

1 [Business and Tax Regulations, Health Codes - Permit, License and Inspection Fees for
2 Cannabis Businesses]

3 **Ordinance amending the Business and Tax Regulations and Health Codes to require**
4 **the Director of the Office of Cannabis to collect permit application fees of \$2,000 and**
5 **annual license fees of \$5,000 for cannabis business permits; authorize the Department**
6 **of Public Health to impose fees relating to the inspection of cannabis businesses; and**
7 **establish annual license fees for cannabis consumption permits; and require the**
8 **Director of the Office of Cannabis and the Department of Public Health to waive certain**
9 **fees for Equity Applicants.**

10 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
11 **Additions to Codes** are in *single-underline italics Times New Roman font*.
12 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.
13 **Board amendment additions** are in double-underlined Arial font.
14 **Board amendment deletions** are in ~~strikethrough Arial font~~.
15 **Asterisks (* * * *)** indicate the omission of unchanged Code
16 subsections or parts of tables.

17 Be it ordained by the People of the City and County of San Francisco:

18 Section 1. The Business and Tax Regulations Code is hereby amended by revising
19 Section 249.20, to read as follows:

20 **SEC. 249.20. ~~MEDICAL CANNABIS DISPENSARY LICENSE FEE CANNABIS~~**
21 **BUSINESS PERMIT AND LICENSE FEES.**

22 *(a) Except as provided in subsection (e), the ~~The~~ Director of the Office of Cannabis shall*
23 *charge every applicant for a cannabis business permit, as set forth in Section 1607 of the Police Code,*
24 *a one-time non-refundable permit application fee of \$2,000 to recover the costs incurred by the Office*
25 *of Cannabis of processing the permit application. Except as provided in subsection (e), the ~~The~~*

Director shall charge an applicant for a permit amendment the hourly costs of processing that amendment, which shall include a minimum two hour charge. The hourly rate for processing a permit amendment shall be \$110. Such costs for processing applications for permits and permit amendments shall include costs relating to services provided by the Office of the City Attorney, the Controller's Office, and such other offices as may be required to assist the Office of Cannabis in this function.

(b) Except as provided in subsection (e), the The Director of the Office of Cannabis shall charge every Every person, firm or corporation engaged in operating a medical cannabisdispensary business, as set forth in Section 1607 of the Police Code, shall pay an annual a license fee of \$3,000 for the first year of operation and an annual license fee of \$3,9195,000-00 to the Tax Collector for each subsequent year of operation, to recover the costs of annual inspections, enforcement and other costs to the City. incurred by the Office of Cannabis in implementing Article 16 of the Police Code. Such costs shall include costs, if any, relating to services provided by the Office of the City Attorney, the Controller's Office, the Department of Human Resources, the Department of Technology, the Office of Contract Administration, and such other offices as may be required to assist the Office of Cannabis in this function. The annual license fee shall be paid annually on or before March 31, in accordance with the provisions of Section 76.1 of the Business and Tax Regulations Code.

(c) Except as provided in subsection (f), Every every business that applies for or is awarded a cannabis business permit from the Office of Cannabis, as set forth in Article 16 of the Police Code, shall pay the following fees to the Department of Public Health to cover that Department's costs in conducting initial and ongoing inspections of cannabis businesses.

<u>Cannabis Permit Type</u>	<u>Inspection Type</u>	<u>Fee Amount</u>
<u>Cannabis Cultivation Facility</u>	<u>Plan check upon application</u>	<u>\$3,700, which amount may be waived or reduced by the Department of Public Health if the facility is not new or requires no construction.</u>

	<u>Initial and annual inspection based on size of premises:</u> <u>Under 5,001 sq. feet</u> <u>5,001-10,000 sq. feet</u> <u>10,001-20,000 sq. feet</u> <u>Over 20,000 sq. feet</u>	<u>\$1,000</u> <u>\$1,500</u> <u>\$2,000</u> <u>\$2,500</u>
<u>Cannabis Manufacturing Facility and Cannabis Distributor</u>	<u>Plan check upon application</u> <u>Initial inspection upon application and annual inspection fee</u>	<u>\$3,700, which amount may be waived or reduced by the Department of Public Health if the facility is not new or requires no construction.</u> <u>\$735</u>
<u>Cannabis Retailer, Medicinal Cannabis Retailer and Delivery-Only Cannabis Retailer</u>	<u>Initial inspection upon application and annual inspection based on the size of the premises:</u> <u>Under 5,001 sq. feet</u> <u>5,001-10,000 sq. feet</u> <u>10,001-20,000 sq. feet</u> <u>Over 20,000 sq. feet</u>	<u>\$600</u> <u>\$900</u> <u>\$1,300</u> <u>\$1,500</u>
<u>Cannabis Microbusiness</u>	<u>Plan check upon application</u> <u>Initial inspection upon application and annual inspection based on the size of the premises:</u> <u>Under 5,001 sq. feet</u> <u>5,001-10,000 sq. feet</u> <u>10,001-20,000 sq. feet</u> <u>Over 20,000 sq. feet</u>	<u>\$3,700, which amount may be waived or reduced by the Department of Public Health if the facility is not new or requires no construction.</u> <u>\$1,300</u> <u>\$2,000</u> <u>\$2,700</u> <u>\$3,400</u>
<u>All permit categories</u>	<u>Hourly rate for additional work as needed</u>	<u>\$191/hour</u>

(d) Beginning with fiscal year 2018-2019, the permit application fee, annual license fees, and inspection fees set pursuant to subsections (a)-(c) of this Section 249.20 may be adjusted each year on July 1, without further action by the Board of Supervisors. Not later than April 1 of each year, the

1 Controller shall determine whether the current fees have produced or are projected to produce
2 revenues sufficient to support the costs of application-related and licensing-related activities, and that
3 the fees will not produce revenue that is significantly more than the costs of providing such services.
4 The Controller shall, if necessary, adjust the fees upward or downward for the upcoming fiscal year as
5 appropriate to ensure that the program recovers the costs of operation without producing revenue that
6 is significantly more than such costs. The adjusted fees shall become operative on July 1.

7 (e) The Director of the Office of Cannabis shall not charge an Equity Applicant, as that
8 term is defined in Section 1604 of the Police Code, the one-time non-refundable permit
9 application fee of \$2,000 for a cannabis business permit required by subsection (a), any fees
10 for the hourly costs of processing a permit amendment for the first year of operation required
11 by subsection (a), or the license fee of \$3,000 for the first year of operation as required by
12 subsection (b).

13 (f) An Equity Applicant, as that term is defined in Section 1604 of the Police Code,
14 shall not be required to pay to the Department of Public Health any initial inspection fees
15 required by subsection (c).

16
17 Section 2. The Health Code shall be amended by revising Section 8A.5, to read as
18 follows:

19 **SEC. 8A.5. PAYMENT OF ANNUAL LICENSE FEE.**

20 (a) The license fee for a Cannabis Consumption Permit shall be paid annually on or
21 before March 31, in accordance with the provisions of Section 76.1 of the Business and Tax
22 Regulations Code.

23 (b) The annual license fee for a "Prepackaged Cannabis Products - No Preparation" Cannabis
24 Consumption Permit shall be \$800.

1 (c) The annual license fee for a “Limited Preparation of Cannabis Products” Cannabis
2 Consumption Permit shall be \$1,000.

3 (d) Beginning with fiscal year 2018-2019, the annual license fees set pursuant to this Section
4 8A.5 may be adjusted each year on July 1, without further action by the Board of Supervisors. Not
5 later than April 1 of each year, the Controller shall determine whether the current fees have produced
6 or are projected to produce revenues sufficient to support the costs of licensing-related activities, and
7 that the fees will not produce revenue that is significantly more than the costs of providing such
8 services. The Controller shall, if necessary, adjust the fees upward or downward for the upcoming
9 fiscal year as appropriate to ensure that the program recovers the costs of operation without producing
10 revenue that is significantly more than such costs. The adjusted rates shall become operative on July 1.

11 Section 3. Effective and Operative Dates.

12 (a) This ordinance shall become effective 30 days after enactment. Enactment occurs
13 when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not
14 sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the
15 Mayor’s veto of the ordinance.

16 (b) This ordinance shall become operative on its effective date or on the date that the
17 ordinance in Board File No. 171042 becomes operative, whichever is later.

18
19 Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
20 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
21 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
22 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
23 additions, and Board amendment deletions in accordance with the “Note” that appears under
24 the official title of the ordinance.

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APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By: 
JANA CLARK
Deputy City Attorney

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City and County of San Francisco
Tails
Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 171153

Date Passed: December 12, 2017

Ordinance amending the Business and Tax Regulations and Health Codes to require the Director of the Office of Cannabis to collect permit application fees of \$2,000 and annual license fees of \$5,000 for cannabis business permits; authorize the Department of Public Health to impose fees relating to the inspection of cannabis businesses; and establish annual license fees for cannabis consumption permits; and require the Director of the Office of Cannabis and the Department of Public Health to waive certain fees for Equity Applicants.

November 30, 2017 Budget and Finance Committee - AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE

November 30, 2017 Budget and Finance Committee - RECOMMENDED AS AMENDED AS A COMMITTEE REPORT

December 05, 2017 Board of Supervisors - PASSED ON FIRST READING

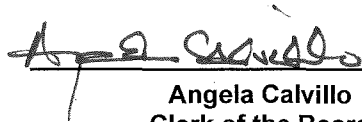
Ayes: 11 - Breed, Cohen, Farrell, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Tang and Yee

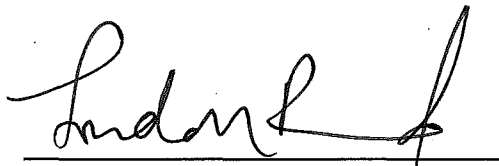
December 12, 2017 Board of Supervisors - FINALLY PASSED

Ayes: 10 - Breed, Cohen, Farrell, Kim, Peskin, Ronen, Safai, Sheehy, Tang and Yee
Excused: 1 - Fewer

File No. 171153

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 12/12/2017 by the Board of Supervisors of the City and County of San Francisco.


Angela Calvillo
Clerk of the Board


Mayor

12/22/2017
Date Approved