

1 [Medical Cannabis Dispensary Permits.]

2

3 **Ordinance amending Sections 3304, 3005, 3307, and 3308 of the San Francisco Health**
 4 **Code and Sections 209.3, 217, 790.141 and 890.133 of the San Francisco Planning Code**
 5 **to (a) require the Director of Public Health to certify that applicants for Medical**
 6 **Cannabis Dispensary permits have not been convicted of certain felony offenses, (b)**
 7 **require the Department of Building Inspection to review and approve Dispensaries'**
 8 **security measures, including lighting and alarms, (c) authorize the Mayor's Office of**
 9 **Disability to approve equivalent to new construction accessibility requirements where**
 10 **Dispensaries demonstrate a hardship and satisfy minimum standards; and (d) extend**
 11 **the time period for Dispensaries to obtain a Medical Cannabis Dispensary permit to**
 12 **January 1, 2008.**

13 Note: Additions are *single-underline italics Times New Roman*;
 14 deletions are *strikethrough italics Times New Roman*.
 15 Board amendment additions are double underlined.
 Board amendment deletions are ~~strikethrough normal~~.

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

17 Section 1. The San Francisco Health Code is hereby amended by amending Sections
18 3304, 3305, 3307 and 3308 to read as follows:

19 **SEC. 3304. Application for Medical Cannabis Dispensary Permit.**

20 (a) Every applicant for a medical cannabis dispensary permit shall file an application
 21 with the Director upon a form provided by the Director and pay a non-refundable permit
 22 application fee of \$6691.00 to cover the costs to all City departments of investigating and
 23 processing the application and any applicable surcharges, exclusive of filing fees for appeals
 24 before the Board of Appeals. Beginning with fiscal year 2006-2007, the application fee may be
 25 adjusted each year, without further action by the Board of Supervisors, to reflect changes in

1 the relevant Consumer Price Index, as determined by the Controller. No later than April 15th
2 of each year, the Health Department shall, in collaboration with the Tax Collector's Office,
3 submit the application fee to the Controller, who shall apply the price index adjustment to
4 produce a new application fee for the following year. No later than May 15th of each year, the
5 Controller shall file a report with the Board of Supervisors reporting the new application fee
6 and certifying that: (a) the application fee produces sufficient revenue to support the costs of
7 providing the services for which the annual fee is being charged and (b) the application fee
8 does not produce revenue that exceeds the costs of providing the services for which the
9 application fee is charged. Notwithstanding the procedures set forth in this Section, the Board
10 of Supervisors, in its discretion, may modify the application fee by ordinance at any time.

11 (b) The permit application form shall provide clear notice to applicants that the
12 California Fire Code includes a requirement, among others that may apply, that an
13 establishment obtain a place of assembly permit if it will accommodate 50 or more persons
14 based on its square footage.

15 (c) The applicant for a medical cannabis dispensary permit shall set forth, under
16 penalty of perjury, following on the permit application:

17 (1) The proposed location of the medical cannabis dispensary;

18 (2) The name and residence address of each person applying for the permit and any
19 other person who will be engaged in the management of the medical cannabis dispensary;

20 (3) A unique identifying number from at least one government-issued form of
21 identification, such as a social security card, a state driver's license or identification card, or a
22 passport for of each person applying for the permit and any other person who will be engaged
23 in the management of the medical cannabis dispensary;

24

25

1 (4) Written evidence that each person applying for the permit and any other person
2 who will be engaged in the management of the medical cannabis dispensary is at least 18
3 years of age;

4 (5) All felony convictions of each person applying for the permit and any other person
5 who will be engaged in the management of the medical cannabis dispensary;

6 (6) Whether cultivation of medical cannabis shall occur on the premises of the medical
7 cannabis dispensary;

8 (7) Whether smoking of medical cannabis shall occur on the premises of the medical
9 cannabis dispensary;

10 (8) Whether food will be prepared, dispensed or sold on the premises of the medical
11 cannabis dispensary; and

12 (9) Proposed security measures for the medical cannabis dispensary, including
13 lighting and alarms, to ensure the safety of persons and to protect the premises from theft.

14 (e) If the applicant is a corporation, the applicant shall set forth the name of the
15 corporation exactly as shown in its articles of incorporation, and the names and residence
16 addresses of each of the officers, directors and each stockholder owning more than 10
17 percent of the stock of the corporation. If the applicant is a partnership, the application shall
18 set forth the name and residence address of each of the partners, including limited partners. If
19 one or more of the partners is a corporation, the provisions of this Section pertaining to a
20 corporation apply.

21 (f) The Director is hereby authorized to require in the permit application any other
22 information including, but not limited to, any information necessary to discover the truth of the
23 matters set forth in the application.

24

25

1 ~~(g) Each person applying for the permit and any other person who will be engaged in the~~
2 ~~management of the medical cannabis dispensary shall submit with the permit application a signed~~
3 ~~waiver authorizing the San Francisco Police Department to perform a thorough and complete criminal~~
4 ~~background check. The waiver shall state that it does not authorize the San Francisco Police~~
5 ~~Department to disclose the results of the criminal background check to any department, agency or~~
6 ~~entity not affiliated with the City and County of San Francisco. The Department of Public Health shall~~
7 ~~make reasonable efforts to arrange with the Department of Justice and with DOJ-certified~~
8 ~~fingerprinting agencies for fingerprinting services and criminal background checks for the purposes of~~
9 ~~verifying the information provided under Section 3304 (c)(5) and certifying the listed individuals as~~
10 ~~required by Section 3307(c)(4). The applicant or each person listed in Section 3304(c)(5) shall assume~~
11 ~~the cost of fingerprinting and background checks, and shall execute all forms and releases required by~~
12 ~~the DOJ and the DOJ-certified fingerprinting agency.~~

13 **SEC. 3305. Referral to Other Departments.**

14 (a) Upon receiving a completed medical cannabis dispensary permit application and
15 permit application fee, the Director shall immediately refer the permit application to the City's
16 Planning Department, Department of Building Inspection, ~~Police Department~~ and Fire
17 Department.

18 (b) Said departments shall inspect the premises proposed to be operated as a
19 medical cannabis dispensary and confirm the information provided in the application and shall
20 make separate written recommendations to the Director concerning compliance with the
21 codes that they administer. ~~Specifically, the Police Department shall perform a thorough and~~
22 ~~complete criminal background check on each person applying for the permit and any other person who~~
23 ~~will be engaged in the management of the medical cannabis dispensary. Departments' written approval,~~
24 ~~rejection and/or recommendations regarding the permit shall be delivered to the Director. If the any~~
25

1 ~~department rejects the permit, it shall inform the Director of the reasons for the rejection and the~~
2 ~~measures the permit applicant can take to cure the rejection. The Director shall inform the permit~~
3 ~~applicant that the application is denied based on rejection by a department, the reasons for the~~
4 ~~departmental rejection, measures the permit applicant can take to cure the departmental rejection, and~~
5 ~~that the denial is appealable pursuant to Section 3317 of this Article.~~

6 **SEC. 3307. Issuance of Medical Cannabis Dispensary Permit.**

7 (a) Within 14 days following a hearing, the Director shall either issue a provisional
8 permit or mail a written statement of his or her reasons for denial thereof to the applicant.

9 (b) In recommending the granting or denying of a provisional permit and in granting or
10 denying the same, the Director shall give particular consideration to the capacity,
11 capitalization, complaint history of the applicant and any other factors that in their discretion
12 he or she deems necessary to the peace and order and welfare of the public. In addition, prior
13 to granting a provisional permit, the Director shall review criminal history information provided by the
14 Department of Justice for the purpose of certifying that each person applying for the permit and any
15 other person who will be engaged in the management of the medical cannabis dispensary has not been
16 convicted of a violent felony within the State of California, as defined in Penal Code section 667.5(c),
17 or a crime that would have constituted a violent felony as defined in Penal Code section 667.5(c) if
18 committed within the State of California. However, the Director may certify and issue a medical
19 cannabis dispensary provisional permit to any individual convicted of such a crime if the Director finds
20 that the conviction occurred at least five years prior to the date of the permit application or more than
21 three years have passed from the date of the termination of a penalty for such conviction to the date of
22 the permit application and, that no subsequent felony convictions of any nature have occurred.

23 (c) No medical cannabis dispensary provisional permit shall be issued if the Director
24 finds:

25

- 1 (1) That the applicant has provided materially false documents or testimony; or
- 2 (2) That the applicant has not complied fully with the provisions of this Article; or
- 3 (3) That the operation as proposed by the applicant, if permitted, would not have
- 4 complied will all applicable laws, including, but not limited to, the Building, Planning, Housing,
- 5 Police, Fire, and Health Codes of the City, including the provisions of this Article and
- 6 regulations issued by the Director pursuant to this Article; or
- 7 (4) That the permit applicant or any other person who will be engaged in the
- 8 management of the medical cannabis dispensary has been convicted of a violent felony within
- 9 the State of California, as defined in Penal Code section 667.5(c), or a crime that would have
- 10 constituted a violent felony as defined in Penal Code section 667.5(c) if committed within the State
- 11 off of California. However, the Director may issue a medical cannabis dispensary provisional
- 12 permit to any individual convicted of such a crime if the Director finds that the conviction
- 13 occurred at least five years prior to the date of the permit application or more than three years
- 14 have passed from the date of the termination of a penalty for such conviction to the date of the
- 15 permit application and, that no subsequent felony convictions of any nature have occurred; or
- 16 (5) That a permit for the operation of a medical cannabis dispensary, which permit
- 17 had been issued to the applicant or to any other person who will be engaged in the
- 18 management of the medical cannabis dispensary, has been revoked, unless more than five
- 19 years have passed from the date of the revocation to the date of the application; or
- 20 (6) That the City has revoked a permit for the operation of a business in the City which
- 21 permit had been issued to the applicant or to any other person who will be engaged in the
- 22 management of the medical cannabis dispensary unless more than five years have passed
- 23 from the date of the application to the date of the revocation.
- 24
- 25

1 (d) ~~Applicants with provisional permits shall secure a Certificate of Final Completion and~~
2 ~~Occupancy as defined in San Francisco Building Code Section 307 and present it to the Director. After~~
3 ~~the applicant has secured a Certificate of Final Completion and Occupancy, the Police Department~~
4 ~~The Department of Building Inspection shall review the security measures for the provisionally~~
5 ~~permitted medical cannabis dispensary, including lighting and alarms, to ensure evaluate whether~~
6 ~~the Dispensary has taken steps reasonably designed to facilitate the safety of persons and to the~~
7 ~~protection of the premises from theft. The Police Department Department of Building Inspection~~
8 shall deliver to the Director its written approval or rejection of the security measures for the
9 medical cannabis dispensary. If the ~~Police Department~~ Department of Building Inspection rejects
10 the security measures, it shall inform the Director of the reasons for the rejection and the
11 measures the permit applicant can take to cure the rejection. The Director shall inform the
12 permit applicant that the application is denied based on rejection by a department, the
13 reasons for the departmental rejection, measures the permit applicant can take to cure the
14 departmental rejection, and that the denial is appealable pursuant to Section 3317 of this
15 Article. Applicants with provisional permits also shall secure a Certificate of Final Completion and
16 Occupancy as defined in San Francisco Building Code Section 307 and present it to the Director. If
17 the ~~Police Department~~ Department of Building Inspection approves the security measures for the
18 medical cannabis dispensary, and an applicant with a provisional permit has presented a
19 Certificate of Final Completion and Occupancy to the Director, the Director shall issue the
20 applicant a final permit.

21 (e) The Director shall notify the Police Department of all approved permit applications.

22 (f) The final permit shall contain the following language: "Issuance of this permit by
23 the City and County of San Francisco is not intended to and does not authorize the violation of
24 State or Federal law."
25

1 **SEC. 3308. Operating Requirements for Medical Cannabis Dispensary.**

2 (a) Medical cannabis dispensaries shall meet all the operating criteria for the
3 dispensing of medical cannabis as is required pursuant to California Health and Safety Code
4 Section 11362.7 et seq., by this Article, and by the Director's administrative regulations for the
5 permitting and operation of medical cannabis dispensaries.

6 (b) Medical cannabis dispensaries shall be operated only as collectives or
7 cooperatives in accordance with California Health and Safety Code Section ~~11326.7~~ 11362.7 et
8 seq. All patients or caregivers served by a medical cannabis dispensary shall be members of
9 that medical cannabis dispensary's collective or cooperative.

10 (c) The medical cannabis dispensary shall receive only compensation for actual
11 expenses, including reasonable compensation incurred for services provided to qualified
12 patients or primary caregivers to enable that person to use or transport cannabis pursuant to
13 California Health and Safety Code Section 11362.7 et seq., or for payment for out-of-pocket
14 expenses incurred in providing those services, or both. Sale of medical cannabis for
15 excessive profits is explicitly prohibited. Once a year, commencing in January~~2007~~ 2008, each
16 medical cannabis dispensary shall provide to the Department a written statement by the
17 dispensary's permittee made under penalty of perjury attesting to the dispensary's compliance
18 with this paragraph.

19 (d) Medical cannabis dispensaries shall sell or distribute only cannabis manufactured
20 and processed in the State of California that has not left the State before arriving at the
21 medical cannabis dispensary.

22 (e) It is unlawful for any person or association operating a medical cannabis
23 dispensary under the provisions of this Article to permit any breach of peace therein or any
24 disturbance of public order or decorum by any tumultuous, riotous or disorderly conduct, or
25

1 otherwise, or to permit such dispensary to remain open, or patrons to remain upon the
2 premises, between the hours of 10 p.m. and 8 a.m. the next day. However, the Department
3 shall issue permits to two medical cannabis dispensaries permitting them to remain open 24
4 hours per day. These medical cannabis dispensaries shall be located in order to provide
5 services to the population most in need of 24 hour access to medical cannabis. These
6 medical cannabis dispensaries shall be located at least one mile from each other and shall be
7 accessible by late night public transportation services. However, in no event shall a medical
8 cannabis dispensary located in a Small-Scale Neighborhood Commercial District, a Moderate
9 Scale Neighborhood Commercial District, or a Neighborhood Commercial Shopping Center
10 District as defined in Sections 711, 712 and 713 of the Planning Code, be one of the two
11 medical cannabis dispensaries permitted to remain open 24 hours per day.

12 (f) Medical cannabis dispensaries may not dispense more than one ounce of dried
13 cannabis per qualified patient to a qualified patient or primary caregiver per visit to the medical
14 cannabis dispensary. Medical cannabis dispensaries may not maintain more than ninety-nine
15 (99) cannabis plants in up to 100 square feet of total garden canopy measured by the
16 combined vegetative growth area. Medical cannabis dispensaries shall use medical cannabis
17 identification card numbers to ensure compliance with this provision. If a qualified patient or a
18 primary caregiver has a doctor's recommendation that this quantity does not meet the
19 qualified patient's medical needs, the qualified patient or the primary caregiver may possess
20 and the medical cannabis dispensary may dispense an amount of dried cannabis and
21 maintain a number cannabis plants consistent with those needs. Only the dried mature
22 processed flowers of female cannabis plant or the plant conversion shall be considered when
23 determining allowable quantities of cannabis under this Section.

24
25

1 (g) No medical cannabis shall be smoked, ingested or otherwise consumed in the
2 public right-of-way within fifty (50) feet of a medical cannabis dispensary. Any person violating
3 this provision shall be deemed guilty of an infraction and upon the conviction thereof shall be
4 punished by a fine of \$100. Medical cannabis dispensaries shall post a sign near their
5 entrances and exits providing notice of this policy.

6 (h) Any cultivation of medical cannabis on the premises of a medical cannabis
7 dispensary must be conducted indoors.

8 (i) All sales and dispensing of medical cannabis shall be conducted on the premises
9 of the medical cannabis dispensary. However, delivery of cannabis to qualified patients with
10 valid identification cards and primary caregivers with a valid identification card outside the
11 premises of the medical cannabis dispensary is permitted if the person delivering the
12 cannabis is a qualified patient with a valid identification card or a primary caregiver with a valid
13 identification card who is a member of the medical cannabis dispensary.

14 (j) The medical cannabis dispensary shall not hold or maintain a license from the
15 State Department of Alcohol Beverage Control to sell alcoholic beverages, or operate a
16 business that sells alcoholic beverages. Nor shall alcoholic beverages be consumed on the
17 premises or on in the public right-of-way within fifty feet of a medical cannabis dispensary.

18 (k) In order to protect confidentiality, the medical cannabis dispensary shall maintain
19 records of all qualified patients with a valid identification card and primary caregivers with a
20 valid identification card using only the identification card number issued by the State or City
21 pursuant to California Health and Safety Code Section 11362.7 et seq. and City Health Code
22 Article 28.

23
24
25

1 (l) The medical cannabis dispensary shall provide litter removal services twice each
2 day of operation on and in front of the premises and, if necessary, on public sidewalks within
3 hundred (100) feet of the premises.

4 (m) The medical cannabis dispensary shall provide adequate security on the
5 premises, including lighting and alarms reasonably designed to insure ensure the safety of
6 persons and to protect the premises from theft. The medical cannabis dispensary shall maintain
7 the security measures approved by the Department of Building Inspection.

8 (n) Signage for the medical cannabis dispensary shall be limited to one wall sign not
9 to exceed ten square feet in area, and one identifying sign not to exceed two square feet in
10 area; such signs shall not be directly illuminated. Any wall sign, or the identifying sign if the
11 medical cannabis dispensary has no exterior wall sign, shall include the following language:
12 "Only individuals with legally recognized Medical Cannabis Identification Cards may obtain
13 cannabis from medical cannabis dispensaries." The required text shall be a minimum of 2
14 inches in height. This requirement shall remain in effect so long as the system for distributing
15 or assigning medical cannabis identification cards preserves the anonymity of the qualified
16 patient or primary caregiver.

17 (o) All print and electronic advertisements for medical cannabis dispensaries,
18 including but not limited to flyers, general advertising signs, and newspaper and magazine
19 advertisements, shall include the following language: "Only individuals with legally recognized
20 Medical Cannabis Identification Cards may obtain cannabis from medical cannabis
21 dispensaries." The required text shall be a minimum of 2 inches in height except in the case of
22 general advertising signs where it shall be a minimum of 6 inches in height. Oral
23 advertisements for medical cannabis dispensaries, including but not limited to radio and
24 television advertisements shall include the same language. This requirement shall remain in
25

1 effect so long as the system for distributing or assigning medical cannabis identification cards
2 preserves the anonymity of the qualified patient or primary carver.

3 (p) The medical cannabis dispensary shall provide the Director, ~~the Chief of Police~~ and
4 all neighbors located within fifty (50) feet of the establishment with the name phone number
5 and facsimile number of an on-site community relations staff person to whom one can provide
6 notice if there are operating problems associated with the establishment. The medical
7 cannabis dispensary shall make every good faith effort to encourage neighbors to call this
8 person to try to solve operating problems, if any, before any calls or complaints are made to
9 the Police Department or other City officials.

10 (q) Medical cannabis dispensaries may sell or distribute cannabis only to members of
11 the medical cannabis dispensary's' collective or cooperative.

12 (r) Medical cannabis dispensaries may sell or distribute cannabis only to those
13 members with a medical cannabis identification card. This requirement shall remain in effect
14 so long as the system for distributing or assigning medical cannabis identification cards
15 preserves the anonymity of the qualified patient or primary caregiver.

16 (s) It shall be unlawful for any medical cannabis dispensary to employ any person who
17 is not at least 18 years of age.

18 (t) It shall be unlawful for any medical cannabis dispensary to allow any person who is
19 not at least 18 years of age on the premises during hours of operation unless that person is a
20 qualified patient with a valid identification card or primary caregiver with a valid identification
21 card.

22 (u) Medical cannabis dispensaries that display or sell drug paraphernalia must do so
23 in compliance with California Health and Safety Code §§ 11364.5 and 11364.7.

24
25

1 (v) Medical cannabis dispensaries shall maintain all scales and weighing mechanisms
2 on the premises in good working order. Scales and weighing mechanisms used by medical
3 cannabis dispensaries are subject to inspection and certification by the Director.

4 (w) Medical cannabis dispensaries that prepare, dispense or sell food must comply
5 with and are subject to the provisions of all relevant State and local laws regarding the
6 preparation, distribution and sale of food.

7 (x) The medical cannabis dispensary shall meet any specific, additional operating
8 procedures and measures as may be imposed as conditions of approval by the Director in
9 order to insure that the operation of the medical cannabis dispensary is consistent with the
10 protection of the health, safety and welfare of the community, qualified patients and primary
11 caregivers, and will not adversely affect surrounding uses.

12 (y) Medical cannabis dispensaries shall be ~~wheelchair~~ accessible as required for new
13 construction under Chapter 11B of the ~~California San Francisco~~ Building Code ~~as contained~~
14 ~~within Title 24 of the California Code of Regulations~~. Notwithstanding the foregoing, if a medical
15 cannabis dispensary can show that it will not be able to meet the standard for new construction due to
16 the physical constraints of its location and/or building, a hardship exception may be granted by the
17 Mayor's Office of Disability.

18 (1) A medical cannabis dispensary requesting a hardship exception shall submit a hardship
19 exception request detailing each item that does not meet the new construction standard and propose an
20 equivalency for each item.

21 (2) The Mayor's Office of Disability shall review the hardship exception request and the
22 medical cannabis dispensary's proposed construction drawings and grant or deny the hardship
23 exception.

24 (3) In order to receive a hardship exception, the medical cannabis dispensary shall provide:
25

- 1 (A) an accessible entrance;
- 2 (B) accessible service areas, including an accessible reception counter and access aisle to
3 the employee workspace behind; and,
- 4 (C) an accessible bathroom, with a toilet and sink, if a bathroom is provided.
- 5 (4) A “limited use/limited access” (LULA) elevator that complies with ASME A17.1 Part
6 XXV or an Article 15 elevator may be used on any accessible path of travel, but vertical or inclined
7 platform lifts may not.
- 8 (5) If a hardship exception is granted, the Department of Building Inspection shall inspect
9 the medical cannabis dispensary according to plans incorporating the hardship exception approved by
10 the Mayor's Office of Disability.

11 Section 2. The San Francisco Planning Code is hereby amended by amending
12 Sections 209.3, 217, 790.141 and 890.133 to read as follows:

13 **SEC. 209.3. INSTITUTIONS.**

14 (a) Hospital, medical center or other medical institution which includes facilities for
15 inpatient care and may also include medical offices, clinics, laboratories, and employee or
16 student dormitories and other housing, operated by and affiliated with the institution, which
17 institution has met the applicable provisions of Section 304.5 of this Code concerning
18 institutional master plans.

19 (b) Residential care facility providing lodging, board and care for a period of 24 hours
20 or more to six or fewer persons in need of specialized aid by personnel licensed by the State
21 of California. Such facility shall display nothing on or near the facility which gives an outward
22 indication of the nature of the occupancy except for a sign as permitted by Article 6 of this
23 Code, shall not provide outpatient services and shall be located in a structure which remains
24 residential in character. Such facilities shall include but not necessarily be limited to a board
25

1 and care home, family care home, long-term nursery, orphanage, rest home or home for the
2 treatment of addictive, contagious or other diseases or psychological disorders.

3 (c) Residential care facility meeting all applicable requirements of Subsection 209.3(b)
4 above but providing lodging, board and care as specified therein to seven or more persons.

5 (d) Social service or philanthropic facility providing assistance of a charitable or public
6 service nature and not of a profitmaking or commercial nature. (With respect to RC Districts,
7 see also Section 209.9(d).)

8 (e) Child-care facility providing less than 24-hour care for 12 or fewer children by
9 licensed personnel and meeting the open-space and other requirements of the State of
10 California and other authorities.

11 (f) Child-care facility providing less than 24-hour care for 13 or more children by
12 licensed personnel and meeting the open-space and other requirements of the State of
13 California and other authorities. (With respect to RC Districts, see also Section 209.9(d).)

14 (g) Elementary school, either public or private. Such institution may include employee
15 or student dormitories and other housing operated by and affiliated with the institution. (With
16 respect to RC Districts, see also Section 209.9(d).)

17 (h) Secondary school, either public or private, other than a school having industrial
18 arts as its primary course of study. Such institution may include employee or student
19 dormitories and other housing operated by and affiliated with the institution. (With respect to
20 RC Districts, see also Section 209.9(d).)

21 (i) Post secondary educational institution for the purposes of academic, professional,
22 business or fine arts education, which institution has met the applicable provisions of Section
23 304.5 of this Code concerning institutional master plans. Such institution may include
24
25

1 employee or student dormitories and other housing operated by and affiliated with the
2 institution. Such institution shall not have industrial arts as its primary course of study.

3 (j) Church or other religious institution which has a tax-exempt status as a religious
4 institution granted by the United States Government, and which institution is used primarily for
5 collective worship or ritual or observance of common religious beliefs. Such institution may
6 include, on the same lot, the housing of persons who engage in supportive activity for the
7 institution. (With respect to RC Districts, see also Section 209.9(d).)

8 (k) Medical cannabis dispensary as defined by Section 3301(f) of the San Francisco
9 Health Code provided that: (a) the medical cannabis dispensary has applied for a permit from
10 the Department of Public Health pursuant to Section 3304 of the San Francisco Health Code;
11 (b) if medical cannabis is smoked on the premises, the parcel containing the medical cannabis
12 dispensary is located not less than 1,000 feet from the parcel containing the grounds of an
13 elementary or secondary school, public or private, or a recreation building as defined in
14 Section 209.4(a) of this Code that primarily serves persons under 18 years of age, unless not
15 required by State law, and, regardless of whether medical cannabis is smoked on the
16 premises, if the dispensary was not in operation as of April 1, 2005, as defined in Subsection
17 (i), it is located not less than 1,000 feet from the parcel containing the grounds of an
18 elementary or secondary school, public or private, or a recreation building as defined in
19 Section 209.4(a) of this Code that primarily serves person under 18 years of age; (c) if
20 medical cannabis is smoked on the premises the dispensary shall provide adequate
21 ventilation within the structure such that doors and/or windows are not left open for such
22 purposes resulting in odor emission from the premises; (d) regardless of whether medical
23 cannabis is smoked on the premises the parcel containing the medical cannabis dispensary is
24 not located on the same parcel as a facility providing substance abuse services that is
25

1 licensed or certified by the State of California or funded by the Department of Public Health;
2 (e) no alcohol is sold or distributed on the premises for on or off-site consumption; (f) upon
3 acceptance of a complete application for a building permit for a medical cannabis dispensary
4 the Planning Department shall cause a notice to be posted on the proposed site and shall
5 cause written notice to be sent via U.S. Mail to all owners and occupants of properties within
6 300 feet of the subject lot in the same Assessor's Block and on the block face across from the
7 subject lot as well as to all individuals or groups that have made a written request for
8 notification regarding specific medical cannabis dispensaries; (g) all building permit
9 applications shall be held for a period of 30 calendar days from the date of the mailed notice
10 to allow review by residents, occupants, owners of neighborhood properties and
11 neighborhood groups; (h) after this 30-day period, the Planning Commission shall schedule a
12 hearing to consider whether to exercise its discretionary review powers over the building
13 permit application for a medical cannabis dispensary. The scheduling and the mailed notice
14 for this hearing shall be processed in accordance with Section 312(e) of this Code; (i) Medical
15 cannabis dispensaries that can demonstrate to the Planning Department, based on any
16 criteria it may develop, *that* they were in operation as of April 1, 2005 and have remained in
17 continuous operation since then, *have 18 months from the effective date of this legislation to and*
18 *that they have filed an application for a medical cannabis dispensary permit as provided in San*
19 *Francisco Health Code section 3304 on or before the effective date of this ordinance, must* obtain a
20 *final permit on or before January 1, 2008, or must cease operations at the end of that 18-month*
21 *period on January 1, 2008, or upon denial of a permit application if it occurs before the end of that*
22 *18-month period-January 1, 2008.* Medical cannabis dispensaries that were in operation as of
23 April 1, 2005, and were not in continuous operation since then, but can demonstrate to the
24 Planning Department, based on any criteria it may develop, that the reason for their lack of
25

1 continuous operation was not closure due to an actual violation of federal, state or local law,
2 also ~~have 18 months from the effective date of this legislation to~~ must obtain a permit on or before
3 January 1, 2008, or must cease operations ~~at the end of that 18 month period,~~ on January 1, 2008,
4 or upon denial of a permit application if it occurs before ~~the end of that 18 month period-~~January
5 1, 2008. Notwithstanding the foregoing, in no case shall a dispensary that had or has a
6 suspended or revoked permit be considered to be in continuous operation. Any dispensary
7 that began operation after April 1, 2005, and any dispensary that failed to file a permit application
8 as provided in San Francisco Health Code section 3304 on or before the effective date of this
9 ordinance, must immediately cease operations; (j) any permit issued for a medical cannabis
10 dispensary shall contain the following statement in bold-face type: "Issuance of this permit by
11 the City and County of San Francisco is not intended to and does not authorize the violation of
12 State or Federal law." For purposes of this Section and Sections 217, 790.141, and 890.133,
13 the terms "primarily serves" shall mean regular, continuing, and verifiable programs for
14 persons under 18 years of age.

15 **SEC. 217. INSTITUTIONS.**

16 (a) Hospital, medical center or other medical institution which includes facilities for
17 inpatient care and may also include medical offices, clinics, laboratories, and employee or
18 student dormitories and other housing, operated by and affiliated with the institution, which
19 institution has met the applicable provisions of Section 304.5 of this Code concerning
20 institutional master plans.

21 (b) Residential care facility providing lodging, board and care for a period of 24 hours
22 or more to persons in need of specialized aid by personnel licensed by the State of California.
23 Such facilities shall include but not necessarily be limited to a board and care home, family
24
25

1 care home, long-term nursery, orphanage, rest home or home for the treatment of addictive,
2 contagious or other diseases or psychological disorders.

3 (c) Clinic primarily providing outpatient care in medical, psychiatric or other healing
4 arts and not a part of a medical institution as specified in Subsection 217(a) above.

5 (d) Social service or philanthropic facility providing assistance of a charitable or public
6 service nature.

7 (e) Child-care facility providing less than 24-hour care for children by licensed
8 personnel and meeting the open-space and other requirements of the State of California and
9 other authorities.

10 (f) Elementary school, either public or private. Such institution may include employee
11 or student dormitories and other housing operated by and affiliated with the institution.

12 (g) Secondary school, either public or private, other than a school having industrial
13 arts as its primary course of study. Such institution may include employee or student
14 dormitories and other housing operated by and affiliated with the institution.

15 (h) Postsecondary educational institution for the purposes of academic, professional,
16 business or fine-arts education, which institution has met the applicable provisions of Section
17 304.5 of this Code concerning institutional master plans. Such institution may include
18 employee or student dormitories and other housing operated by and affiliated with the
19 institution. Such institution shall not have industrial arts as its primary course of study.

20 (i) Secondary or postsecondary educational institution, other than as specified in
21 Subsection 217(g) and (h) above.

22 (j) Church or other religious institution. Such institution may include, on the same lot,
23 the housing of persons who engage in supportive activity for the institution.

24

25

1 (k) Medical cannabis dispensary as defined by Section 3301(f) of the San Francisco
2 Health Code provided that: (a) the medical cannabis dispensary has applied for a permit from
3 the Department of Public Health pursuant to Section 3304 of the San Francisco Health Code;
4 (b) if medical cannabis is smoked on the premises, the parcel containing the medical cannabis
5 dispensary is located not less than 1,000 feet from the parcel containing the grounds of an
6 elementary or secondary school, public or private, or a community clubhouse that primarily
7 serves persons under 18 years of age, or neighborhood center as defined in Section 221(e) of
8 this Code that primarily serves persons under 18 years of age, unless not required by State
9 law, and, regardless of whether medical cannabis is smoked on the premises, if the
10 dispensary was not in operation as of April 1, 2005, as defined in Subsection (i), it is located
11 not less than 1,000 feet from the parcel containing the grounds of an elementary or secondary
12 school, public or private, or a community clubhouse that primarily serves persons under 18
13 years of age, or a neighborhood center as defined in Section 221(e) of this Code that primarily
14 serves persons under 18 years of age; (c) if medical cannabis is smoked on the premises the
15 dispensary shall provide adequate ventilation within the structure such that doors and/or
16 windows are not left open for such purposes resulting in odor emission from the premises; (d)
17 regardless of whether medical cannabis is smoked on the premises the parcel containing the
18 medical cannabis dispensary is not located on the same parcel as a facility providing
19 substance abuse services that is licensed or certified by the State of California or funded by
20 the Department of Public Health; (e) no alcohol is sold or distributed on the premises for on or
21 off-site consumption; (f) upon acceptance of a complete application for a building permit for a
22 medical cannabis dispensary the Planning Department shall cause a notice to be posted on
23 the proposed site and shall cause written notice to be sent via U.S. Mail to all owners and
24 occupants of properties within 300 feet of the subject lot in the same Assessor's Block and on
25

1 the block face across from the subject lot as well as to all individuals or groups that have
2 made a written request for notification regarding specific medical cannabis dispensaries; (g)
3 all building permit applications shall be held for a period of 30 calendar days from the date of
4 the mailed notice to allow review by residents, occupants, owners of neighborhood properties
5 and neighborhood groups; (h) after this 30-day period, the Planning Commission shall
6 schedule a hearing to consider whether to exercise its discretionary review powers over the
7 building permit application for a medical cannabis dispensary. The scheduling and the mailed
8 notice for this hearing shall be processed in accordance with Section 312(e) of this Code; (i)
9 Medical cannabis dispensaries that can demonstrate to the Planning Department, based on
10 any criteria it may develop, *that* they were in operation as of April 1, 2005 and have remained
11 in continuous operation since then, ~~have 18 months from the effective date of this legislation to~~ and
12 that they have filed an application for a medical cannabis dispensary permit as provided in San
13 Francisco Health Code section 3304 on or before the effective date of this ordinance, must obtain a
14 final permit on or before January 1, 2008, or must cease operations ~~at the end of that 18-month~~
15 ~~period on January 1, 2008,~~ or upon denial of a permit application if it occurs before ~~the end of that~~
16 ~~18-month period-January 1, 2008.~~ Medical cannabis dispensaries that were in operation as of
17 April 1,2005, and were not in continuous operation since then, but can demonstrate to the
18 Planning Department, based on any criteria it may develop, that the reason for their lack of
19 continuous operation was not closure due to an actual violation of federal, state or local law,
20 also ~~have 18 months from the effective date of this legislation to~~ must obtain a permit on or before
21 January 1, 2008, or must cease operations ~~at the end of that 18-month period,~~ on January 1, 2008,
22 or upon denial of a permit application if it occurs before ~~the end of that 18-month period-January~~
23 1, 2008. Notwithstanding the foregoing, in no case shall a dispensary that had or has a
24 suspended or revoked permit be considered to be in continuous operation. Any dispensary
25

1 that began operation after April 1, 2005, and any dispensary that failed to file a permit application
2 as provided in San Francisco Health Code section 3304 on or before the effective date of this
3 ordinance, must immediately cease operations; (j) any permit issued for a medical cannabis
4 dispensary shall contain the following statement in bold-face type: "Issuance of this permit by
5 the City and County of San Francisco is not intended to and does not authorize the violation of
6 State or Federal law.

7 **SEC. 790.141. MEDICAL CANNABIS DISPENSARY.**

8 A medical cannabis dispensary shall be as defined by Section 3301(f) of the San
9 Francisco Health Code provided that:

10 (a) the medical cannabis dispensary has applied for a permit from the Department of
11 Public Health pursuant to Section 3304 of the San Francisco Health Code;

12 (b) if medical cannabis is smoked on the premises, the parcel containing the medical
13 cannabis dispensary is located not less than 1,000 feet from the parcel containing the grounds
14 of an elementary or secondary school, public or private, or a community facility that primarily
15 serves persons under 18 years of age, or a recreation building as defined in Section 790.50(a)
16 of this Code that primarily serves persons under 18 years of age, unless not required by State
17 law, and, regardless of whether medical cannabis is smoked on the premises, if the
18 dispensary was not in operation as of April 1, 2005, as defined in Subsection (i), it is located
19 not less than 1000 feet from the parcel containing the grounds of an elementary or secondary
20 school, public or private, or a community facility that primarily serves persons under 18 years
21 of age or a recreation building as defined in Section 790.50(f) of this Code that primarily
22 serves persons under 18 years of age;

23
24
25

1 (c) if medical cannabis is smoked on the premises the dispensary shall provide
2 adequate ventilation within the structure such that doors and/or windows are not left open for
3 such purposes resulting in odor emission from the premises;

4 (d) regardless of whether medical cannabis is smoked on the premises the parcel
5 containing the medical cannabis dispensary is not located on the same parcel as a facility
6 providing substance abuse services that is licensed or certified by the State of California or
7 funded by the Department of Public Health;

8 (e) no alcohol is sold or distributed on the premises for on or off-site consumption;

9 (f) upon acceptance of a complete application for a building permit for a medical
10 cannabis dispensary the Planning Department shall cause a notice to be posted on the
11 proposed site and shall cause written notice to be sent via U.S. Mail to all owners and
12 occupants of properties within 300 feet of the subject lot in the same Assessor's Block and on
13 the block face across from the subject lot as well as to all individuals or groups that have
14 made a written request for notification regarding specific properties, areas or medical
15 cannabis dispensaries;

16 (g) all building permit applications shall be held for a period of 30 calendar days from
17 the date of the mailed notice to allow review by residents, occupants, owners of neighborhood
18 properties and neighborhood groups;

19 (h) after this 30-day period, the Planning Commission shall schedule a hearing to
20 consider whether to exercise its discretionary review powers over the building permit
21 application for a medical cannabis dispensary. The scheduling and the mailed notice for this
22 hearing shall be processed in accordance with Section 312(e) of this Code;

23 (i) Medical cannabis dispensaries that can demonstrate to the Planning Department,
24 based on any criteria it may develop, *that* they were in operation as of April 1, 2005 and have
25

1 remained in continuous operation since then, ~~have 18 months from the effective date of this~~
2 ~~legislation to~~ and that they have filed an application for a medical cannabis dispensary permit as
3 provided in San Francisco Health Code section 3304 on or before the effective date of this ordinance,
4 must obtain a final permit on or before January 1, 2008, or must cease operations ~~at the end of that~~
5 ~~18-month period on January 1, 2008,~~ or upon denial of a permit application if it occurs before ~~the~~
6 ~~end of that 18-month period-January 1, 2008.~~ Medical cannabis dispensaries that were in
7 operation as of April 1, 2005, and were not in continuous operation since then, but can
8 demonstrate to the Planning Department, based on any criteria it may develop, that the
9 reason for their lack of continuous operation was not closure due to an actual violation of
10 federal, state or local law, also ~~have 18 months from the effective date of this legislation to~~ must
11 obtain a permit on or before January 1, 2008, or must cease operations ~~at the end of that 18-month~~
12 ~~period, on January 1, 2008,~~ or upon denial of a permit application if it occurs before ~~the end of~~
13 ~~that 18-month period-January 1, 2008.~~ Notwithstanding the foregoing, in no case shall a
14 dispensary that had or has a suspended or revoked permit be considered to be in continuous
15 operation. Any dispensary that began operation after April 1, 2005, and any dispensary that
16 failed to file a permit application as provided in San Francisco Health Code section 3304 on or before
17 the effective date of this ordinance, must immediately cease operations;

18 (j) any permit issued for a medical cannabis dispensary shall contain the following
19 statement in boldface type: "Issuance of this permit by the City and County of San Francisco
20 is not intended to and does not authorize the violation of State or Federal law."

21 **SEC. 890.133. MEDICAL CANNABIS DISPENSARY.**

22 A medical cannabis dispensary shall be as defined by Section 3301(f) of the San
23 Francisco Health Code provided that-;

24
25

1 (a) the medical cannabis dispensary has applied for a permit from the Department of
2 Public Health pursuant to Section 3304 of the San Francisco Health Code;

3 (b) if medical cannabis is smoked on the premises, the parcel containing the medical
4 cannabis dispensary is located not less than 1,000 feet from the parcel containing the grounds
5 of an elementary or secondary school, public or private, or a community facility that primarily
6 serves persons under 18 years of age, or a recreation building as defined in Section 890.50(a)
7 of this Code that primarily serves persons under 18 years of age, unless not required by State
8 law, and, regardless of whether medical cannabis is smoked on the premises, if the
9 dispensary was not in operation as of April 1, 2005, as defined in Subsection (i), it is located
10 not less than 1,000 feet from the parcel containing the grounds of an elementary or secondary
11 school, public or private, or a community facility that primarily serves persons under 18 years
12 of age, or a recreation building as defined in Section 890.50(a) of this Code that primarily
13 serves persons under 18 years of age;

14 (c) if medical cannabis is smoked on the premises the dispensary shall provide
15 adequate ventilation within the structure such that doors and/or windows are not left open for
16 such purposes resulting in odor emission from the premises;

17 (d) regardless of whether medical cannabis is smoked on the premises the parcel
18 containing the medical cannabis dispensary is not located on the same parcel as a facility
19 providing substance abuse services that is licensed or certified by the State of California or
20 funded by the Department of Public Health;

21 (e) no alcohol is sold or distributed on the premises for on or off-site consumption;

22 (f) upon acceptance of a complete application for a building permit for a medical
23 cannabis dispensary the Planning Department shall cause a notice to be posted on the
24 proposed site and shall cause written notice to be sent via U.S. Mail to all owners and
25

1 occupants of properties within 300 feet of the subject lot in the same Assessor's Block and on
2 the block face across from the subject lot as well as to all individuals or groups that have
3 made a written request for notification regarding specific properties, areas or medical
4 cannabis dispensaries;

5 (g) all building permit applications shall be held for a period of 30 calendar days from
6 the date of the mailed notice to allow review by residents, occupants, owners of neighborhood
7 properties and neighborhood groups;

8 (h) after this 30-day period, the Planning Commission shall schedule a hearing to
9 consider whether to exercise its discretionary review powers over the building permit
10 application for a medical cannabis dispensary. The scheduling and the mailed notice for this
11 hearing shall be processed in accordance with Section 312(e) of this Code;

12 (i) Medical cannabis dispensaries that can demonstrate to the Planning Department,
13 based on any criteria it may develop, *that* they were in operation as of April 1, 2005 and have
14 remained in continuous operation since then, *have 18 months from the effective date of this*
15 *legislation to and that they have filed an application for a medical cannabis dispensary permit as*
16 *provided in San Francisco Health Code section 3304 on or before the effective date of this ordinance,*
17 *must* obtain a *final* permit *on or before January 1, 2008,* or must cease operations *at the end of that*
18 *18-month period on January 1, 2008,* or upon denial of a permit application if it occurs before *the*
19 *end of that 18-month period January 1, 2008.* Medical cannabis dispensaries that were in
20 operation as of April 1, 2005, and were not in continuous operation since then, but can
21 demonstrate to the Planning Department, based on any criteria it may develop, that the
22 reason for their lack of continuous operation was not closure due to an actual violation of
23 federal, state or local law, also *have 18 months from the effective date of this legislation to must*
24 obtain a permit *on or before January 1, 2008,* or must cease operations *at the end of that 18-month*
25

1 ~~period, on January 1, 2008,~~ or upon denial of a permit application if it occurs before ~~the end of~~
2 ~~that 18 month period-January 1, 2008.~~ Notwithstanding the foregoing, in no case shall a
3 dispensary that had or has a suspended or revoked permit be considered to be in continuous
4 operation. Any dispensary that began operation after April 1, 2005, and any dispensary that
5 failed to file a permit application as provided in San Francisco Health Code section 3304 on or before
6 the effective date of this ordinance, must immediately cease operations;

7 (j) any permit issued for a medical cannabis dispensary shall contain the following
8 statement in bold-face type: "Issuance of this permit by the City and County of San Francisco
9 is not intended to and does not authorize the violation of State or Federal law."

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

12 By: _____
13 MOLLY S. STUMP
14 Deputy City Attorney

15
16
17
18
19
20
21
22
23
24
25