

January 31, 2024

County of Monterey  
Cannabis Program  
County Administrative Office  
168 W. Alisal St., 3rd Floor  
Salinas, CA 93901

Re: Proposed Ordinance, Amendments, Regulations and Recommendations to Monterey County Cannabis Business Code – Cannabis Consumption Venues.

The following narrative is recommendations based on best practices and regulatory language adopted from existing states and jurisdictions within the United States.

This document *does not* constitute as legal advice .

## **California State Law Regarding Onsite Consumption of Cannabis**

### **License Type(s):**

- Type 10 – Storefront Retailer (with a local consumption designation)
- Onsite consumption is permitted with local (city or county) approval (law and regulations)

### **Current California State Law – Consumption Legislation Highlights:**

- Sale of non-cannabis food and beverages in consumption lounges is restricted.
- Allows the sale of “pre-packaged cannabis- infused foods,” and “pre-packaged foods.”
- Alcohol and tobacco cannot be sold or used onsite.
- Allows the consumption of purchased products onsite.
- Prohibits the visibility of cannabis consumption to the public.
- Prohibits anyone under the age of 21 from entering a cannabis consumption lounge.
- Prohibits “sampling,” as all products must be sold prior to consumption.
- Proposition 65, Title 27 requires that “Inhalation Warnings” are provided in designated cannabis smoking, vaping, or dabbing areas. (27 C.C.R. §§ 25607.46 – 25607.47)
- Prohibits smoking or vaping in “public places” such as restaurants and bars.

**Permitting the On-site Consumption of Cannabis (California, Generally):**

1. A permit issued by the County/ Local Department; and
2. A storefront Cannabis Retailer or Cannabis Microbusiness permit issued by the Department of Cannabis Control (DCC); and
3. An equivalent State Cannabis License.

**General Local Licensing Recommendations:**

**Recommended Application Cannabis Consumption Venue Fee Structure (Monterey County):**

1. Newly constructed cannabis microbusiness or storefront retailer - \$5000
2. Existing, permitted, and operational cannabis microbusiness or storefront retailer - \$2500
3. Annual Renewal- \$1200

Licenses are renewed and reviewed yearly with the County.

# EXAMPLE ORDINANCE AMENDMENTS

## for Title 20 & Title 21 (Title 20 referenced here)

Bill No. - \_\_\_\_\_

SUMMARY – An ordinance to amend Monterey County Code Title 20 & 21, XXXXXX – Adult-Use Cannabis Dispensaries; providing for the licensure of add-on retail cannabis consumption lounges; adding definitions related to cannabis consumption venues; establishing license application requirements; providing for business license fees; and providing for other matters properly related thereto.

Underlined material is that portion being added.

### Chapter 20.67 COMMERCIAL CANNABIS ACTIVITIES

#### Sections:

#### 20.67.010 - Definitions

#### 20.67 .020 - Purpose

#### 20.67.030- Permits Required

#### 20.67 .040 - Cannabis Retailers

#### 20.67.XXX - Cannabis Consumption Venue

#### 20.67.050 - Cannabis Cultivation

#### 20.67.060- Cannabis Manufacturing

#### 20.67.070 - Cannabis Testing Facilities

#### 20.67.080 - Cannabis Distribution

#### 20.67 .090 – Exemptions

#### 20.67.100-Application Requirements

#### 20.67.110- Grounds for Suspension or Revocation

#### 20.67.120- Procedure for Suspension or Revocation

#### 20.67.130- Enforcement

#### 20.67.010 Definitions

For the purpose of this Chapter, unless the context otherwise requires, certain terms used in this Chapter shall be as defined below. The definitions in Chapter 20.06 shall otherwise apply.

A. "Bureau" means the Bureau of Cannabis Control within the California Department of Consumer Affairs.

B. "Cannabis concentrate" means cannabis that has undergone a process to

concentrate one or more active cannabinoids, thereby increasing the product's potency. Resin from granular trichomes from a cannabis plant is a concentrate for purposes of this Chapter. A cannabis concentrate is not considered food, as defined by Section 109935 of the California Health and Safety Code, or a drug, as defined by Section 109925 of the California Health and Safety Code.

**C. "Cannabis Consumption Venue" means a licensed premises where cannabis and cannabis products may be purchased (for on-site consumption) and consumed (smoked or ingested) by persons 21 years of age and over within the confines of the facility.**

D. "Cannabis product" has the same meaning as in Section 11018.1 of the California Health and Safety Code.

E. "Canopy" means all areas occupied by any portion of a cannabis plant, inclusive of all vertical planes, whether contiguous or noncontiguous on any one site.

F. "Certificate of accreditation" means a certificate issued by an accrediting body to a licensed testing laboratory, entity, or site to be registered in the state.

**G. "Consuming" or "Consumption" means smoking, eating, drinking, chewing, applying topically or otherwise ingesting.**

H. "Cultivation" means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis. Within the definition of cultivation, the following specific Permit Types, corresponding to state cultivator license types set forth in California Business and Professions Code Section 26061, apply:

1. Type IA or "specialty indoor" means indoor cultivation using exclusively artificial lighting of between five hundred one (501) and five thousand (5,000) square feet of total canopy size on one premises;
2. Type 1 B or "specialty mixed-light" means cultivation using a combination of natural and supplemental artificial lighting at a maximum threshold to be determined by the licensing authority, of between two thousand five hundred one (2,501) and five thousand (5,000) square feet of total canopy size on one premises;
3. Type IC, or "specialty cottage," for cultivation using a combination of natural and supplemental artificial lighting at a maximum threshold to be determined by the licensing authority, of two thousand five hundred (2,500) square feet or less of total canopy size for mixed-light cultivation, or five hundred (500) square feet or less of total canopy size for indoor cultivation, on one premises;
4. Type 2A or "small indoor" means indoor cultivation exclusively using artificial lighting and having a total canopy size between five thousand one (5,001) and ten thousand (10,000) square feet on one premises;
5. Type 2B or "small mixed-light" means cultivation using a combination of

- natural and supplemental artificial lighting and having a total canopy size between five thousand one (5,001) and ten thousand (10,000) square feet on one premises;
6. Type 3A or "indoor" means indoor cultivation using exclusively artificial lighting and having a total canopy area between ten thousand one (10,001) and twentytwo thousand (22,000) square feet on one premises;
7. Type 3B or "mixed-light" means cultivation using a combination of natural and supplemental artificial lighting and having a total canopy area of between ten thousand one (10,001) and twenty-two thousand (22,000) square feet on one premises; and
8. Type 4 or "nursery" means cultivation of cannabis solely as a nursery.

I. "Delivery" means the commercial transfer of cannabis or cannabis products to a customer. "Delivery" also includes the use by a retailer of any technology platform owned and controlled by the retailer.

J. "Dispensary" means a facility where cannabis, cannabis products, or devices for the use of cannabis or cannabis products are offered, either individually or in any combination, for retail sale, including an establishment that delivers cannabis and cannabis products as part of a retail sale.

K. "Distribution" means the procurement, sale, and transport of cannabis and cannabis products between entities licensed pursuant to this Chapter.

L. "Edible cannabis product" means cannabis product that is intended to be used, in whole or in part, for human consumption, including, but not limited to, chewing gum, but excluding products set forth in Division 15 (commencing with Section 32501) of the California Food and Agricultural Code. An edible cannabis product is not considered food, as defined by Section 109935 of the California Health and Safety Code, or a drug, as defined by Section 109925 of the California Health and Safety Code.

M. "Greenhouse" means a fully enclosed permanent structure that is clad in transparent material with climate control, such as heating and ventilation capabilities and supplemental artificial lighting, and that uses a combination of natural and supplemental artificial lighting for cultivation.

N. "Hearing Officer" means a person appointed by the County to conduct an administrative hearing under this Chapter. The appointed Hearing Officer shall be an impartial decision-maker selected by a process that eliminates risk of bias, such as:

1. An administrative law judge provided by the State of California Office of Administrative Hearings to function as the County Hearing Officer pursuant to Chapter 14 of Part 3 of Division 2 of Title 3 of the California Government Code;
2. A person selected randomly from a panel of attorneys willing to serve as a Hearing Officer; or
3. An independent contractor assigned by an organization or entity which provides hearing officers.

O. "Identification card" has the same definition as in Section 11362.7 of the California Health and Safety Code, as it may be amended.

P. "Licensee" means any person holding a state license under California Business and Professions Code Sections 26000, *et seq.*

Q. "Licensing authority" means the state agency responsible for the issuance, renewal, or reinstatement of a state license for commercial cannabis activities, or the state agency authorized to take disciplinary action against the licensee.

R. "Manufactured cannabis" or "cannabis product" 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.

S. "Manufacturing site" means a location that produces, prepares, propagates, or compounds cannabis or cannabis products either 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.

T. "Medicinal cannabis" or "medicinal cannabis product" means cannabis or a cannabis product, respectively, intended to be sold for use pursuant to the Compassionate Use Act of 1996 (Proposition 215), found at Section 11362.5 of the California Health and Safety Code, by a medicinal cannabis patient in California who possesses a physician's recommendation.

U. "Nursery" means a permittee that produces only clones, immature plants, seeds, and other agricultural products used specifically for the planting, propagation, and cultivation of cannabis.

V. "One ownership" and "owner" have the same definition as set forth in Chapter 20.06 of this Title.

W. "Permittee" means a person issued a Coastal Development Permit under this Chapter.

X. "Person" means an individual, firm, partnership, joint venture, association, corporation, limited liability company, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit and includes the plural as well as the singular number.

Y. "Primary caregiver" has the same definition as in Section 11362.7 of the California Health and Safety Code, as it may be amended.

Z. "Public park" means an area created, established, designated, or maintained by a

special district, a County, the State, or the Federal government for public play, recreation, or enjoyment or for the protection of natural resources and features at the site.

AA. "Qualified patient" has the same definition as in Section 11362.7 of the California Health and Safety Code, as it may be amended.

BB. "Retailer" and "retail facility" shall have the same meaning as "Dispensary."

**CC. "Smoke or Smoking" has the meaning set forth in Section 11362.3 of the California Health and Safety Code, as may be amended from time to time.**

**DD. "Ventilation System" means a ventilation system capable of mitigating all detectable odors, smoke and by-products of combustion.**

EE. "State" means the State of California.

FF. "State license," "license," or "registration" means a state license issued pursuant to California Business & Professions Code Sections 26000, *et seq.*

GG. "Testing laboratory" means a facility, entity, or site in the state that offers or performs test of cannabis or 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 cannabis activities in the state; and
2. Licensed by the Bureau.

HH. "Transport" or "transportation" mean the transfer of cannabis or cannabis products from the permitted business location of one licensee to the permitted business location of another licensee, for the purposes of conducting commercial cannabis activity authorized pursuant to the California Business & Professions Code Sections 26000, *et seq.*

II. "Volatile Manufacturing" means a manufacturing site that manufactures cannabis products using volatile solvents.

JJ. "Volatile solvents" shall have the same meaning as in paragraph (3) of subsection (b) of Section 11362.3 of the California Health and Safety Code, unless otherwise provided by law or regulation.

#### **20.67.020 Purpose**

The purpose of this Chapter is to protect the public health, safety, and welfare, enact strong and effective regulatory and enforcement controls in compliance with state law and federal enforcement guidelines, protect neighborhood character, and minimize potential for negative impacts on people, communities, and the environment in the unincorporated areas of Monterey County by establishing minimum land use requirements for commercial cannabis activities. Commercial cannabis activity, as defined pursuant to Section 20.06.196 of Title 20,

includes the consumption, cultivation, possession, manufacture, processing, storing, laboratory testing, packaging, labeling, transporting, distribution, or sale of cannabis or a cannabis product. This Chapter recognizes that commercial cannabis activities require land use controls due to the unique federal and state legal constraints on commercial cannabis activity, and the potential environmental and social impacts associated with commercial cannabis activity.

#### **20.67.030 Permits Required**

**NO AMENDMENTS ADDED**

#### **20.67.040 Regulations for Cannabis Retailers.**

**NO AMENDMENTS ADDED**

#### **20.67.XXX – Cannabis Consumption Venue**

A. Applicability: The provisions of this Section are applicable in Coastal General Commercial (CGC) and Moss Landing Commercial (MLC) zoning districts. Cannabis Consumption Venues shall not be allowed in any other zoning district.

B. Regulations. Cannabis Consumption Venues shall meet the following minimum requirements:

1. Cannabis Consumption Venues with adult-use retail shall be located only in zoning districts that specifically provide for this use and the Cannabis Consumption Venue shall be consistent with all land use designations. In the event that a Cannabis Consumption Venue operates concurrently in a single premise with another use, the Cannabis Consumption Venue shall be a permitted use in accordance with zoning code.
2. Cannabis Consumption Venues shall not be located within six hundred (600) feet from any school, public park, or a drug recovery facility.
3. Cannabis consumption venues shall not be located within one thousand five hundred (1,500) feet of another Cannabis Consumption Venue.
4. Cannabis Consumption Venues can be located on an adjacent parcel or within a tenant space that is segregated and apart from any other use. A Cannabis Consumption Venue shall have a dedicated entrance from the street or public sidewalk, and may have an internal connection or passage to another tenant space, so long as the entrance is secured at the point of entry into the Cannabis Consumption Venue. Cannabis Consumption Venues may include an internal connection or passage to a Cannabis Retailer and may share a dedicated entrance with a Cannabis Retailer.
5. Cannabis Consumption Venues shall be well-ventilated private areas that are partitioned off from access to all other areas of the retail establishment and are designed to prevent the flow of smoke to any other area of the establishment.
6. Cannabis goods shall be provided to an individual in an amount consistent with personal possession and use limits allowed by the state.
7. Cannabis consumption venues shall comply with all county and state smoking regulations.
8. Cannabis goods may be sold on the premises of a Cannabis Consumption Venue, subject to the following:



- (a) The Permittee must hold an Adult Use Cannabis Retailer permit.
- (b) All cannabis or cannabis goods purchased and opened at the facility must be smoked, inhaled, consumed or ingested on site, and shall not be permitted to leave the facility unless repackaged in a container that is compliant with all applicable state law and regulation.

- 9. Cannabis Consumption Venues shall keep accurate records of all business operations and provide such records for inspection consistent with Section 26160 of the California Business and Professions Code and all applicable regulations implemented and enforced by the State or any of its departments and divisions.
- 10. The smoking or vaporization of cannabis may be permitted at a Cannabis Consumption Venue, as allowable under state law.
- 11. Cannabis Consumption Venues shall create patron consumption guidelines that may include the utilization of labels, menu notifications, signage, portion control, dosage monitoring, and staff education to prevent the overconsumption of cannabis by patrons.
- 12. Employee training.
  - 1. The business shall train their employees about the various products the consumption area sells, including potency of the products, absorption time, and effects of the products, cleaning and handling cannabis consumption devices and paraphernalia, detecting signs of overconsumption, safety practices, and security procedures.
- 13. Customer education.
  - 1. Cannabis Consumption Venues shall not sell cannabis or cannabis products without first communicating the needs, usage, prior experience of and estimated tolerance with the end-use consumer in an effort to ensure responsible consumption.
- 14. Alcohol and Tobacco Products. The sale or consumption of alcohol or tobacco products is not allowed on the premises.
- 15. Access to the Cannabis Lounge Facility shall be restricted to persons twenty-one (21) years of age and older.
- 16. Cannabis Consumption Venues shall notify patrons of the following verbally and through posting of a sign in a conspicuous location readily visible to persons entering the premises:
  - 1. Entry into the premises by persons under the age of twenty-one is prohibited.
- 17. The smoking, inhalation, consumption or ingestion of cannabis or cannabis goods shall not be visible from any public place or any area where minors may be present.

18. Before a Cannabis Consumption Venue agent allows access into the facility and prior to selling single-use cannabis products or ready-to-consume cannabis products to a consumer, the cannabis establishment agent shall:
  1. Verify the age of the consumer by checking and authenticating a government-issued identification card containing a photograph of the consumer using an identification scanner to determine the validity and authenticity of any government-issued identification card as well as visually inspect the birthdate on the form of identification presented;
  2. Not permit the use or consumption of cannabis by any person displaying any visible signs of overconsumption of any intoxicant; and
  3. Offer any appropriate consumer education or support materials.
19. Permittee shall provide an adequate odor control plan so as to prevent any detectable odor at the property line of the premises. Within twenty-four (24) hours of any complaint concerning odor emanating from or originating within the facility, the permittee shall respond to the complaint in question, and shall timely file a written disclosure to the County documenting any and all actions taken and planned to address the odor complaints.
20. Waste control.
  1. The Cannabis Consumption Venue shall place and properly maintain solid waste receptacles and recycling bins, in sufficient numbers and locations to service the needs of the proposed use at peak business periods.
  2. Ensure that the consumption venue property and all areas within at least one hundred feet of the consumption area are free of any waste or litter generated by the activities.
21. Cannabis Consumption Venues shall implement and maintain sufficient security measures to both deter and prevent unauthorized entrance into areas containing cannabis or cannabis products in compliance with Section 26070 of the California Business and Professions Code and any rules promulgated by the licensing authority. Security measures shall include, but are not limited to, the following:
  - a. Prevent individuals from loitering on the premises of the Cannabis Consumption Venue if they are not engaging in activity expressly related to the operations of the Cannabis Consumption Venue;
  - b. Establish limited access areas accessible only to authorized Cannabis Consumption Venue personnel;
  - c. Store all cannabis and cannabis products in a secured and locked safe room, safe, or vault, and in a manner as to prevent diversion, theft, and loss, except for limited amounts of cannabis and cannabis products used for display purposes, samples or immediate sale;
  - d. Installing and maintaining in proper working order, video monitoring equipment capable of providing surveillance of both interior and exterior areas of the permitted facility;
  - e. Maintain surveillance video footage for a period of at least thirty (30) days and shall make such videotapes available to the County upon demand.

f. Provide for on-site security personnel meeting the requirements and standards contained within Chapter 7.30 of the Monterey County Code. Onsite security shall not carry firearms or other lethal weapons. All security guards shall be licensed and possess a valid Department of Consumer Affairs "Security Guard Card" at all times; and

g. Areas where cannabis consumption or sale is permitted shall provide adequate security and lighting on-site to ensure the safety of persons and protect the premises from theft at all times in conformance with the security plan submitted with the application.

22. Permittee shall provide law enforcement and all neighbors within one hundred feet of the business with the name and phone number of an on-site community relations employee to notify if there are operational problems with the establishment.
23. Each Cannabis Consumption Venue shall develop a plan to mitigate the risk of impaired driving, to include making information readily available to the consumer about transportation options.
24. Cannabis Consumption Venues shall ensure that all cannabis and cannabis products at the facility are cultivated, manufactured, transported, distributed, and tested by licensed and permitted facilities that maintain operations in full conformance with state and local regulations.
25. All non-cannabis infused food and drink must be prepared, sold, and served in accordance with all county, state, and federal laws, regulations and health standards.
26. Each Cannabis Consumption Venue shall ensure that:
  1. The surfaces, utensils, and reusable devices that have direct contact with cannabis products are adequately washed, rinsed and sanitized.
  2. After being cleaned, surfaces of equipment, utensils, and reusable devices that have direct contact with cannabis products are sanitized in:
    - (a) Hot water manual operations by immersion for at least 30 seconds with a temperature of 170°F (77°C) or above;
    - (b) Hot water mechanical operations by being cycled through equipment that is set up and achieving a utensil surface temperature of 160°F (71°C) as measured by an irreversible registering temperature indicator; or
    - (c) Chemical manual or mechanical operations, including, without limitation, the application of sanitizing chemicals by immersion, manual swabbing, brushing or pressure spraying methods using a solution as specified on the manufacturer's label use instructions that are approved by the Environmental Protection Agency, by providing an exposure time of at least 30 seconds unless the manufacturer's label use instructions provide otherwise.
  3. If the surfaces of utensils or equipment come into contact with potentially hazardous cannabis products and ingredients, the surfaces and utensils are cleaned throughout the day at least once every 4 hours.
  4. The surfaces of utensils and equipment that have direct contact with

cannabis products and ingredients that are not potentially hazardous are cleaned:

(a) At any time when contamination may have occurred; and

(b) In equipment, including, without limitation, ice bins and beverage dispensing nozzles, and enclosed components of equipment, such as ice makers, cooking oil storage tanks and distribution lines, beverage and syrup dispensing lines or tubes, coffee bean grinders and water vending equipment:

(1) At a frequency specified by the manufacturer; or

(2) If the manufacturer does not specify a frequency, at a frequency necessary to prevent the accumulation of soil or mold.

27. Cannabis Consumption Venues shall not distribute any cannabis or cannabis product unless the cannabis and cannabis products are labeled and in a tamper-evident package in compliance with Section 26120 of the California Business and Professions Code and any additional rules promulgated by the licensing authority.
28. Solid waste generated at a Cannabis Consumption Venue from cannabis or cannabis products, including, but not limited to, such products purchased by a consumer, but not fully consumed and abandoned, must be disposed of in such a manner as to make the waste unusable and unrecognizable and the disposal of cannabis waste must be documented in the inventory control system.
29. Cannabis consumption venues shall notify the Monterey County Sheriff's Office and the licensing authority within (24) hours after discovering any of the following:
  - a. Significant discrepancies identified during inventory;
  - b. Diversion, theft, loss, or any criminal activity involving any agent or employee of the Cannabis Consumption Venue;
  - c. The loss or unauthorized alteration of records related to cannabis, customers, or Cannabis Consumption Venue employees or agents; or
  - d. Any other breach of security.
30. Possession or distribution of any other form of illegal drugs shall be grounds for revocation of permits.
31. All food products, food storage facilities, food-related utensils, equipment, and materials shall be approved, used, managed, and handled in accordance with Sections 113700-114437 of the California Health and Safety Code, and California Retail Food Code. All food products shall be protected from contamination at all times, and all food handlers must be clean, in good health and free from communicable diseases.
32. Cannabis consumption venues shall not distribute any cannabis goods unless the cannabis goods are labeled and in a tamper-evident package in compliance with Section 26120 (a) of the California Business and Professions Code and any additional rules promulgated by the licensing authority and such label shall include the name and contact information of the Cannabis Consumption Venue that dispensed the Adult-Use Cannabis.
33. Cannabis consumption venues shall facilitate the dispensing, making available, and sale, cannabis goods with a technology platform that uses point-

of-sale technology to track, and database technology to record and store, the following information for each transaction involving the exchange of cannabis goods between the Cannabis Consumption Venue and customer:

- a. The first name and employee number of the Cannabis Consumption Venue employee who processed the sale of cannabis goods on behalf of the Cannabis Consumption Venue.
- b. A list of all the cannabis goods purchased, including the quantity purchased.
- c. The total amount paid for the sale, including the individual prices paid for the cannabis goods; and any amounts paid for tax.

C. Required Findings: A Coastal Development Permit for a Cannabis Consumption Venue shall not be granted by the Appropriate Authority unless all of the following findings are made based on substantial evidence:

1. The Cannabis Consumption Venue, as proposed, has demonstrated that it can and will comply with all of the requirements of the State and County to operate a Cannabis Consumption Venue facility. All Cannabis Consumption Venue facilities shall operate within a legal structure that is compliant with all applicable State and local laws.
2. The Cannabis Consumption Venue must pay all applicable sales taxes and fees pursuant to all federal, State, and local laws and the owner and/or operator shall not be delinquent in the payment of such taxes and fees.
3. The building in which any Cannabis Consumption Venue facility is located, as well as the operations as conducted therein, shall fully comply with all applicable rules, regulations, and laws including, but not limited to, zoning and building codes, the County's business license ordinances, the Revenue and Taxation Code, the Americans with Disabilities Act, and MAUCRSA.
4. The retail facility will not be located within six hundred (600) feet from any school, public park, or drug recovery facility, or within one thousand five hundred (1,500) feet of another cannabis consumption facility.
5. The Cannabis Consumption Venue, as approved and conditioned, will not result in significant unavoidable impacts on the environment.
6. No person who is less than twenty-one (21) years of age may be employed or otherwise engaged in the operation of the facility.
7. The Cannabis Consumption Venue includes adequate measures that minimize, to the extent feasible, nuisances to the immediate neighborhood and community including minimizing the detection of odor from offsite, minimizing the effects of loitering, and providing adequate security measures.
8. The Cannabis Consumption Venue will provide adequate measures that address the federal enforcement priorities for cannabis activities including providing for restrictions on drugged driving, restricting access to minors, prohibiting use or possession of firearms for security purposes at the premises, and ensuring that cannabis and cannabis products are supplied from permitted and licensed sources.

9. In addition to any other required conditions and mitigation measures approved by the Appropriate Authority, all of the following conditions shall apply to all permits for a Cannabis Consumption Venue:
- a. The Cannabis Consumption Venue shall allow access to facilities and records if requested by the County, its officers, or agents, and shall pay for an annual inspection and submit to inspections from the County or its officers to verify compliance with all relevant rules, regulations, and conditions.
  - b. The applicant, owner, and all permittees agree to submit to, and pay for, inspections of the operations and relevant records or documents necessary to determine compliance with this Chapter from any enforcement officer of the County or their designee if applicable.
  - c. The applicant for the Cannabis Consumption Venue facility and property owner shall indemnify, defend, and hold the County harmless from any and all claims and proceedings relating to the approval of the permit or relating to any damage to property or persons stemming from the commercial cannabis activity if applicable.
  - d. Any person operating a Cannabis Consumption Venue facility shall obtain a valid and fully executed commercial cannabis permit pursuant to Chapter 7.90 of the Monterey County Code prior to commencing operations and must maintain such permit in good standing in order to continue operations.
  - e. The owner shall be responsible for ensuring that all commercial cannabis activities at the site operate in good standing with all permits and licenses required by the Monterey County Code and State law. Failure to take appropriate action to evict or otherwise remove permittees and persons conducting commercial cannabis activities at the site who do not maintain permits or licenses in good standing with the County or State shall be grounds for the suspension or revocation of a Coastal Development Permit pursuant to Section 20.67.120 of the Monterey County Code.
  - f. The Cannabis Consumption Venue shall operate only in accordance with the operating plans reviewed and approved by the County. The County shall limit the hours of operation for a retail facility to begin no earlier than 8:00 a.m. and to end no later than 2:00 a.m.

**20.67.050 - Cannabis Cultivation**

**NO AMENDMENTS, NOT APPLICABLE TO CANNABIS CONSUMPTION VENUE**

**20.67.060- Cannabis Manufacturing**

**NO AMENDMENTS, NOT APPLICABLE TO CANNABIS CONSUMPTION VENUE**

**20.67.070 - Cannabis Testing Facilities**

**NO AMENDMENTS, NOT APPLICABLE TO CANNABIS CONSUMPTION VENUE**

**20.67.080 - Cannabis Distribution**

**NO AMENDMENTS, NOT APPLICABLE TO CANNABIS CONSUMPTION VENUE**

## **20.67.090 Exemptions from Permit Requirements.**

### **NO AMENDMENTS ADDED**

#### **20.67.100 Application Requirements**

All applications for a Coastal Development Permit for a commercial cannabis activity shall be filed with the Resource Management Agency on the form and in the manner prescribed by the Director of the Resource Management Agency or the Chief of Planning, or his or her designee. In all cases the application shall contain, without limitation, the following documentation:

A. Notarized, written authorization from all persons and entities having a right, title or interest in the property that is the subject of the application consenting to the application and the operation of the proposed commercial cannabis activity on the subject property.

B. The name and address of all persons and entities responsible for the operation of the commercial cannabis activity, including managers, corporate officers, any individual with an ownership interest, any member of a board of directors, any general or limited partner, and/or any member of a decision-making body for the commercial cannabis activity.

C. Site plans, floor plans, conceptual improvement plans, and a general description of the nature, size, and type of commercial cannabis activity(ies) being requested.

D. An operations plan including at a minimum, the following information:

1. On-site security measures both physical and operational and, if applicable, security measures for the delivery of cannabis associated with the commercial cannabis business;
2. Standard operating procedures manual detailing how operations will comply with State and local regulations; how safety and quality of products will be ensured; record keeping procedures for financing, testing, and adverse effect recording; and product recall procedures;
3. Proposed hours of operation;
4. Waste disposal information;
5. A water management plan including the proposed water supply and proposed conservation measures;
6. Medical recommendation verification when applicable and youth access restriction procedures;
7. Product supply chain including information on where cultivation occurs, where the product is processed or manufactured, any required testing of cannabis or cannabis products, transportation, and packaging and labeling criteria;
8. Record keeping policy;
9. Track and trace measures;
10. Sustainability measures including water efficiency measures, energy efficiency measures, high efficiency mechanical systems, and alternative fuel transportation methods;
- 11 . Odor prevention devices;
12. Size, height, colors, and design of any proposed signage at the site;
13. Parking plan; and
14. Such other information as the Director of the Resource Management Agency or the Chief of Planning, or his or her designee may require.

E. Additional application requirements: Based on the type of commercial cannabis activities proposed, the following additional information may be required by the Director of the

Resource Management Agency or the Chief of Planning, or his or her designee:

1. Cannabis retailer: In reviewing an application for a Coastal Development Permit to dispense cannabis or cannabis products, the Director of the Resource Management Agency or the Chief of Planning, or his or her designee may request operational plans detailing how operations will comply with federal enforcement priorities.

2. Cannabis Consumption Venue: In reviewing an application for a Coastal Development Permit to operate a Cannabis Consumption Venue facility, the Director of the Resource Management Agency or the Chief of Planning, or his or her designee may request the following additional information:

a. The plan setting forth protocols and procedures to deter customers from driving under the influence of cannabis and submit to the County such updates to the plan as the County may require;

b. The plan for ensuring purchasers of adult-use cannabis are twenty-one years of age or older;

c. The plan for ensuring compliance with all smoking and vaping regulations;

d. The plan for preventing the visibility of Cannabis Consumption Venues from any public place or non-age-restricted area pursuant to state law;

e. The plan for cannabis inventory control and tracking quantities;

f. The plan for storing and disposing of cannabis and non-cannabis waste;

g. The plan for storage and usage of chemicals on-site;

h. The plan for documenting the source of cannabis and cannabis products that are being sold and dispensed within the facility;

i. The plan for employee training;

j. The plan for the safe handling of cannabis and cannabis products;

k. The plan for the safe handling and sanitation of cannabis consumption paraphernalia and devices;

l. The plan for security and security protocols;

m. The plan for air quality, odor control and ventilation; and

3. Cannabis cultivation: In reviewing an application for a Coastal Development Permit to cultivate cannabis, the Director of the Resource Management Agency or the Chief of Planning, or his or her designee may request the following additional information:

a. Water conservation measures;

b. Projected energy demand and proposed renewable energy generation facilities;

c. Unique identifier, inventory, and quality control procedures; and

d. A floor plan identifying the location, dimensions, and boundaries of all proposed canopy areas taking into account space needed for ongoing care of plants and description of the proposed method of physically delineating those boundaries at the site.

4. Cannabis manufacturing: In reviewing an application for a Coastal Development Permit to operate a cannabis manufacturing facility, the Director of the Resource Management Agency or the Chief of Planning, or his or her designee may request the following additional information:

a. Information on products used in the manufacturing process

including the cannabis supply chain, liquids, solvents, agents, and processes.



Cannabis shall be obtained from a licensed cultivator or licensed distributor operating in compliance with all local and state laws;

b. Storage protocol and hazard response plan;

c. Quality control measures; and

d. Any other information requested by the Director of the Resource Management Agency or the Chief of Planning, or his or her designee.

5. Medical cannabis testing facilities: In reviewing an application for a Coastal Development Permit to operate a cannabis testing facility, the Director the Resource Management Agency or the Chief of Planning, or his or her designee may request the following additional information:

a. An operations plan detailing how cannabis will be received, secured, tested, and destroyed upon completion;

b. Certificate of accreditation from an approved accrediting body;

c. Proposed procedures for record keeping including chain of custody control and certificate issuance; and

d. Any other information requested by the Director of Planning.

6. Cannabis transportation and distribution facility: In reviewing an application for a Coastal Development Permit to operate a cannabis transportation and/or distribution facility, the Director of the Resource Management Agency or the Chief of Planning, or his or her designee may request any following additional information:

a. An operations plan detailing how, and from where, cannabis and cannabis products will be received, how any storage, distribution, and transportation operations will be secured to prevent theft and trespass, and to whom the product will be distributed;

b. Quality control inspections and requirements plan;

c. Truck parking and loading areas;

d. Storage and handling plans; and

e. Any other information requested by the Director of the Resource Management Agency or the Chief of Planning, or his or her designee.

F. All required application materials shall be prepared by the applicant and submitted at the time of application.

## Onsite Consumption Research, Resources, and References

### APPENDIX:

#### Alaska

*Alcohol and Marijuana Control Office*

*Rules and Regulations:*

<https://www.commerce.alaska.gov/web/Portals/9/pub/MCB/StatutesAndRegulations/3AAC306.pdf>

*"3 AAC 306.015(d); 3 AAC 306.025; 3 AAC 306.060; 3 AAC 306.100; 3 AAC 306.110; 3 AAC 306.200; 3 AAC 306.250; 3 AAC 306.310(b); 3 AAC 306.355; 3 AAC 306.370; 3 AAC 306.990(b) (all citations are related to onsite consumption)"*

#### California

a) San Francisco Office of Cannabis

Rules and Regulations:

- [https://www.sfdph.org/dph/files/EHSdocs/Cannabis/Cannabis\\_Consumption\\_Rules.pdf](https://www.sfdph.org/dph/files/EHSdocs/Cannabis/Cannabis_Consumption_Rules.pdf)
- [https://codelibrary.amlegal.com/codes/san\\_francisco/latest/sf\\_health/0-0-0-59429](https://codelibrary.amlegal.com/codes/san_francisco/latest/sf_health/0-0-0-59429)

b) West Hollywood

Rules and Regulations:

- <https://www.weho.org/business/cannabis>
- <http://qcode.us/codes/westhollywood/>
- [https://weho.granicus.com/MetaViewer.php?view\\_id=&event\\_id=1163&meta\\_id=180112](https://weho.granicus.com/MetaViewer.php?view_id=&event_id=1163&meta_id=180112)
- <https://www.weho.org/home/showdocument?id=39934>

c) Palm Springs

Rules and Regulations:

- <https://www.palmspringsca.gov/government/departments/special-program-compliance/cannabis-related-business-and-activities/what-to-know/cannabis-faq>
- [http://www.qcode.us/codes/palmsprings/view.php?cite=chapter\\_5.55&confidence=6](http://www.qcode.us/codes/palmsprings/view.php?cite=chapter_5.55&confidence=6)

- [http://www.qcode.us/codes/palmsprings/view.php?topic=zoning\\_code-93\\_00-93\\_23\\_15&frames=on](http://www.qcode.us/codes/palmsprings/view.php?topic=zoning_code-93_00-93_23_15&frames=on)

## **Colorado**

*Code of Colorado Regulations: Marijuana Enforcement Division (MED)*

Rules and Regulations:

*House Bill 19-1230: Marijuana Hospitality Establishments*

<https://leg.colorado.gov/bills/hb19-1230>

a) Denver:

*Initiative 300*

- [https://www.denvergov.org/content/dam/denvergov/Portals/723/documents/Social\\_Consumption\\_Rules\\_Final\\_Jun2017.pdf](https://www.denvergov.org/content/dam/denvergov/Portals/723/documents/Social_Consumption_Rules_Final_Jun2017.pdf)
- <https://www.denvergov.org/content/denvergov/en/denver-business-licensing-center/marijuana-licenses/social-consumption-advisory-committee.html>

## **Massachusetts**

*935 CMR 500.050*

Rules and Regulations:

<https://casetext.com/regulation/code-of-massachusetts-regulations/departments-935-cmr-cannabis-control-commission/title-935-cmr-500000-adult-use-of-marijuana/section-500050-leadership-rating-program-for-marijuana-establishments-and-marijuana-related-businesses>

## **Michigan**

*Cannabis Regulatory Agency (CRC)*

Rules and Regulations

- <https://www.michigan.gov/mra/0,9306,7-386-82631---,00.html>
- [https://www.michigan.gov/documents/mra/2019-67\\_LR\\_Marihuana\\_Licenses\\_694519\\_7.pdf](https://www.michigan.gov/documents/mra/2019-67_LR_Marihuana_Licenses_694519_7.pdf)

## **Nevada**

*Cannabis Control Board (CCB)*

Rules and Regulations

- [https://ccb.nv.gov/wp-content/uploads/2021/06/AB341\\_EN.pdf](https://ccb.nv.gov/wp-content/uploads/2021/06/AB341_EN.pdf)

- <https://ccb.nv.gov/laws-regulations/#:~:text=The%20only%20legal%20way%20to,just%20like%20for%20alcohol%20purchases.>
  - a) City of Las Vegas  
[https://library.municode.com/nv/las\\_vegas/codes/code\\_of\\_ordinances?nodeId=TIT6BUTALIRE\\_CH6.95MEADECAOP](https://library.municode.com/nv/las_vegas/codes/code_of_ordinances?nodeId=TIT6BUTALIRE_CH6.95MEADECAOP)
  - b) Clark County  
[https://library.municode.com/nv/clark\\_county/codes/code\\_of\\_ordinances?nodeId=TIT8LIGALIRE\\_CH8.65ADECAES](https://library.municode.com/nv/clark_county/codes/code_of_ordinances?nodeId=TIT8LIGALIRE_CH8.65ADECAES)

## **Illinois**

*IDFPR*

Rules and Regulations:

*HB 1438 – Cannabis Regulation and Tax Act i. Sec. 55-25. Local ordinances.*

- “A unit of local government, including a home rule unit, or any non-home rule county may authorize or permit the on-premises consumption of cannabis at or in a dispensing organization or retail tobacco store within its jurisdiction. A dispensing organization or retail tobacco store authorized or permitted by a unit of local government to allow on-site consumption shall not be deemed a public place within the meaning of the Smoke Free Illinois Act.”