and hold harmless the County of Humboldt and its agents, officers, elected officials, and employees for any claims, damages, or injuries brought by affected property owners or other third parties due to the operations of medical cannabis Dispensaries and for any claims brought by any of their clients for problems, injuries, damages, or liabilities of any kind that may arise out of the handling or dispensing of medical cannabis.

55.3.6 Penalties

All of the remedies provided for in this section shall be cumulative and not exclusive for violations of this Code.

Any violation of this Code shall be, and the same hereby is declared to be, a public nuisance and unlawful and shall be subject to injunction, abatement or any other administrative, civil, or criminal remedy available to the County under the applicable state and county laws.

55.3.7 Definitions

Except as otherwise provided, when used in this Code, the following terms shall have the following meanings:

Church: a non-profit organization that operates exclusively for religious purposes and is an organization as described in section 501(c) (3) of the Internal Revenue Tax Code, as amended. For purposes of this Code, “church” includes a church, synagogue, temple, mosque, or other place of worship and related church property, such as a school or a youth camp.

Dispensing: any activity involving the retail sale of medical cannabis or medical cannabis products from a dispensary.

Medical Cannabis: cannabis (as defined in Business and Professions Code section 19300.5(f)), including marijuana and cannabis concentrate (as defined in Business and Professions Code section 19300.5(g)), that has been recommended to an individual by a licensed physician for the treatment of an illness or disease pursuant to California Health & Safety 11362.5 et seq.

Medical Cannabis Dispensary: 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 retail sale. This does not include Medical Cannabis Research Laboratories and Testing Facilities, and Medical Cannabis Business Offices, as described under 55.3.15 and 55.3.16 of this code.

Medical Cannabis Delivery Service: A medical cannabis Dispensary, as defined herein, that delivers medical cannabis to qualified patients from a “store-front” base of operations located in a commercial or industrial zone within the unincorporated area of Humboldt County. A medical cannabis delivery service shall not be operated from a residential-zoned parcel and is not eligible for an address of convenience.

Personal Medical Cannabis: medical cannabis that is cultivated, processed, or stored for a single qualified patient’s use.

Place Where Children Congregate: may include, but is not limited to, a school bus stop, park, playground, a school as defined herein, tutoring facility, or any establishment that either advertises in a manner that identifies it as providing services primarily intended for minors or the individuals who regularly patronize, congregate, or assemble at the establishment are primarily minors.

Primary Caregiver: an individual designated by the qualified patient who has consistently assumed responsibility for the housing, health, or safety of that patient pursuant to statutory and case law.

Qualified Patient: a person who has a recommendation for medical cannabis by a licensed physician and is entitled to the protections offered by California Health & Safety Code Section 11362.5, and who may or may not have an identification card issued by the State Department of Public Health identifying the individual as a person authorized to engage in the use of medical cannabis.

Residential Treatment Facility: a facility, whether residential or non-residential, providing treatment for drug or alcohol dependency.

School: public or private institution of learning for minors offering a regular course of instruction as required by the California Education Code, or any child or day care facility licensed by the State of California. This includes a nursery school, kindergarten, Head Start program, elementary school, middle school, high school, continuation or vocational school for minors, or any special institute of education, but it does not include a vocational or professional institution of higher education primarily intended for students over eighteen (18), such as a community or junior college, college, or university.

Testing laboratory: facility, entity, or site that offers or performs tests of medical cannabis or medical cannabis products and that is both of the following:

- (1) Accredited by an accrediting body that is independent from all other persons involved in the medical cannabis industry in the state.
- (2) Registered with the State Department of Public Health.

55.3.8 General Provisions

This section applies to all medical cannabis Dispensaries, as defined in this Code.

55.3.8.1 All medical cannabis Dispensaries shall operate in compliance with this Code, the MCRSA, and all other applicable state and local laws.

55.3.8.2 Medical cannabis Dispensaries shall only be allowed in specifically enumerated zones with a valid business license, and a conditional use permit issued pursuant to Section 312-3.1 of the code. Zoning districts where a Dispensary may be located are C-1, C-2, C-3, MB, ML, MH.

55.3.8.3 The fact that applicants possess other types of state or county or city permits, licenses or other entitlements does not exempt the applicant from the requirement of obtaining a conditional use permit from the County of Humboldt to operate a Dispensary within the jurisdiction of the County.

55.3.8.4 Dispensaries shall at all times be operated in such a way as to ensure the safety of patients and staff; to ensure the security of the medical cannabis; and to safeguard against the diversion of medical cannabis for non-medical purposes.

55.3.9 Medical Cannabis Dispensary Requirements

In addition to all other requirements for a conditional use permit and coastal development permit, all of the following terms and provisions must be met in order for the Planning Commission to consider granting or renewing a conditional use permit or coastal development permit to operate a medical cannabis Dispensary:

55.3.9.1 Preparation of a hazardous materials storage, handling, and disposal plan approved by the Division of Environmental Health, if applicable.

55.3.9.2 The Planning Commission shall specifically regulate the location of medical cannabis Dispensaries by considering the potential impacts and cumulative impacts of proposed medical cannabis Dispensaries to the community area as a whole and specifically on the following existing uses located within a 600 foot radius of a proposed Dispensary, regardless of whether those existing uses are located within the jurisdiction of the County. The Planning Commission shall have the discretion to deny a conditional use permit for any proposed medical cannabis Dispensary within 600 feet of the following uses if the Commission determines that the impacts of a proposed Dispensary have the potential to be significant on the following uses:

55.3.9.2.1 Residential neighborhoods and their inhabitants;

55.3.9.2.2 Church, as defined herein;

55.3.9.2.3 Playgrounds, public parks, libraries, licensed day care facilities, and places where children congregate, as defined herein;

55.3.9.2.4 Residential treatment facilities, as defined herein; and

55.3.9.2.5 The cumulative impacts resulting from the addition of another cannabis dispensary, delivery service or other distribution or transfer facility when there are others within a 600 foot radius of the proposed new facility.

55.3.9.3 No medical cannabis Dispensaries, operators, establishments, or providers who possess, cultivate, or distribute medical cannabis shall be located within a 600-foot radius of a school

[Health & Safety Code section 11362.768 (b)]. This distance shall be measured in a straight line from the property line of the school to the property line of the medical cannabis dispensing facility, operator, establishment, or provider.

55.3.9.4 Submission of an Operations Manual and compliance with the Operating Standards, pursuant to sections 55.3.10 and 55.3.11 of this Code.

55.3.10 Operations Manual

Notwithstanding any other regulations or requirements for submitting an application for a conditional use permit, medical cannabis Dispensaries shall submit to the Planning Commission an Operations Manual which provides for the following:

- 55.3.10.1 Authorization for the County, its agents, and employees, to seek verification of the information contained within the conditional use permit application, the Operations Manual, and the Operating Standards at any time before or after the conditional use permit is issued; and
- 55.3.10.2 A description of the staff screening processes, which shall include a requirement for criminal background checks; and
- 55.3.10.3 The hours and days of the week when the Dispensary will be open; and
- 55.3.10.4 Text and graphic materials showing the site, floor plan and facilities. The material shall also show structures and land uses within a 600 foot radius; and
- 55.3.10.5 A description of the security measures located on the premises, including but not limited to, lighting, alarms, and automatic law enforcement notification, and how these will assure the safety of staff and clients and secure the medical cannabis against diversion for non-medical purposes; and
- 55.3.10.6 A description of the screening, registration and validation process and procedures for qualified patients and primary caregivers; and
- 55.3.10.7 A description of qualified patient records acquisition and retention procedures and policies; and
- 55.3.10.8 A description of the processes, procedures and inventory controls for tracking the disparate strains, the source of supply, and amounts of medical cannabis that come in and go out of the Dispensary; and
- 55.3.10.9 Description of measures taken to minimize or offset the carbon footprint from operational activities; and
- 55.3.10.10 Description of chemicals stored, used and any effluent discharged as a result of operational activities; and

- 55.3.10.11 The procedure, documentation, and notice process for assuring the quality and safety of all medical cannabis distributed; and
- 55.3.10.12 The procedure and documentation process for determining patient dosage, including any testing for the major active agents in medical cannabis offered to qualified patients, such as cannabinoids tetrahydrocannabinol (THC), Cannabidiol (CBD), and Cannabinol (CBN); and
- 55.3.10.13 Any other information as may be requested by the County, its employees, and/or by the Planning Commission; and
- 55.3.10.14 Dispensaries shall implement their policies and procedures as outlined in their Operations Manual as approved by the Planning Commission. Any deviations from or changes in the Operations Manual must be conveyed to the Humboldt County Planning and Building Department in writing within thirty (30) days of the change.

55.3.11 Operating Standards

Notwithstanding any other regulations or requirements, medical cannabis Dispensaries shall comply with all of the following operating standards:

- 55.3.11.1 Dispensaries that function as medical cannabis delivery services shall not operate from an address of convenience located in a residential zone, as this category of business is not eligible for an address of convenience. Medical cannabis delivery services shall only operate from a “store-front” Dispensary in a commercial or industrial zone with an approved conditional use permit; and
- 55.3.11.2 Medical cannabis Dispensaries may not be operated by any persons who have been convicted of a felony in the last five (5) years; and
- 55.3.11.3 No dispensing of medical cannabis to an individual qualified patient shall be permitted more than twice a day; and
- 55.3.11.4 The hours of operation of medical cannabis Dispensaries shall be no earlier than 10 a.m. and no later than 7 p.m.; and
- 55.3.11.5 Medical cannabis Dispensaries shall only provide medical cannabis to an individual qualified patient who has a valid, verified physician’s recommendation issued in the State of California. Dispensaries shall verify on an annual basis, or more frequently if required by the State of California, that the physician’s recommendations of their clients are current and valid; and
- 55.3.11.6 Dispensaries shall display their client rules and/or regulations in a conspicuous place that is readily seen by all persons entering the Dispensary. A copy of the client rules and/or regulations shall be provided to the qualified patient by a medical cannabis delivery service; and

- 55.3.11.7 Smoking, ingesting or otherwise consuming medical cannabis products on the premises of a medical cannabis Dispensary is prohibited. Each building entrance to a medical cannabis Dispensary shall be clearly and legibly posted with a notice indicating that smoking, ingesting or consuming medical cannabis or medical cannabis edibles on the premises or in the vicinity of the Dispensary is prohibited; and
- 55.3.11.8 Each building entrance to a medical cannabis Dispensary shall be clearly and legibly posted with a notice indicating that persons under the age of eighteen (18) are precluded from entering the premises unless they are qualified patients and they are accompanied by their parent or legal guardian; and
- 55.3.11.9 No medical cannabis Dispensary or delivery service shall provide medical cannabis to any qualified patient or holder of a medical cannabis recommendation who is under 18 unless their parent or guardian has previously given written permission that is on file with the delivery service and that same parent or guardian is present to accept the delivery of medical cannabis; and
- 55.3.11.10 All medical cannabis Dispensaries shall display a copy of the inspection receipt issued by the Humboldt County Sealer of Weights and Measures for all weighing and measuring devices; and
- 55.3.11.11 All medical cannabis dispensed by Dispensaries must be obtained in accordance with the MCRSA and other applicable state and local laws; and
- 55.3.11.12 Dispensaries must comply with sections 313-87.3 and 314-87.2 of the County Zoning Regulations; and
- 55.3.11.13 An up-to-date inventory of all hazardous materials stored and used onsite shall be maintained on the premises of the Dispensary with a copy of this inventory provided to the Humboldt County Division of Environmental Health; and
- 55.3.11.14 Medical cannabis Dispensaries shall maintain all necessary permits, and pay all required taxes and fees. Dispensaries shall also provide invoices to vendors to ensure vendor's tax liability responsibility; and
- 55.3.11.15 Medical cannabis Dispensaries shall implement their policies and procedures as outlined in their Operations Manual as approved by the Planning Commission. Any deviations from or changes in the Operations Manual or in the Operating Standards must be conveyed to the Humboldt County Planning and Building Department in writing within thirty (30) days of the change; and
- 55.3.11.16 Medical cannabis Dispensaries shall comply with any and all conditions of their conditional use permit.

55.3.12 Performance Review Reports

- 55.3.12.1 Medical cannabis Dispensaries shall submit a "Performance Review Report" on an annual basis from their initial date of operation for review and approval by the Planning

Commission. The Planning Commission may delegate review of the annual Performance Review Report to the Zoning Administrator at the time of the initial hearing or at any time thereafter. This annual "Performance Review Report" is intended to identify the effectiveness of the approved conditional use permit, Operations Manual, Operating Standards, and conditions of approval, as well as the identification and implementation of additional procedures as deemed necessary. In the event the Planning Commission identifies problems with specific CCDF that could potentially lead to revocation of the associated conditional use permit pursuant to section 312-14 of the Humboldt County Code, the Planning Commission may require the submittal of more frequent "Performance Review Reports".

55.3.12.2 Medical cannabis Dispensaries shall be inspected by the Humboldt County Sheriff or his/her designee, and/or employees of the Humboldt County Planning and Building Department and/or the Code Enforcement Investigator on an annual basis, or more frequently as requested by the Planning Commission (or the Zoning Administrator if authority is delegated per section 55.3.12.1) to determine if the Dispensary is in compliance with its conditional use permit, Operating Standards, and Operations Manual. After payment of the inspection fees as indicated in the following section, a copy of the results from this inspection shall be given to the Dispensary for inclusion in their "Performance Review Report" to the Planning Commission (or the Zoning Administrator if authority is delegated per section 55.3.12.1).

55.3.12.3 Inspection and review fees pursuant to the County's adopted schedule of fees and charges, as amended from time to time by the Board of Supervisors, shall be paid by medical cannabis Dispensaries and accompany the "Performance Review Report" for costs associated with the inspection and the review of the report by County staff.

55.3.12.4 Non-compliance by medical cannabis Dispensaries in allowing the inspection by the above-mentioned County personnel, or refusal to pay the required fees, or non-compliance in submitting the annual "Performance Review Report" for review by the Planning Commission shall be deemed grounds for a revocation of the conditional use permit and/ or subject the holder of the permit to the penalties outlined in this Code, above.

55.3.13 Permit Revocation & Transfer

55.3.13.1 A conditional use permit shall be revoked or modified according to Humboldt County Code Section 312-14 (Revocation Procedures). Permit revocation or modification shall be sought for non-compliance with one or more of the requirements listed in this Code, for failure to comply with the requirements of the Humboldt County Certified Unified Program Agency (CUPA), or for the grounds listed in Section 312-14.1 and any successor provisions.

55.3.14.1 Conditional use permits to operate a medical cannabis Dispensary may be transferred upon approval by the Planning Commission after a noticed public hearing.

55.3.15 Medical Cannabis Testing Laboratories, Business and Research Institutions

, as defined herein, and businesses and research institutions engaged in the research of medical cannabis, medical cannabis products, or devices used for the medical use of cannabis products at which

no commercial cannabis cultivation (as defined in section 55.4.7, Title III, Division I, Chapters 3 and 4 of the Humboldt County Code), or distribution, manufacture, dispensing, or sale of medical cannabis occurs shall be allowed in any zone in which medical laboratories and medical testing facilities are permitted. Medical cannabis testing laboratories shall be subject to all the regulations and standards applicable to medical laboratories and medical testing facilities in the Humboldt County Code and the MCRSA.

55.3.16 Medical Cannabis Business Offices

Business offices for medical cannabis Dispensaries at which no cultivation, processing, storage, handling, or distribution of cannabis in any form occurs shall be allowed in any zone in which business offices are allowed. Medical cannabis business offices shall be subject to all the regulations and standards applicable to business offices in the Humboldt County Code.