

REVISED LEGISLATIVE DIGEST

(4/11/2018, Amended in Committee)

[Administrative Code - Office of Cannabis, Criminal History Information Access and Inquiries]

Ordinance amending the Administrative Code to authorize the Director of the Office of Cannabis to access summary criminal history information to perform permit, certification, and licensing duties and to permit employers to inquire about, require disclosure of, or base employment decisions on, convictions for decriminalized behavior, including the non-commercial use and cultivation of cannabis, to meet the Cannabis Business Equity Incubator Program requirements.

Existing Law

Existing law requires that the Director of the Office of Cannabis (“Director”) implement an Equity Program to foster equitable access to participation in the cannabis industry, and to provide assistance to communities unfairly burdened by the War on Drugs. As part of the Equity Program, subsection (b) of Section 1604 requires the Director to offer priority processing to individuals who qualify as Equity Applicants. An individual with a specific criminal history may qualify as an Equity Applicant. In order to determine whether individuals meet the criteria for and qualify as Equity Applicants, the Director requires access to criminal history information. State law allows a local official to access criminal history to fulfill licensing duties if authorized by the local governing body.

Existing law requires that the Equity Program offer priority permit processing to Equity Incubators. An Equity Incubator is an Applicant that does not qualify as an Equity Applicant, but that submits with its Cannabis Business Permit application a Cannabis Equity Incubator Agreement in which it commits to ensure that at least 50% of the Equity Incubator’s employees satisfy the requirements of Section 1604(b)(4). In order to determine whether employees meet the Equity Applicant criteria, Equity Incubators must inquire about, require disclosure of, or base employment decisions on, convictions for decriminalized behavior, including the non-commercial use and cultivation of cannabis.

Amendments to Current Law

This ordinance authorizes the Director to access local, state, and federal level criminal history to perform licensing and permitting duties. This ordinance also permits employers to ask about and base employment decisions on convictions for decriminalized behavior, including the non-commercial use and cultivation of cannabis, to meet the Cannabis Business Equity Incubator Program requirements, notwithstanding any City law prohibitions on such inquiries.

Background

This ordinance reflects amendments made by the Board Rules Committee on April 11, 2018 to clarify that summary criminal history information includes local, state, and federal level data and that Equity Incubator employers’ inquiries about convictions for decriminalized behavior are permitted.