

1 [Police Code - Required Agreements Between Cannabis Businesses and Labor
2 Organizations]

3 **Ordinance amending the Police Code to require Applicants for Cannabis Business**
4 **Permits to enter into either a Labor Peace Agreement or a collective bargaining**
5 **agreement with a Bona Fide Labor Organization.**

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

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

14 Section 1. The Police Code is hereby amended by revising Sections 1602 and 1609,
15 to read as follows:

16 **SEC. 1602. DEFINITIONS.**

17 * * * *

18 “Bona Fide Labor Organization” means any organization or any agency or employee
19 representation committee or any local unit thereof in which employees participate, and exists for the
20 purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages,
21 hours of employment or conditions of work, which labor organization is not found to be or to have been
22 financed in whole or in part, interfered with, dominated or controlled by the employer or any employer
23 association.

24 * * * *

25 “Labor Peace Agreement” ~~has the meaning set forth in Section 26001 of the California~~
~~Business and Professions Code, as may be amended from time to time.~~ means an agreement between an
Applicant and any Bona Fide Labor Organization that, at a minimum, prohibits such Bona Fide Labor

1 Organization and members from engaging in picketing, work stoppages, boycotts, and any other
2 economic interference with the applicants' business. As part of this Agreement, an Applicant also
3 agrees not to disrupt efforts by such Bona Fide Labor Organization to communicate with, and attempt
4 to organize and represent, the Applicant's employees. The agreement shall provide such Bona Fide
5 Labor Organization access at reasonable times to areas in which the Applicants' employees work, for
6 the purpose of meeting with employees to discuss their right to representation, employment rights under
7 state law, and terms and conditions of employment. A Labor Peace Agreement shall not mandate a
8 particular method of election or certification of a Bona Fide Labor Organization as an Applicant's
9 employees' representative.

10 * * * **SEC. 1609. PERMIT APPLICATIONS.**

11 * * * *

12 (b) **Information Required of All Applicants for Cannabis Business Permits.** The
13 application form for all Cannabis Business Permit Applicants shall require the Applicant to
14 provide the following information and documentation:

15 * * * *

16 (12) For Applicants with 10 or more employees, ~~a statement that the Applicant will enter~~
17 ~~into, or demonstrate that it has already entered into, and abide by the terms of a Labor Peace~~
18 ~~Agreement; each Applicant must demonstrate~~ agree that, as a condition of any permit awarded
19 under this Article 16, the Applicant will enter into, and abide by the terms of, either of the
20 following prior to the award of such a permit:

21 (A) ~~That the Applicant has entered into, and will abide by, the terms of a A~~
22 Labor Peace Agreement; or,

23 (B) ~~That the Applicant has entered into a A collective bargaining agreement with~~
24 a Bona Fide Labor Organization.

25 * * * *

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Section 2. Effective Date. This ordinance shall become effective 30 days after enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the Mayor’s veto of the ordinance.

Section 3. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors intends to amend only those words, phrases, paragraphs, subsections, sections, articles, numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal Code that are explicitly shown in this ordinance as additions, deletions, Board amendment additions, and Board amendment deletions in accordance with the “Note” that appears under the official title of the ordinance.

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

By: _____
MATTHEW LEE
Deputy City Attorney

n:\legana\as2018\1800549\01274249.docx