

1 [Various Codes - Regulation of Cannabis Businesses]

2

3 **Ordinance amending the Administrative, Business and Tax Regulations, Health, and**
4 **Police Codes to comprehensively regulate commercial activities relating to the**
5 **cultivation, manufacture, distribution, testing, sale, and delivery of medicinal and adult**
6 **use cannabis by, among other things: 1) requiring businesses that engage in**
7 **commercial cannabis activities to obtain a permit from the Office of Cannabis;**
8 **2) requiring the Director of the Office of Cannabis to establish an Equity Program to**
9 **promote equitable ownership and employment opportunities in the cannabis industry;**
10 **3) defining eligibility for temporary and permanent cannabis business permits;**
11 **4) establishing priorities for the review of cannabis business permit applications;**
12 **5) establishing operating standards for cannabis businesses; 6) establishing criteria**
13 **for granting, denying, suspending, and revoking cannabis business permits;**
14 **7) incorporating state law governing commercial cannabis activities into local law for**
15 **enforcement purposes; 8) authorizing the imposition of fines and penalties for violation**
16 **of local and state laws governing cannabis businesses, and establishing procedures**
17 **by which cannabis businesses may appeal a fine or permit penalty; 9) prohibiting the**
18 **smoking and vaping of cannabis on the premises of all cannabis businesses, except**
19 **select Medicinal Cannabis Retailers, as authorized by the Department of Public Health;**
20 **10) prohibiting the consumption of cannabis and cannabis products, other than by**
21 **smoking or vaping, on the premises of all cannabis businesses, except Storefront**
22 **Cannabis Retailers and Cannabis Microbusinesses that obtain consumption permits**
23 **from the Department of Public Health; 11) prohibiting until January 1, 2019, tours of**
24 **cannabis cultivators, manufacturers, and cannabis microbusinesses, and authorizing**

25

1 the Director of Cannabis to extend the prohibition on tours, or establish guidelines for
2 the operation of tours; 12) prohibiting the acceptance of new applications for medical
3 cannabis dispensary permits, starting January 1, 2018; 13) prohibiting medical
4 cannabis dispensaries from cultivating cannabis under the authority of a medical
5 cannabis dispensary permit, starting April 1, 2018; 14) establishing a sunset date of
6 December 31, 2018, for Article 33 of the Health Code (“Medical Cannabis Act”); 15)
7 eliminating the duty of the Clerk of the Board of Supervisors to send letters annually to
8 state and federal officials requesting that cannabis be regulated and taxed; and
9 affirming the Planning Department’s determination under the California Environmental
10 Quality Act.

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

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

19 Section 1. The Planning Department has determined that the actions contemplated in
20 this ordinance comply with the California Environmental Quality Act (California Public
21 Resources Code Sections 21000 et seq.). Said determination is on file with the Clerk of the
22 Board of Supervisors in File No. 171042 and is incorporated herein by reference. The Board
23 affirms this determination.

24 Section 2. The Police Code is hereby amended by adding Article 16, consisting of
25 Sections 1600 to 1638, to read as follows:

ARTICLE 16: REGULATION OF CANNABIS

1
2 **SEC. 1600. FINDINGS AND PURPOSE.**

3 (a) In 1996, the voters of California approved Proposition 215, The Compassionate Use Act,
4 allowing persons in need of cannabis for specified medical purposes to obtain and use cannabis.

5 (b) In 2001, the City adopted Resolution No. 955-01, declaring San Francisco to be a
6 “sanctuary for medical cannabis.” In 2005, the City enacted Ordinance No. 275-05, Health Code
7 Article 33, known as the Medical Cannabis Act, which implemented a local regulatory scheme for
8 Medical Cannabis Dispensaries operating in San Francisco.

9 (c) In 2006, the City enacted Ordinance No. 297-06, Administrative Code Chapter 96B, making
10 cannabis offenses by adults the lowest law enforcement priority in San Francisco.

11 (d) On August 29, 2013, in response to the number of states seeking to legalize cannabis, the
12 United States Department of Justice issued a memorandum known as the Cole Memo, outlining federal
13 cannabis enforcement priorities and specifying that the federal government would continue to rely on
14 states and local law enforcement agencies to address cannabis activity through enforcement of their
15 own narcotics laws.

16 (e) The federal law enforcement priorities articulated in the Cole Memo align with many of San
17 Francisco’s priorities including: preventing the distribution of cannabis to minors; preventing
18 cannabis sales revenue from going to criminal enterprises, gangs, and cartels; preventing the diversion
19 of cannabis from states where it is legal to other states; preventing state-authorized cannabis activity
20 from being used as a cover or pretext for the trafficking of other illicit drugs or activity; preventing
21 violence and use of firearms in the cultivation and distribution of cannabis; preventing drugged driving
22 and the exacerbation of other adverse public health consequences associated with cannabis use;
23 preventing the cultivation of cannabis on public lands and the attendant public safety and
24 environmental dangers posed by cannabis production on public lands; and preventing cannabis
25 possession or use on federal property.

1 (f) On October 9, 2015, Governor Brown signed into law the Medical Marijuana Regulation
2 and Safety Act ("MMRSA"), effective January 1, 2016, which established a comprehensive state
3 licensing and regulatory framework for the cultivation, manufacturing, testing, distribution,
4 transportation, dispensing, and delivery of medicinal cannabis, and which recognized the authority of
5 local jurisdictions to prohibit or impose additional restrictions on commercial activities relating to
6 medicinal cannabis. On June 27, 2016, Governor Brown signed into law Senate Bill 837, which
7 amended MMRSA and renamed it the Medical Cannabis Regulation and Safety Act ("MCRSA").

8 (g) On November 8, 2016, the voters of California approved Proposition 64, the Control,
9 Regulate, and Tax Adult Use of Marijuana Act (AUMA), which legalized the nonmedicinal use of
10 cannabis for adults 21 years of age and older, created a state regulatory, licensing, and taxation system
11 for non-medicinal cannabis businesses, and reduced penalties for cannabis-related crimes. San
12 Francisco voters approved Proposition 64 at a rate of 74.3%, compared to 57.1% in the state overall.

13 (h) On November 9, 2016, Mayor Lee issued Executive Directive 16-05, entitled "Implementing
14 Prop 64: Adult Use of Marijuana Act," directing the Directors of Planning and Public Health, in
15 collaboration with the San Francisco Cannabis State Legalization Task Force and other stakeholders,
16 to lead the process of drafting the legislation required to fully and responsibly implement Proposition
17 64, including ordinances that address land use, local permitting, safety, and youth access.

18 (i) On June 27, 2017, Governor Brown signed into law the Medicinal and Adult-Use Cannabis
19 Regulations and Safety Act (MAUCRSA), effective immediately, reconciling MCRSA and Proposition
20 64, unifying the adult-use and medicinal cannabis markets within the same regulatory regime, and
21 making explicit the protection of the public to be the highest priority for all state licensing authorities
22 in exercising their licensing, regulatory, and disciplinary functions under MAUCRSA. Under
23 MAUCRSA, local jurisdictions may adopt and enforce ordinances to further regulate cannabis
24 businesses, including zoning and permitting requirements and prohibitions on certain types of
25 businesses.

1 (j) In 2015, the City enacted Ordinance No. 115-15, creating the San Francisco Cannabis State
2 Legalization Task Force (“the Task Force”) to advise the Board of Supervisors, the Mayor, and other
3 City departments on matters relating to the potential legalization of adult use cannabis. In December
4 2016, the Task Force submitted its Year I Report, and made recommendations related to Public Safety
5 and Social Environment, Land Use and Social Justice, and Regulation and City Agency Framework for
6 the City’s policymakers to consider.

7 (k) The Board of Supervisors intends to establish a comprehensive regulatory framework for
8 medicinal cannabis and adult use cannabis. In furtherance of this goal, the Mayor’s FY2017-2018
9 budget, approved by the Board through its enactment of Ordinance No. 156-17, included
10 appropriations for the establishment of an Office of Cannabis to coordinate with City departments and
11 state agencies to develop policies and regulate the local cannabis industry to ensure that local public
12 health, safety, and social justice goals are met. In addition, in July 2017, the City enacted Ordinance
13 No. 168-17, Administrative Code Chapter 2A, Article XXVI, to establish an Office of Cannabis; to
14 authorize the Director of the Office of Cannabis to issue permits to cannabis-related businesses; and to
15 require the Director to collect permit application and annual license fees following the enactment of an
16 ordinance establishing the amounts of those fees.

17 (l) The Board of Supervisors is committed to ensuring that the perspectives of communities that
18 have been historically and disproportionately affected by federal drug enforcement policies are
19 included and considered in all cannabis policy decisions.

20 (m) The Board of Supervisors is committed to fostering equitable access to participation in the
21 cannabis industry for San Francisco-based small businesses and individuals by promoting ownership
22 and stable employment opportunities in the industry.

23 (n) Through this Article 16, the Board of Supervisors intends to develop a regulatory
24 framework that: reduces the illegal market for cannabis; minimizes the chances of social harm by
25 protecting and promoting the health of all San Franciscans; limits youth access and exposure to

1 cannabis and cannabis products; ensures safe consumption; maintains the City’s progressive clean air
2 policies for residents, businesses, and their employees; creates equitable access to opportunities within
3 the cannabis industry; and creates jobs and tax revenue for the City.

4
5 **SEC. 1601. ADMINISTRATION AND ENFORCEMENT.**

6 (a) This Article 16 shall be administered and enforced by the Office of Cannabis. The Director
7 may adopt rules, regulations, and guidelines to carry out the provisions and purposes of this Article,
8 including, but not limited to: operating guidelines designed to further the goals of reducing the illegal
9 market for Cannabis and Cannabis Products, protecting and promoting the health of all San
10 Franciscans, limiting youth access and exposure to Cannabis and Cannabis Products, ensuring safe
11 consumption of Cannabis and Cannabis Products, and creating equitable access to opportunities
12 within the Cannabis industry; hearing procedures; and standards for the imposition of administrative
13 penalties, permit suspensions and permit revocations.

14 (b) The Director is authorized to enter into agreements with State Licensing Authorities to
15 enforce Division 10 of the California Business and Professions Code and its implementing regulations,
16 consistent with Section 26202 of the California Business and Professions Code.

17
18 **SEC. 1602. DEFINITIONS.**

19 As used in this Article 16, the following words or phrases shall mean:

20 “A-license” has the meaning set forth in Section 26001 of the California Business and
21 Professions Code, as may be amended from time to time.

22 “A-licensee” has the meaning set forth in Section 26001 of the California Business and
23 Professions Code, as may be amended from time to time.

24 “Adult Use Cannabis” means Cannabis or Cannabis Products intended for adults 21 years of
25 age and over.

1 “Applicant” means an Owner applying for a Cannabis Business Permit under this Article 16.

2 “Bona Fide Order” means an order for the delivery of Cannabis or Cannabis Products to a
3 Customer that includes this information supplied by the Customer: (a) the Customer’s name and date of
4 birth; (b) the date Delivery is requested and the address of the real property where the Customer would
5 like the items Delivered; (c) an itemization of the Cannabis items proposed for Delivery and the
6 amount, quantity, and/or volume of each such item; and (d) a statement that the Cannabis or Cannabis
7 Product is not for the purpose of resale.

8 “Bona Fide Proof of Identity and Age” means: (a) a valid document issued by a federal, state,
9 or local government, or subdivision or agency thereof, including, but not limited to, a valid motor
10 vehicle operator's license, that contains the name, date of birth, description of physical characteristics,
11 and photo of the person; (b) a valid passport issued by the United States or by a foreign government; or
12 (c) a valid identification card issued to a member of the United States Armed Forces that includes a
13 date of birth and a photo of the person.

14 “Cannabis” has the meaning set forth in Section 26001 of the California Business and
15 Professions Code, as may be amended from time to time.

16 “Cannabis Business” means any of the following: Cannabis Cultivation Facility, Cannabis
17 Manufacturing Facility, Cannabis Testing Facility, Cannabis Distributor, Cannabis Microbusiness,
18 Medicinal Cannabis Retailer, Cannabis Retailer, or Delivery-Only Cannabis Retailer.

19 “Cannabis Business Permit” means a permit to operate a specific type of Cannabis Business
20 issued under this Article 16.

21 “Cannabis Business Registration Period” means the period of time during which Persons
22 wishing to apply for Cannabis Business Permits may register with the Office of Cannabis, as set forth
23 in Section 1605 of this Article 16.

24 “Cannabis Cultivation Facility” means a fixed place of business where Cannabis is Cultivated
25 for Commercial purposes.

1 “Cannabis Distributor” means a fixed place of business where Cannabis and/or Cannabis
2 Products are Distributed for Commercial purposes between Cannabis Businesses holding State
3 Cannabis Licenses.

4 “Cannabis Manufacturing Facility” means a fixed place of business where Cannabis Products
5 are Manufactured for Commercial purposes.

6 “Cannabis Microbusiness” means a fixed place of business where Cannabis and/or Cannabis
7 Products are Cultivated, Manufactured, Distributed, and Sold to Customers.

8 “Cannabis Products” has the meaning set forth in Section 26001 of the California Business and
9 Professions Code, as may be amended from time to time.

10 “Cannabis Retailer” means a fixed place of business where Cannabis and/or Cannabis
11 Products are Sold to Customers.

12 “Cannabis Testing Facility” means a fixed place of business where Cannabis and/or Cannabis
13 Products are tested for Commercial purposes.

14 “Canopy” means the designated area(s) at a permitted Premises that will contain Mature
15 Plants.

16 “City” means the City and County of San Francisco.

17 “Commercial” means undertaken for Compensation.

18 “Commercial Cannabis Activity” includes the cultivation, possession, manufacture, processing,
19 storing, laboratory testing, labeling, transporting, distribution, or sale of Cannabis or Cannabis
20 Products for Compensation, as provided for in this Article 16.

21 “Commercial Vehicle” has the meaning set forth in Section 260 of the California Vehicle Code,
22 as may be amended from time to time.

23 “Compensation” means money or anything of value made as a payment, loan, advance,
24 donation, contribution, deposit, forgiveness of debt, or gift.

1 “Consuming” or “Consumption” means eating, drinking, chewing, applying topically, or
2 otherwise ingesting, but does not include Smoking.

3 “Cultivation” has the meaning set forth in Section 26001 of the California Business and
4 Professions Code, as may be amended from time to time.

5 “Customer” has the meaning set forth in Section 26001 of the California Business and
6 Professions Code, as may be amended from time to time.

7 “Delivery” has the meaning set forth in Section 26001 of the California Business and
8 Professions Code, as may be amended from time to time.

9 “Delivery-Only Cannabis Retailer” means a fixed place of business from which Cannabis
10 and/or Cannabis Products are Delivered and Sold to Customers.

11 “Director” means the Director of the Office of Cannabis, or his or her designee.

12 “Distribution” or “Distribute” has the meaning set forth in Section 26001 of the California
13 Business and Professions Code, as may be amended from time to time.

14 “Hazardous material” has the meaning set forth in Section 1102 of the Health Code, as may be
15 amended from time to time.

16 “Hazardous materials plan” has the meaning set forth in Section 1102 of the Health Code, as
17 may be amended from time to time.

18 “M-license” has the meaning set forth in Section 26001 of the California Business and
19 Professions Code, as may be amended from time to time.

20 “M-licensee” has the meaning set forth in Section 26001 of the California Business and
21 Professions Code, as may be amended from time to time.

22 “Manufacture” has the meaning set forth in Section 26001 of the California Business and
23 Professions Code, as may be amended from time to time.

24 “Mature Plant” means a Cannabis plant that is flowering.

25

1 “Medicinal Cannabis” has the meaning set forth in Section 26001 of the California Business
2 and Professions Code, as may be amended from time to time.

3 “Medical Cannabis Dispensary” means a cooperative or collective operating under the
4 authority of a permit issued by the Director of Health under Article 33 of the Health Code.

5 “Medicinal Cannabis Retailer” means a fixed place of business where Medicinal Cannabis
6 and/or Medicinal Cannabis Products are Sold to individuals who qualify under California Health and
7 Safety Code Sections 11362.7 et seq. to use Medicinal Cannabis.

8 “Office” means the Office of Cannabis or any successor office or agency.

9 “Owner” means any of the following:

10 (a) A Person with an aggregate ownership interest of 20% or more in the Person
11 applying for a Cannabis Business Permit or a Permittee, unless the interest is solely a security, lien, or
12 encumbrance;

13 (b) The chief executive officer of a nonprofit or other entity;

14 (c) A member of the board of directors of a nonprofit; or

15 (d) An individual who will be participating in the direction, control, or management of
16 the Person applying for a permit.

17 “Permittee” means any Person to whom a Cannabis Business Permit is issued under this
18 Article 16, and any authorized agent or designee of such Person.

19 “Person” includes any individual, firm, partnership, joint venture, association, corporation,
20 limited liability company, estate, trust, business trust, receiver, syndicate, or any other entity, or other
21 group or combination acting as a unit. Person includes both the plural and singular.

22 “Physician’s Recommendation” has the meaning set forth in Section 26001 of the California
23 Business and Professions Code, as may be amended from time to time.

24 “Premises” has the meaning set forth in Section 26001 of the California Business and
25 Professions Code, as may be amended from time to time.

1 “Processing” means the drying, curing, trimming, or packaging of Cannabis. “Processing”
2 does not include the growing, planting, or harvesting of Cannabis.

3 “Referring Department” means any City department, agency, office, board, or commission that
4 is required by this Article 16, or its implementing regulations, to review an Applicant’s application for
5 a Cannabis Business Permit prior to issuance of such permit by the Director.

6 “Security Guard” has the meaning set forth in Section 1060 of the Police Code, as may be
7 amended from time to time.

8 “Security Plan” means a plan that adequately addresses the safety of persons and property at
9 Cannabis Businesses, developed in consultation with the Police Department, and approved as a
10 condition of the Cannabis Business Permit by the Director.

11 “Sell,” “sale,” and “to sell” have the meaning set forth in Section 26001 of the California
12 Business and Professions Code, as may be amended from time to time.

13 “Smoke” or “Smoking” has the meaning set forth in Section 11362.3 of the California Health
14 and Safety Code, as may be amended from time to time.

15 “State Cannabis License” means a license to engage in a Commercial Cannabis Activity, issued
16 pursuant to Division 10 of the California Business and Professions Code.

17 “State Licensing Authority” means the state agency responsible for the issuance, renewal, or
18 reinstatement of a State Cannabis License.

19 “Storefront Cannabis Retailer” means either of the following: Medicinal Cannabis Retailer or
20 Cannabis Retailer.

21 “Temporary Medicinal Cannabis Business Permit” means a Permit issued by the Director
22 under Section 1605 of this Article 16 authorizing the Temporary Permit holder to engage in time-
23 limited Commercial Activities relating to Medicinal Cannabis and Medicinal Cannabis Products.

24 “Tobacco Products” has the meaning set forth in Section 19H.2 of the Health Code, as may be
25 amended from time to time.

1 “Volatile Solvent” has the meaning set forth in Section 26130(b) of the California Business and
2 Professions Code, as may be amended from time to time.

3
4 **SEC. 1603. PERMITS REQUIRED.**

5 (a) It shall be unlawful to engage in any Commercial Cannabis Activity or to operate a
6 Cannabis Business within the City without obtaining and maintaining:

7 (1) A permit therefor issued by the Office of Cannabis;

8 (2) A license therefor issued by a State Licensing Authority pursuant to Division 10 of
9 the California Business and Professions Code; and

10 (3) Any such other licenses, permits, certifications, or registrations that may be
11 required by State or City law.

12 (b) It shall be unlawful for any Person to engage in any Commercial Cannabis Activity for
13 which a permit has been granted under this Article 16 if such permit has been revoked, or during any
14 period in which such permit is suspended.

15 (c) If any license, permit, certification, or registration required for the operation of a Cannabis
16 Business is denied, suspended, modified, revoked, or expired, the Cannabis Business and any Referring
17 Department responsible for the action shall notify the Director of such action in writing within two
18 business days.

19 (d) It shall be unlawful for any Person who is required to surrender a permit upon the sale of a
20 Cannabis Business, as required by Section 1608 of this Article 16, to fail to do so.

21
22 **SEC. 1604. EQUITY PROGRAM.**

23 The Director, in consultation with the Human Rights Commission, shall establish an Equity
24 Program designed to foster equitable access to participation in the cannabis industry, including
25 equitable access to promotional and ownership opportunities in the industry. The Equity Program

1 shall be informed by the findings contained in the Equity Report, prepared in accordance with
2 subsection (b)(5) of Section 2A.420 of the Administrative Code. The Equity Program shall offer priority
3 permit processing and technical assistance to Applicants who meet Equity Criteria (“Equity
4 Applicants”) adopted by the Director.

5
6 **SEC. 1605. TRANSITION PROVISION FOR ACTIVITIES RELATING TO MEDICINAL**
7 **CANNABIS.**

8 (a) Cannabis Business Registration. The Office of Cannabis shall initiate a Cannabis
9 Business Registration Period in order to collect information from Persons wishing to apply for
10 Cannabis Business Permits. During the Cannabis Business Registration Period, such Persons shall
11 have the opportunity to register with the Office of Cannabis, and to provide such information as may be
12 required by the Director, including but not limited to:

13 (1) Information regarding the type(s) of Cannabis Business Permit(s) and State
14 Cannabis License(s) for which they intend to apply in 2018;

15 (2) Information about the location of the proposed Cannabis Business, including but not
16 limited to proof that the property owner has authorized the use of the property as a Cannabis Business;

17 (3) Copies of all applicable licenses, permits, certifications, and registrations issued by
18 the City or the State and held by the Owner of the proposed business, including but not limited to
19 Hazardous materials registrations, site permits, Business Registration Certificates, and/or Seller’s
20 Permits; and

21 (4) Such other information, documents, and/or attestations as the Director may deem
22 necessary or appropriate for registration.

23 **(b) Registration a Condition of Eligibility for Temporary Medicinal Cannabis Business**
24 **Permit. Persons that do not register with the Office of Cannabis during the Cannabis Business**

1 Registration Period shall not be eligible to apply for or receive a Temporary Medicinal Cannabis
2 Business Permit, as set forth in subsection (d) of this Section 1605.

3 (c) Medical Cannabis Dispensaries.

4 (1) To ensure the continued availability of Medicinal Cannabis for individuals who
5 qualify under California Health and Safety Code Sections 11362.7 et seq. to use Medicinal Cannabis, a
6 Medical Cannabis Dispensary that holds a valid permit to operate from the Department of Public
7 Health as of the effective date of this Article 16 may continue to operate as a Medical Cannabis
8 Dispensary at the location identified in its Medical Cannabis Dispensary permit and consistent with the
9 terms of Article 33 of the Health Code, provided that:

10 (A) The Owner of the Medical Cannabis Dispensary provides the Office of
11 Cannabis with information identifying the type(s) of Cannabis Business Permits and State Cannabis
12 Licenses for which the Owner intends to apply in 2018, and such other information as may be required
13 by the Director;

14 (B) The Owner of the Medical Cannabis Dispensary applies for and obtains a
15 temporary or permanent State Cannabis License;

16 (C) The Owner of the Medical Cannabis Dispensary applies for a Cannabis
17 Business Permit within 30 days of the date that the Office of Cannabis makes such applications
18 available; and

19 (D) The Owner of a Medical Cannabis Dispensary agrees to surrender its
20 Medical Cannabis Dispensary permit to the Department of Public Health upon being awarded a
21 Cannabis Business Permit.

22 (2) A Medical Cannabis Dispensary's permit to operate, as issued under Article 33 of
23 the Health Code, shall expire as a matter of law when it is surrendered to the Department of Public
24 Health, as set forth in subsection (c)(1)(D) of this Section 1605, or upon the sunset of Article 33,
25 whichever occurs sooner.

1 (d) Temporary Medicinal Cannabis Business Permits. The Office of Cannabis shall make
2 applications available for Temporary Medicinal Cannabis Business Permits for all permit categories
3 other than Storefront Cannabis Retailers. In order to be eligible for a Temporary Medicinal Cannabis
4 Business Permit, an Applicant must do all of the following:

5 (1) Submit an application, on a form to be prescribed by the Director;

6 (2) Demonstrate compliance with the Cannabis Business Registration process set forth
7 in subsection (a) of this Section 1605;

8 (3) Demonstrate that as of September 26, 2017, the Applicant was engaging in
9 Commercial Cannabis Activities relating to Medicinal Cannabis in the City and has continued to
10 engage in such activities without interruption;

11 (4) Demonstrate that the proposed Cannabis Business complies with the Planning
12 Code;

13 (5) Authorize and submit to the inspection of the proposed Premises by the Office of
14 Cannabis, the Fire Department, the Department of Building Inspection, the Department of Public
15 Health, and such other City departments, agencies, and offices as may be necessary to confirm that the
16 proposed Cannabis Business will operate in compliance with law and with the applicable interim
17 health and safety standards;

18 (6) Acknowledge the obligation to pay any non-refundable application and/or
19 inspection fees that the Office of Cannabis and/or the Referring Departments may impose in connection
20 with the application for a Temporary Medicinal Cannabis Business Permit; and

21 (7) Demonstrate that the proposed Cannabis Business complies with applicable interim
22 health and safety standards developed by the Director in consultation with the Department of Building
23 Inspection, the Fire Department, the Police Department, and the Department of Public Health. The
24 interim health and safety standards shall be sufficient to protect the health and safety of employees,
25 neighbors, and Customers of the proposed Cannabis Business, and to prohibit unlawful access to

1 Cannabis and Cannabis Products by underage individuals and individuals who do not qualify to use
2 Medicinal Cannabis.

3 **(e) Review, award, and denial of Temporary Medicinal Cannabis Business Permits.** The
4 Director shall ensure that the Premises are inspected by all relevant City Departments, and shall
5 review all documentation submitted by the Applicant for the Temporary Medicinal Cannabis Business
6 Permit in support of the application. If the application is incomplete, the Director shall advise the
7 Applicant of the deficiencies, and give the Applicant 30 days in which to correct them. If the
8 application is complete, the Director shall determine whether the Applicant has demonstrated
9 compliance with subsection (d) of this Section 1605, and any implementing regulations. After
10 determining whether the Applicant has met these standards, the Director shall either award, award
11 with conditions, or deny the Temporary Medicinal Cannabis Business Permit.

12 **(f) Appeal of Denial of Application for Temporary Medicinal Cannabis Business Permit.**
13 The decision of the Director to award, award with conditions, or deny a Temporary Medicinal
14 Cannabis Business Permit may be appealed to the Board of Appeals in the manner prescribed in
15 Article 1 of the San Francisco Business and Tax Regulations Code.

16 **(g) Activities Authorized by Temporary Medicinal Cannabis Business Permit.** A Temporary
17 Medicinal Cannabis Business Permit issued under this Section 1605 shall authorize the Permittee to
18 engage in all of the activities authorized by a Cannabis Business Permit of the same category, as set
19 forth in Sections 1623 - 1629 of this Article 16; provided, however, that a Temporary Medicinal
20 Cannabis Business Permit shall not authorize the Permittee to engage in any Commercial Cannabis
21 Activities relating to Adult Use Cannabis or Adult Use Cannabis Products.

22 **(h) Duration.** A Temporary Medicinal Cannabis Business Permit issued under this Section
23 1605 shall be valid for a period of 120 days and may be extended for additional 90-day periods at the
24 discretion of the Director. Notwithstanding the prior sentence, the Director shall not issue a new

1 temporary permit after January 1, 2019, and shall not extend the term of a Temporary Cannabis
2 Business Permit past January 1, 2019.

3 (i) Temporary Medicinal Cannabis Business Permit does not guarantee rights regarding a
4 permanent permit. A Temporary Cannabis Business Permit does not obligate the Director to issue a
5 permanent permit pursuant to Section 1615 of this Article 16, or create a vested right in the holder to
6 either an extension of the temporary permit or to the granting of a subsequent permanent permit.

7 (j) Duty to apply for permanent permit. A Person that is awarded a Temporary Medicinal
8 Cannabis Business Permit under this Section 1605 must apply for a Cannabis Business Permit, as set
9 forth in Section 1606, within 30 days of when the Office of Cannabis makes applications for such
10 permits available. The Director shall not accept applications for Temporary Medicinal Cannabis
11 Business Permits after making applications for Cannabis Business Permits available.

12
13 **SEC. 1606. APPLICATIONS FOR CANNABIS BUSINESS PERMITS.**

14 (a) The Director shall not accept applications for Cannabis Business Permits, other than
15 Medicinal Cannabis Retailer permits, until he or she has adopted an Equity Program, as set forth in
16 Section 1604 of this Article 16.

17 (b) Prior to January 1, 2019, the Director shall issue Cannabis Business Permits only to
18 Applicants that meet one or more of the following criteria:

19 (1) Qualify as an Equity Applicant;

20 (2) Possess a valid permit to operate a Medical Cannabis Dispensary issued pursuant
21 to Article 33 of the Health Code;

22 (3) Was issued a Temporary Medicinal Cannabis Business Permit under Section 1605
23 of this Article 16;

1 (4) Has demonstrated to the Director's satisfaction that the Applicant operated in
2 compliance with the Compassionate Use Act of 1996, and was forced to discontinue operations as a
3 result of federal prosecution or threat of federal prosecution; or

4 (5) Applied for a Medical Cannabis Dispensary Permit prior to September 26, 2017
5 that required referral to and approval by the Planning Commission.

6 (c) The Office of Cannabis shall review and process applications for Cannabis Business
7 Permits in an order that reflects the Applicant's priority category:

8 (1) First priority: applications from Equity Applicants;

9 (2) Second priority: applications from Applicants that were operating in compliance
10 with the Compassionate Use Act of 1996 before September 1, 2016;

11 (3) Third priority: applications that demonstrate a commitment on the part of the
12 Applicant to provide benefits to the community in which the Cannabis Business is located, including but
13 not limited to workforce opportunities and community benefits contributions; and

14 (4) Fourth priority: all other applications.

15
16 **SEC. 1607. CANNABIS BUSINESS PERMITS.**

17 (a) For the purpose of regulating the Commercial Cultivation, Manufacture, Testing,
18 Distribution, Sale, and Delivery of Cannabis, the Director may issue the following permits:

19 (1) Cannabis Cultivation Facility;

20 (2) Cannabis Manufacturing Facility;

21 (3) Cannabis Testing Facility;

22 (4) Cannabis Distributor;

23 (5) Cannabis Microbusiness;

24 (6) Medicinal Cannabis Retailer;

25 (7) Cannabis Retailer; and

1 (8) Delivery-Only Cannabis Retailer.

2
3 **SEC. 1608. TRANSFER OF PERMIT; SALE OF CANNABIS BUSINESS; CHANGE IN**
4 **OWNERSHIP; INTERIM CANNABIS BUSINESS PERMITS.**

5 (a) **Permits Nontransferable.** No permit issued under this Article 16 shall be transferable
6 under any circumstances, including but not limited to the sale of the Cannabis Business.

7 (b) **Sale of Cannabis Business.** If a Permittee sells the Cannabis Business, the Permittee shall
8 promptly surrender the permit to the Director. This obligation is not dependent on the Director's
9 requesting the surrender, but arises by operation of law on the sale of the Cannabis Business. If the
10 Permittee fails to surrender the permit to the Director, the Director may, after giving the Permittee
11 notice by mail and electronically of the proposed action and an opportunity to respond, revoke the
12 permit.

13 (c) **Change in Ownership.** A Permittee may change partners, shareholders, or other Owners
14 of a Cannabis Business provided that: the sale or other transfer of ownership regardless of the form of
15 ownership results in a new Person owning no more than 20% of the Cannabis Business, and the
16 Permittee obtains an amendment to the Permit as provided in subsection (c)(2) of this Section 1608. If
17 the sale or other transfer of ownership does not result in any Person (who did not already have such a
18 percentage interest) having an ownership interest of 20% or more, the Permittee is not required to
19 obtain a permit amendment.

20 (1) A Permittee seeking to amend a permit as required under this subsection (c) shall
21 pay the required filing fee for a permit amendment and that portion of the information required for
22 Applicants under Section 1609, as determined by the Director.

23 (2) The Director shall determine within 30 days of the filing of a complete application
24 for a permit amendment under this subsection (c) whether to approve it. The Director shall approve the
25 application unless the Director determines that denial is warranted under any of the grounds set forth

1 in Section 1615. The Director shall notify the Permittee of the Director’s decision electronically and
2 either by mail or personal delivery.

3 (d) **Interim Cannabis Business Permits.** Once the Director receives a surrendered Cannabis
4 Business Permit to Operate, as set forth in subsection (b) of this Section 1608, the new Owner of the
5 business may apply to the Director for an Interim Cannabis Business Permit, subject to any required
6 Planning Department approvals, for a period not to exceed 90 days from the date of surrender (an
7 “Interim Permit”). An Interim Permit may not be renewed. The Director may grant an Interim Permit
8 provided that:

9 (1) The new Owner has submitted a completed application for a Cannabis Business
10 Permit to the Office of Cannabis, and a completed application for a State Cannabis License to the
11 appropriate State Licensing Authority;

12 (2) The new Owner applies for the same type of Cannabis Business Permit as was held
13 by the prior Owner;

14 (3) The Premises to which the Cannabis Permit applies complies with all existing
15 health, safety, and fire ordinances, and applicable state laws governing Cannabis Businesses; and

16 (4) An Interim Permit is necessary to ensure uninterrupted operations of a Cannabis
17 Business at the Premises, or to minimize interruption of its operations.

18
19 **SEC. 1609. PERMIT APPLICATIONS.**

20 (a) **Application and Fee Required.** Every Applicant for a Cannabis Business Permit shall:

21 (1) File an application with the Director upon a form provided by the Director;

22 (2) Provide such information as may be required by this Article 16 and any regulations
23 promulgated thereto; and

24 (3) Pay a non-refundable application fee.

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

4 (1) The name, street address, and parcel number of the business for which the permit is
5 sought;

6 (2) The name and address of the Applicant as follows:

7 (A) If the Applicant is a corporation, the name of the corporation as shown in its
8 articles of incorporation; the date and place of incorporation; and the name and address of each
9 officer or director;

10 (B) If the Applicant is a Person other than a publicly traded company, the name
11 and address of every Person that directly or indirectly owns or controls 20% or more of the assets,
12 ownership interests, or voting interests in that Person;

13 (3) The name of and contact information for the manager(s) who will, directly or
14 through designees, be on the Premises during hours of operation;

15 (4) The name and address of each Person who appears on the business registration
16 certificate for the Business for which a permit is sought;

17 (5) The name and address of each Person who has or will have authority or control
18 over the Business and a brief statement of the nature and extent of such authority and control, if the
19 Applicant has not otherwise provided this information in the application;

20 (6) The name and address of the Person authorized to accept service of process;

21 (7) For all Applicants, a complete set of fingerprints in the manner required by the
22 Director for the purpose of conducting a criminal background check, and such additional information
23 concerning the criminal histories of Owners, as may be required by the Director;

1 (8) Written verification that the owner of the real property where the Cannabis Business
2 will be located consents to its use as a Cannabis Business. Such written verification must be signed by
3 the property owner or the owner's agent;

4 (9) Where the Applicant leases the Real Property, a copy of the lease;

5 (10) A determination from the Planning Department that the proposed use as a
6 Cannabis Business is in compliance with the Planning Code;

7 (11) An Operations Plan that includes such information as may be required by the
8 Director, including but not limited to:

9 (A) An odor mitigation plan;

10 (B) A Hazardous materials inventory;

11 (C) A power plan;

12 (D) A Security Plan;

13 (E) A track and trace compliance plan;

14 (F) A waste disposal plan; and

15 (G) A water management plan.

16 (12) A copy of the Applicant's business license, as required by Article 2 of the Business
17 and Tax Regulations Code, or where pending, proof of application therefor;

18 (13) A copy of the Applicant's business registration certificate, as required by Article
19 12 of the Business and Tax Regulations Code, or where pending, proof of application therefor;

20 (14) A copy of the Applicant's Seller's Permit, as may be required by Section 6067 of
21 the California Revenue and Taxation Code, or where pending, proof of application therefor;

22 (15) A completed Permit Checklist upon a form provided by the Director;

23 (16) A detailed, scaled diagram of the proposed Premises that shows the boundaries of
24 the property and all entrances, exits, interior partitions, walls, rooms, doorways, and common or
25 shared entryways. The diagram must show the areas in which all Commercial Cannabis Activity will

1 take place, including but not limited to areas where access will be limited to employees of the Cannabis
2 Business and Customer access will be prohibited. If the proposed Premises consists of only a portion
3 of property, the diagram shall reflect the Premises used for Cannabis activity and describe the use for
4 the remaining portion of the property;

5 (17) Disclosure of all other previous and current Cannabis-related licenses and permits
6 issued by or sought from the City, the State, and any out-of-state jurisdiction, including the date the
7 permit or license was issued or denied, and the name of the permitting or licensing authority;

8 (18) A signed statement authorizing the Department of the Environment or, where
9 applicable, the Public Utilities Commission to conduct an energy assessment within the first year of
10 operation;

11 (19) A copy of a proposed Good Neighbor Policy under which the Applicant agrees to:

12 (A) Provide to residential and commercial neighbors located within 300 feet of
13 the Cannabis Business the name, phone number, and email address of an onsite manager or community
14 relations staff person who may be contacted concerning any problems associated with operation of the
15 establishment;

16 (B) Maintain the Premises, adjacent sidewalk and/or alley in good condition at
17 all times; and

18 (C) Prohibit loitering in or around the Premises, and post notifications on the
19 Premises advising individuals of this prohibition.

20 (20) A staffing plan that includes an organizational chart, demonstrating the roles and
21 responsibilities of each employee and the reporting structure;

22 (21) A Community Benefits Agreement for consideration by the Director that must, at a
23 minimum:

24 (A) Commit to the development of a First Source Hiring Plan, as set forth in
25 Section 1618 of this Article 16; and

1 (B) Describe the Applicant's employment outreach and recruitment strategies.

2 (22) A Security Plan;

3 (23) A statement signed by the Applicant that the Applicant will not Sell or maintain on
4 the Premises Tobacco Products or alcoholic beverages;

5 (24) Documents demonstrating that the Applicant engaged in a Community Outreach
6 Strategy to advise neighbors of its intent to apply for a Cannabis Business Permit and to solicit input
7 on its proposed Good Neighbor Policy. An Applicant's Community Outreach Strategy must, at a
8 minimum, include written notice to neighbors within 300 feet of the Premises of the Applicant's intent
9 to open a Cannabis Business at that location, information about how neighbors may provide input on
10 the content of the Applicant's Good Neighbor Policy, and sign-in sheets and minutes for meetings held
11 with neighbors;

12 (25) Such further information as the Director requires regarding financial and lease
13 arrangements, management authority, operational control of the Business or its Premises, or other
14 matters, when such further information will assist the Director in his/her determination whether to
15 grant or deny the permit; and

16 (26) A statement signed by the Applicant under penalty of perjury, that the information
17 provided is complete, true, and accurate.

18 **(c) Additional Information Required of Applicants for Cannabis Cultivation Facility permits.**

19 In addition to the information required under subsection (b) of this Section 1609, an Applicant for a
20 Cannabis Cultivation Facility permit shall also submit as part of its application:

21 (1) Copies of all documentation submitted to the State Licensing Authority in support of
22 its application for a State Cannabis License authorizing the Cultivation and/or Processing of
23 Cannabis;

1 (2) A statement declaring the Applicant is an “agricultural employer” as defined by the
2 Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975, California Labor Code
3 Section 1140.4, to the extent not prohibited by law;

4 (3) Information demonstrating the size of the planned Canopy, by square footage of
5 Cultivation and/or Processing area(s), as applicable;

6 (4) Indication on the diagram of the proposed Premises of the location of any
7 Hazardous materials and water storage;

8 (5) For Applicants that will engage in the Cultivation of Cannabis, a Cultivation Plan
9 containing such information as may be required by the Director, including but not limited to:

10 (A) A list of pesticides to be used and quantities of pesticides to be stored on the
11 Premises;

12 (B) A list of fertilizers to be used and quantities of fertilizers to be stored on the
13 Premises;

14 (C) A list of any Hazardous materials to be stored on the Premises, and the
15 quantities thereof;

16 (D) A copy of the Applicant’s Hazardous materials plan; and

17 (E) A list of propagative materials to be used for Cultivation.

18 (6) For Applicants that will engage in the Cultivation of Cannabis, a Water Plan
19 containing such information as may be required by the Director, including but not limited to:

20 (A) Identification of the water source and supplier;

21 (B) Where applicable, the point of diversion;

22 (C) A general description of the area in which the water will be used; and

23 (D) A description of all water conservation measures.

24 (7) For Applicants that will engage in the Processing of Cannabis, an Operations Plan
25 containing such information as may be required by the Director, including but not limited to:

1 (A) Identification of the equipment to be used on the Premises;

2 (B) A list of any Hazardous materials to be stored on the Premises, and the
3 quantities thereof; and

4 (C) A copy of the Applicant's Hazardous materials plan.

5 (8) A Power Plan containing such information as may be required by the Director,
6 including but not limited to:

7 (A) The name of the energy generation provider;

8 (B) An indication of the percentage of electricity supplied from California-
9 eligible renewable and large hydroelectric sources; and

10 (C) A description of all planned energy efficiency measures.

11 **(d) Additional Information Required of Applicants for Cannabis Manufacturing Facility**
12 **permits. In addition to the information required under subsection (b) of this Section 1609, an**
13 **Applicant for a Cannabis Manufacturing Facility permit shall also submit as part of its application:**

14 (1) Copies of all documentation submitted to the State Licensing Authority in support of
15 its application for a State Cannabis License authorizing the Manufacture of Cannabis;

16 (2) A Manufacturing Plan, containing such information as may be required by the
17 Director, including but not limited to:

18 (A) A detailed description of all processes to be used for the extraction,
19 packaging, and/or infusion of Cannabis;

20 (B) A list of any Hazardous materials stored on the Premises, and the quantities
21 thereof;

22 (C) A copy of the Applicant's Hazardous materials plan; and

23 (D) A description of all Cannabis Products that will be Manufactured on the
24 Premises; and

25

1 (3) A statement signed by the Applicant acknowledging that non-Cannabis products will
2 not be Manufactured on the Premises.

3 **(e) Additional Information Required of Applicants for Cannabis Testing Facility permits. In**
4 addition to the information required under subsection (b) of this Section 1609, an Applicant for a
5 Cannabis Testing Facility permit shall also submit as part of its application:

6 (1) Copies of all documentation submitted to the State Licensing Authority in support of
7 its application for a State Cannabis Testing Laboratory License;

8 (2) Evidence that the Applicant has obtained or has applied for ISO/IEC 17025
9 accreditation;

10 (3) A signed statement attesting that the Applicant has no economic interest in any
11 Cannabis Businesses other than testing laboratories, such as the one for which the permit is sought;

12 (4) A Laboratory Operations Plan containing such information as may be required by
13 the Director, including but not limited to:

14 (A) A description of sampling methods to be used; and

15 (B) A description of the chain of custody controls to be used.

16 **(f) Additional Information Required of Applicants for Cannabis Distributor permits. In**
17 addition to the information required under subsection (b) of this Section 1609, an Applicant for a
18 Cannabis Distributor permit shall also submit as part of its application:

19 (1) Copies of all documentation submitted to the State Licensing Authority in support of
20 its application for a State Distributor License authorizing the Distribution of Cannabis and Cannabis
21 Products;

22 (2) A Distribution Plan containing such information as may be required by the
23 Director, including but not limited to:

24 (A) Information identifying all locations where the Applicant will store
25 Cannabis or Cannabis Products;

1 (B) The Vehicle Information Number for each vehicle that will be used to
2 Distribute Cannabis and Cannabis Products, and proof of insurance therefor.

3 (3) A copy of the Applicant's Cannabis Tax Permit, as may be required by Section
4 34014 of the California Revenue and Taxation Code, as may be amended from time to time, or if
5 pending, proof of application therefor.

6 (g) Additional Information Required of Applicants for Cannabis Microbusiness permits. In
7 addition to the information required under subsection (b) of this Section 1609, an Applicant for a
8 Cannabis Microbusiness permit shall also submit as part of its application:

9 (1) Copies of all documentation submitted to the State Licensing Authority in support of
10 its application for a Cannabis Microbusiness License; and

11 (2) All documentation and information set forth in subsections (c), (d), (f), and (h) of
12 this Section 1609.

13 (h) Additional Information Required of Applicants for Storefront Cannabis Retailer permits.
14 In addition to the information required under subsection (b) of this Section 1609, an Applicant for a
15 Storefront Cannabis Retailer permit shall also submit as part of its application:

16 (1) Copies of all documentation submitted to the State Licensing Authority in support of
17 its application for a Retailer License.

18 (2) For Applicants that have held a valid Medical Cannabis Dispensary permit,
19 documentation demonstrating whether the on-site Smoking of Cannabis was prohibited by the Planning
20 Department or Planning Commission.

21 (3) A Storefront Cannabis Retailer Operations Plan containing such information as
22 may be required by the Director, including but not limited to:

23 (A) A description of the methods to be used to secure against theft or
24 misappropriation Cannabis Products that are not on display in the store; and

1 (B) A description of where and when shipments of Cannabis and Cannabis
2 Products will be received, and the security measures that will be implemented to ensure the safety of
3 the Retailer's employees, and the public, and to protect against the theft of Cannabis and Cannabis
4 Products;

5 (4) A description of how the Applicant will support the needs of Customers who qualify
6 under California Health and Safety Code Sections 11362.7 et seq. to use Medicinal Cannabis,
7 including but not limited to providing space where Customers may speak confidentially with employees
8 of the Cannabis Business, and ensuring a sufficient supply of Medicinal Cannabis and Medicinal
9 Cannabis Products;

10 (5) Indication of whether the Applicant intends to apply for a Cannabis Consumption
11 permit, as set forth in Article 8A of the Health Code, and a description of the type(s) of Consumption
12 that the Applicant proposes to allow on the Premises.

13 (6) If the Applicant intends to Deliver Cannabis or Cannabis Products to Customers,
14 the Applicant shall also provide:

15 (A) Information about the electronic platform, if any, to be used to receive and
16 process orders for Cannabis and/or Cannabis Products;

17 (B) The Vehicle Information Number for each vehicle that will be used to Deliver
18 Cannabis and Cannabis Products, and proof of insurance coverage therefor;

19 (C) A description of how the Applicant will confirm the age and identity of the
20 Customer prior to and/or upon Delivery;

21 (D) A description of how the Applicant will confirm that a Customer is qualified
22 under California Health and Safety Code Sections 11362.7 et seq. to use Medicinal Cannabis, prior to
23 and/or upon Delivery of Medicinal Cannabis or a Medicinal Cannabis Product.

24 (E) A description of how the Applicant will track drivers and Delivery status.

25 (F) A statement signed by the Applicant affirming that the Applicant:

1 (i) Will provide training to all Delivery employees concerning the laws
2 governing Sales and Deliveries of Cannabis and Cannabis Products;

3 (ii) Will take steps to ensure the personal safety of all Delivery
4 employees; and

5 (iii) Understands that the Delivery of Cannabis or Cannabis Products by
6 anyone other than an employee of the Applicant is a violation of this Article 16.

7 **(i) Additional Information Required of Applicants for Delivery-Only Cannabis Retailer**
8 **permits. In addition to the information required under subsection (b) of this Section 1609, an**
9 **Applicant for a Delivery-Only Cannabis Retailer permit shall also submit as part of its application:**

10 (1) Copies of all documentation submitted to the State Licensing Authority in support of
11 its application for a license authorizing the Delivery and Sale of Cannabis and/or Cannabis Products
12 to Customers.

13 (2) A description of how the Applicant will support the needs of Customers who qualify
14 under California Health and Safety Code Sections 11362.7 et seq. to use Medicinal Cannabis,
15 including but not limited to ensuring a sufficient supply of Medicinal Cannabis and Medicinal
16 Cannabis Products.

17 (3) A “Delivery-Only Cannabis Retailer Operations Plan” containing such information
18 as may be required by the Director, including but not limited to:

19 (A) Where applicable, a description of the protocols it intends to implement to
20 separately store, sell, and tax Medicinal and Adult Use Cannabis and Cannabis Products;

21 (B) A description of where and when shipments of Cannabis and Cannabis
22 Products will be received, and the security measures that will be implemented to ensure the safety of
23 the Business’ employees, and the public, and to protect against the theft of Cannabis and Cannabis
24 Products;

1 (C) Information about the electronic platform, if any, to be used to receive and
2 process orders for Cannabis and/or Cannabis Products;

3 (D) The Vehicle Information Number for each vehicle that will be used to Deliver
4 Cannabis and Cannabis Products, and proof of insurance coverage therefor;

5 (E) A description of how the Applicant will confirm the age and identity of the
6 Customer prior to and/or upon Delivery;

7 (F) A description of how the Applicant will confirm that a Customer is qualified
8 under California Health and Safety Code Sections 11362.7 et seq. to use Medicinal Cannabis, prior to
9 and/or upon Delivery of Medicinal Cannabis or a Medicinal Cannabis Product;

10 (G) A description of how the Applicant will track Delivery employees and
11 Delivery status; and

12 (H) A statement signed by the Applicant affirming that the Applicant:

13 (i) Will provide training to all Delivery employees concerning the laws
14 governing Sales and Deliveries of Cannabis and Cannabis products;

15 (ii) Will take steps to ensure the personal safety of all Delivery
16 employees; and

17 (iii) Understands that the Delivery of Cannabis or Cannabis Products by
18 anyone other than an employee of the Applicant is a violation of this Article 16.

19
20 **SEC. 1610. WITHDRAWAL OF APPLICATION.**

21 An Applicant may withdraw an application at any time prior to the Office's issuance or denial
22 of a Cannabis Business Permit. Requests to withdraw an application shall be submitted to the Office in
23 writing, dated, and signed by the Person who submitted and signed the application. The Office shall not
24 refund application fees for a withdrawn application. An Applicant that has withdrawn an application
25 may reapply and pay a new application fee at any time following the withdrawal of an application, but

1 such application shall not receive priority review as set forth in subsections (c)(1), (2), and (3) of
2 Section 1606.

3
4 **SEC. 1611. PERMITTEE'S RESPONSIBILITY FOR ACTS OF EMPLOYEES AND**
5 **AGENTS.**

6 In construing and enforcing the provisions of this Article 16 and regulations promulgated
7 thereto, any act, omission, or failure of an agent, officer, or other Person acting for or employed by a
8 Cannabis Business, within the scope of his or her employment or agency, shall be deemed the act,
9 omission, or failure of the Cannabis Business.

10
11 **SEC. 1612. INCORPORATION OF REQUIREMENTS OF LOCAL APPROVALS.**

12 (a) A violation of the terms and conditions of a Cannabis Business Permit shall be treated as a
13 violation of this Article 16.

14 (b) A violation of the terms and conditions imposed on a Cannabis Business by a Referring
15 Department shall be treated as a violation of this Article 16.

16
17 **SEC. 1613. LIMITS ON PERMITS.**

18 (a) A Permittee that holds a Cannabis Testing Facility permit shall be ineligible for and may
19 not be issued a permit to operate any other type of Commercial Cannabis Activity permitted by the
20 City. A Permittee that holds a Cannabis Business Permit other than a Cannabis Testing Facility
21 permit, shall be ineligible for and may not be issued a permit to operate a Cannabis Testing Facility.

22 (b) Except as stated in the first sentence of subsection (a) of this 1613, a Person may hold more
23 than one Cannabis Business Permit.

24
25 **SEC. 1614. REFERRAL OF APPLICATION TO DEPARTMENTS AND AGENCIES.**

1 The Director shall send the application to all appropriate Referring Departments. Those
2 departments shall complete all necessary review and inspections and report their determinations to the
3 Office of Cannabis.

4
5 **SEC. 1615. ISSUANCE AND DENIAL OF CANNABIS BUSINESS PERMITS.**

6 (a) After reviewing an Applicant’s application, the Director shall notify the Applicant in
7 writing that the application is complete and accepted for further review, or incomplete. If the Director
8 deems the application to be incomplete, the Applicant shall supply the information or documentation
9 that is required for the application to be deemed complete. The Applicant shall have 90 days from the
10 date that the Director provides notification that the application is incomplete to provide all required
11 information and/or documentation. If the Applicant does not provide such information within 90 days,
12 the application will be deemed abandoned and will not receive further consideration. Applicants that
13 abandon an application may submit a new one, subject to payment of a new application fee.
14 Applicants that submit an Application following the abandonment of an earlier Application shall not
15 receive priority review, as set forth in subsections (c)(1), (2), and (3) of Section 1606.

16 (b) Upon review of a complete application and consideration of information provided by the
17 Referring Departments, the Director shall either grant or deny a permit, as specified in more detail in
18 subsections (c) and (d).

19 (c) **Approvals.** In granting a permit, the Director may impose conditions as are, in his or her
20 judgment, necessary to protect the health and safety of the Permittee’s employees, neighbors, and
21 Customers, prevent access to Cannabis and Cannabis Products by underage persons, and reduce any
22 potential adverse impacts of the Cannabis Business on the immediate neighborhood. Such conditions
23 may include, but are not limited to, conditions relating to the hours of operation.

24 (d) **Mandatory Grounds for Denial.** No Cannabis Business Permit shall be issued if the
25 Director finds that:

1 (1) The Applicant provided materially false information or documents in support of the
2 application.

3 (2) The Applicant failed to provide all information required by this Article 16 and by
4 the Director, in implementing this Article 16.

5 (3) The Applicant has not fully complied with the provisions of this Article 16.

6 (4) The Applicant has not demonstrated eligibility for a permit under this Article 16.

7 (5) The Premises are materially different from the diagram of the Premises submitted
8 by the Applicant.

9 (6) The City has revoked a permit for the operation of a business in the City which
10 permit had been issued to the Applicant or to any other Person who will be engaged in the management
11 of the Cannabis Business unless more than five years have passed between the date of the application
12 and the date of revocation of the other permit.

13 (7) The operation of the Cannabis Business as proposed by the Applicant, if permitted,
14 would not comply with all applicable laws, including but not limited to, the Building, Planning,
15 Housing, Police, Fire, and Health Codes of the City, the provisions of this Article 16 and any
16 regulations promulgated thereto, and the Medicinal and Adult Use Cannabis Regulation and Safety
17 Act, 2017 Cal. Legis. Serv. Ch. 27 (S.B. 94), and its implementing regulations, as may be amended from
18 time to time.

19 (8) The Applicant is employed by any local or state agency responsible for the
20 regulation of Commercial Cannabis Activities.

21 (9) The Applicant denied access to the Premises to the Office and/or to any Referring
22 Department.

23 (10) The Director finds that the Premises or the Cannabis Business will be or is being
24 managed, conducted, or maintained in such a manner as to endanger the health and safety of the
25 employees, Customers or neighbors, or to coerce any employee to engage in illegal conduct.

1 (e) Discretionary Grounds for Denial. The Director may deny an application for a Cannabis
2 Business Permit if the Director finds that:

3 (1) The Applicant or Owner has been convicted of an offense that is substantially
4 related to the qualifications, functions, or duties of the business or profession for which the application
5 is made, except that if the Director determines that the Applicant or Owner is otherwise suitable to be
6 issued a permit, and granting the permit would not compromise public safety, the Director shall
7 conduct a thorough review of the nature of the crime, conviction, circumstances, and evidence of
8 rehabilitation of the Applicant or Owner, and shall evaluate the suitability of the Applicant or Owner,
9 to be issued a permit based on the evidence found through the review. For purposes of this subsection
10 (e)(1), “offenses that are substantially related to the qualifications, functions, or duties of the business
11 or profession for which the application is made” include, but are not limited to, the following:

12 (A) A violent felony conviction, as specified in subdivision (c) of Section 667.5 of
13 the California Penal Code;

14 (B) A serious felony conviction, as specified in subdivision (c) of Section 1192.7
15 of the California Penal Code;

16 (C) A felony conviction involving fraud, deceit, or embezzlement;

17 (D) A felony conviction for hiring, employing, or using a minor in transporting,
18 carrying, selling, giving away, preparing for sale, or peddling, any controlled substance to a minor; or
19 selling, offering to sell, furnishing, offering to furnish, administering, or giving any controlled
20 substance to a minor; and,

21 (E) A felony conviction for drug trafficking with enhancements pursuant to
22 Section 11370.4 or 11379.8 of the California Health and Safety Code.

23 (2) Except as provided in subsections (e)(1)(D)-(E) of this Section 1615, a prior
24 conviction, where the sentence, including any term of probation, incarceration, or supervised release,
25 is completed, for possession of, possession for sale, sale, manufacture, transportation, or cultivation of

1 a controlled substance is not considered substantially related, and shall not be the sole ground for
2 denial of a permit.

3 (3) The Director concludes that there is good cause to deny the permit in accordance
4 with Section 26 of the Business and Tax Regulations Code.

5 (f) In determining whether an Application should be denied on grounds articulated in
6 subsections (d)(1) and (2) of this Section 1615, the Director shall use his or her best efforts to
7 coordinate his or her review of evidence and decision with the State Licensing Authority charged with
8 the review of the Applicant's application for a State Cannabis License.

9
10 **SEC. 1616. PAYMENT OF ANNUAL LICENSE FEE.**

11 The license fee for a Cannabis Business Permit shall be paid annually on or before March 31,
12 in accordance with the provisions of Section 76.1 of the Business and Tax Regulations Code. Upon the
13 failure of the Permittee to pay such fees, the permit shall be considered null and void, and therefore
14 inactive as a matter of law, until the Permittee pays the fees and any penalties that might be assessed
15 by the Director.

16
17 **SEC. 1617. COMPLIANCE WITH PERMIT CONDITIONS.**

18 (a) No Permittee shall operate a Cannabis Business in a manner inconsistent with any permit
19 condition imposed by the Director or by a Referring Department.

20 (b) A Permittee may request a permit amendment to remove or change a condition imposed by
21 the Director by filing a request with the Office of Cannabis and paying such permit amendment
22 application fee as may be required.

23 (c) The Director shall consider whether the amendment of the permit condition sought by the
24 Permittee would jeopardize the health and safety of the Permittee's employees, neighbors, or
25 Customers, increase access to Cannabis and Cannabis Products by underage persons, or increase any

1 potential adverse impacts of the Cannabis Business on the immediate neighborhood, and shall render a
2 decision to remove, change, or maintain the permit condition(s) on the basis of that evaluation or for
3 any good cause.

4 (d) A decision of the Director to impose a permit condition, or to refuse to remove or amend a
5 permit condition, may be appealed to the Board of Appeals in the manner prescribed in Article 1 of the
6 Business and Tax Regulations Code.

7
8 **SEC. 1618. ELIGIBILITY AND OPERATING STANDARDS APPLICABLE TO ALL**
9 **CANNABIS BUSINESSES.**

10 (a) Every Cannabis Business is required to obtain a business license from the City in
11 compliance with Article 2 of the Business and Tax Regulations Code.

12 (b) Every Cannabis Business is required to obtain a business registration certificate from the
13 City in compliance with Article 12 of the Business and Tax Regulations Code.

14 (c) Every Cannabis Business is required to obtain a State Cannabis License prior to engaging
15 in any Commercial Cannabis Activities.

16 (d) Every Cannabis Business is required to prominently display on its Premises its Cannabis
17 Business Permit, State Cannabis License, Business Registration, and Seller's Permit, if required to hold
18 a Seller's Permit.

19 (e) Every Cannabis Business shall operate within fully enclosed and secure structures that are
20 inaccessible to underage persons.

21 (f) It shall be a violation of this Article 16 for a Cannabis Business to sell or maintain alcoholic
22 beverages and/or Tobacco Products on the Premises of the Cannabis Business.

23 (g) Every Cannabis Business shall enter into a First Source Hiring Agreement, as defined by
24 Section 83.4 of the Administrative Code, pursuant to which it agrees to comply with the first source
25 hiring requirements set forth in subsections (b)(1)-(8) of Section 83.9 of the Administrative Code.

1 (h) Every Cannabis Business is required to submit a “modification request” to the Office of
2 Cannabis prior to making any change that would materially or substantially alter the Premises from
3 the diagram of the Premises on file with the Office of Cannabis, and shall not make the proposed
4 change absent approval from the Director.

5 (i) Every Cannabis Business is required to use the business name listed on its Cannabis
6 Business Permit when applying for any other permits or licenses relating to the operation of the
7 Cannabis Business, and when applying for a State Cannabis license.

8 (j) Every Cannabis Business is required to provide identification badges to all employees that
9 display: (1) the name of the Cannabis Business; (2) the number of the Cannabis Business’ Cannabis
10 Business Permit; and (3) a photo of the employee’s face. Such identification badges must be worn by
11 employees at all times when they are on the Premises of the Cannabis Business, and when acting in the
12 scope of their employment.

13 (k) Every Cannabis Business is required to maintain on the Premises a fire proof safe.

14 (l) A Cannabis Business shall not enter into a sublease for use of any part of the Premises by
15 another entity without the prior approval of the Director.

16 (m) A Physician’s Recommendation for Medicinal Cannabis may not be sought, issued,
17 provided, or procured on the Premises of a Cannabis Business.

18 (n) At any time a Cannabis Business is open for operation, there shall be at least one person on
19 the Premises who is responsible for the operation of the Cannabis Business and who is readily
20 available to respond to and interact with all inspecting departments and agencies, the Director, or any
21 other City employee or official.

22 (o) No Cannabis Business may employ an individual who is not at least 21 years of age.

23 (p) Every Cannabis Business is required to comply with all aspects of the state’s “Track and
24 Trace” program, as set forth in Section 26067 of the California Business and Professions Code, as may
25 be amended from time to time.

1 (q) Every Cannabis Business is required to maintain records demonstrating that all Cannabis
2 and Cannabis Products have been obtained from Cannabis Businesses holding a valid State Cannabis
3 License. The Director shall have the right to examine, monitor and audit such records and
4 documentation, which shall be made available immediately upon request of the Office of Cannabis.

5 (r) None of the following items shall be allowed on the Premises or parking lot of a permitted
6 Cannabis Business:

7 (1) Controlled substances other than Cannabis, except when in the possession or under
8 the control of an individual for whom the controlled substance was prescribed by a licensed physician;
9 and

10 (2) Alcoholic beverages.

11 (s) Every Cannabis Business shall comply with the terms of its Good Neighbor Policy and
12 Security Plan.

13 (t) Every Cannabis Business is required to keep all garbage, recycling, and compost containers
14 on the Premises and hidden from public view, and placed outside only when being serviced by the
15 disposal company. Trash shall be contained and disposed of pursuant to garbage and recycling
16 receptacle guidelines set forth by the Department of Public Works.

17 (u) The Premises of every Cannabis Business shall be adequately soundproofed or insulated for
18 noise, as may be required by the Planning and/or Building Codes, or by permits issued pursuant to
19 those Codes. Noise generated by fixed-source equipment shall not exceed the decibel levels specified in
20 Article 29 of the Police Code, as may be amended from time to time. Violations of this subsection (u),
21 including noise that exceeds the decibel levels specified in Article 29 of the Police Code, are subject to
22 the penalties set forth in this Article 16.

23 (v) Appropriate odor control equipment shall be installed in conformance with the approved
24 odor plan and maintained to prevent any significant noxious or offensive odors from escaping the
25 Premises.

1 (w) Every Cannabis Business shall maintain the main entrance to the Premises and all
2 sidewalks abutting the subject property in a clean and sanitary condition in compliance with the
3 Department of Public Works' Street and Sidewalk Maintenance Standards.

4 (x) Every Cannabis Business shall comply with signage controls as established in accordance
5 with the Planning Code.

6 (y) Every Cannabis Business shall register with the Office each location within the City where
7 Cannabis and Cannabis Products will be stored.

8 (z) Every Cannabis Business shall protect personally identifiable information and protected
9 health information from unauthorized disclosure, to the extent required by the Health Insurance
10 Portability and Accountability Act, the California Medical Information Act, Article 1 of the California
11 Constitution, the California Health and Safety Code and regulations promulgated thereunder, and any
12 other applicable provision of federal or state law.

13 (aa) It shall be a violation of this Article 16 for any Cannabis Business to engage in the nonsale
14 distribution of Cannabis or Cannabis Products, or to permit the nonsale distribution of Cannabis or
15 Cannabis Products by any Person on the Premises of the Cannabis Business, except as authorized by
16 state law. For purposes of this subsection (aa), "nonsale distribution" means to give Cannabis or
17 Cannabis Products to the general public or some segment thereof at no cost, or at nominal cost, or to
18 give coupons, coupon offers, or rebate offers for Cannabis or Cannabis Products to the general public
19 or some segment thereof at no cost or at nominal cost.

20 (bb) A Cannabis Business shall conduct an Energy Efficiency Audit Reporting, as may be
21 required by Chapter 20 of the Environment Code.

22 (cc) Every Cannabis Business shall ensure that the electrical power used for Commercial
23 Cannabis Activities shall be procured from or produced by renewable sources, consistent with
24 Renewable Energy Requirements to be adopted by the Director, in consultation with the Director of the
25 Department of the Environment. In adopting Renewable Energy Requirements, the Director shall

1 establish minimum renewable energy requirements that are consistent with the amount of renewable
2 energy contained in CleanPowerSF's Green Service. A Cannabis Businesses shall also provide to the
3 Director and the Department of the Environment an annual report documenting the amount and source
4 of energy consumed by the Business in the prior 12 months.

5 (dd) Every Cannabis Business shall advise the Director and the applicable State Licensing
6 Authority in writing of the following events within 48 hours of:

7 (1) Receiving a criminal penalty or civil judgment rendered against the Permittee; or

8 (2) Receiving notification of the revocation of a local license, permit or other
9 authorization from any Referring Department.

10 (ee) Every Cannabis Business shall notify the Director, the Police Department, and the
11 applicable State Licensing Authority within 24 hours after discovering any of the following:

12 (1) Significant discrepancies identified during inventory;

13 (2) Diversion, theft, loss, or any criminal activity pertaining to the operation of the
14 Cannabis Business;

15 (3) The loss or unauthorized alteration of records related to Cannabis or Cannabis
16 Products, registered qualifying patients, primary caregivers, or the employees or agents of the
17 Cannabis Business; and

18 (4) Any other breach of security.

19
20 **SEC. 1619. PROHIBITION ON ENTRY BY AND SALES TO UNDERAGE PERSONS.**

21 (a) **Entry to Premises Prohibited.** It shall be a violation of this Article 16 for a Permittee to
22 allow on the Premises any person under 21 years of age, provided however that a Medicinal Cannabis
23 Retailer may allow entry to a person 18 years of age or older who possesses a valid Physician's
24 Recommendation.

25 (b) **Prohibited Sales.**

1 (1) It shall be a violation of this Article 16 for any Storefront Cannabis Retailer,
2 Cannabis Microbusiness, or Delivery-Only Cannabis Retailer to Sell, furnish, give, or cause to be Sold,
3 any Adult Use Cannabis or Adult Use Cannabis Products to any person under the age of 21.

4 (2) It shall be a violation of this Article 16 for any Storefront Cannabis Retailer,
5 Cannabis Microbusiness, or Delivery-Only Cannabis Retailer to Sell, furnish, give, or cause to be Sold,
6 any Medicinal Cannabis or Medicinal Cannabis Products to any person who is under the age of 18
7 and/or who does not possess a valid Physician's Recommendation.

8 (c) **Positive Bona Fide Proof of Identity Required.** No Storefront Cannabis Retailer,
9 Cannabis Microbusiness, or Delivery-Only Cannabis Retailer may Sell Cannabis or Cannabis
10 Products to any Customer without first examining the Customer's Bona Fide Proof of Age and Identity
11 to confirm that the Customer is at least the minimum age under state law to purchase and possess the
12 Cannabis or Cannabis Product. Review of a Customer's Bona Fide Proof of Age must be performed by
13 an employee of the Permittee, in the presence of the prospective Customer.

14 (d) **Proof of Physician's Recommendation Required.** No Storefront Cannabis Retailer,
15 Cannabis Microbusiness, or Delivery-Only Cannabis Retailer may Sell Medicinal Cannabis or
16 Medicinal Cannabis Products to any Customer without first examining verification that the Customer
17 possesses a valid Physician's Recommendation. Review of a Customer's verification of Physician's
18 Recommendation must be performed by an employee of the Permittee, in the presence of the
19 prospective Customer.

20
21 **SEC. 1620. CONSUMPTION AND SMOKING OF CANNABIS AND CANNABIS**
22 **PRODUCTS ON THE PREMISES OF CANNABIS BUSINESSES.**

23 (a) The Consumption and Smoking of Cannabis and Cannabis Products are prohibited on the
24 Premises of all Cannabis Manufacturing Facilities, Cannabis Cultivation Facilities, Cannabis Testing
25 Facilities, Cannabis Distributors, and Delivery-Only Cannabis Retailers.

1 (b) The Consumption of Cannabis Products is not prohibited on the Premises of Medicinal
2 Cannabis Retailers, Cannabis Retailers, and Cannabis Microbusiness, provided, however, that all of
3 the following conditions are present:

4 (1) The Cannabis Business has received and maintained a valid Cannabis Consumption
5 Permit from the Department of Public Health, as set forth in Article 8A of the Health Code, authorizing
6 onsite Consumption of Cannabis Products;

7 (2) Access to the area where the Consumption of Cannabis Products is allowed is
8 restricted to persons 21 years of age and older, or persons 18 years of age and older, if the Permitted
9 Businesses is authorized to Sell Medicinal Cannabis and Medicinal Cannabis Products;

10 (3) Cannabis Consumption is not visible from any public place or nonage-restricted
11 area; and

12 (4) Sale and Consumption of alcohol or Tobacco Products are not allowed on the
13 Premises.

14 (c) The Smoking of Cannabis and Cannabis Products is prohibited on the Premises of
15 Medicinal Cannabis Retailers, Cannabis Retailers, and Cannabis Microbusinesses, absent
16 authorization from the Director of the Department of Public Health, as set forth in Section 1009.23 of
17 the Health Code. Where authorized by the Director of Health, the Smoking of Cannabis and Cannabis
18 Products shall be subject to the limitations on Consumption set forth in subsection (b)(2)-(4) of this
19 Section 1620.

20 (d) All Cannabis Businesses shall:

21 (1) Post clear and prominent signs at each entrance to the Premises advising
22 Customers that the Smoking of Cannabis is prohibited in public places, including on sidewalks and in
23 the entryways of businesses;

24 (2) Post clear and prominent “No Smoking” signs in any area of the Premises where
25 Smoking is prohibited;

1 (3) Post clear and prominent “No Consuming Cannabis” signs in any area of the
2 Premises where the Consumption of Cannabis and Cannabis Products is prohibited; and

3 (4) Request that any person Smoking or Consuming Cannabis or Cannabis Products
4 where Smoking or Consumption are prohibited refrain from Smoking and/or Consuming.

5
6 **SEC. 1621. TOURS.**

7 (a) It shall be a violation of this Article 16 for Cannabis Testing Facilities, Cannabis
8 Distributors, and Delivery-Only Cannabis Retailers to permit a tour to be conducted on the Premises.

9 (b) Prior to January 1, 2019, it shall be a violation of this Article 16 for a Cannabis
10 Manufacturing Facility, a Cannabis Cultivation Facility, or a Cannabis Microbusiness to permit a tour
11 to be conducted on the Premises.

12 (c) For purposes of this Section 1621, a “tour” means an organized or prearranged visit by a
13 member or members of the general public, or segment thereof, whether free or for charge, who wish to
14 view the Premises, learn about its methods of operation, and/or gain insight into the Cannabis industry.

15 A “tour” does not include visits by:

16 (1) Employees of the Cannabis Business;

17 (2) Employees of other Cannabis Businesses licensed by the State of California with
18 which the Permittee is conducting business;

19 (3) Persons authorized to conduct inspections;

20 (4) Persons engaging in law enforcement activities;

21 (5) Persons providing incidental business services, such as repairs or, deliveries; or

22 (6) Persons affiliated with a government agency who have received approval from the
23 Cannabis Business and the Office of Cannabis to conduct a tour of the Cannabis Business.

24 (d) Prior to January 1, 2019, the Director shall adopt rules and regulations governing tours of
25 Cannabis Businesses. The Director is authorized to extend the prohibition on tours set forth in

1 subsection (b) of this Section 1621, or authorize tours, subject to limitations he or she may adopt to
2 protect the health and safety of employees, neighbors and Customers, prohibit access to Cannabis and
3 Cannabis Products by underage persons, preserve the character of the surrounding neighborhood, and
4 mitigate any potential noise and/or traffic congestion.

5
6 **SEC. 1622. DELIVERIES OF CANNABIS AND CANNABIS PRODUCTS TO**
7 **CUSTOMERS.**

8 (a) The Delivery of Cannabis or Cannabis Products to Customers within San Francisco is
9 prohibited except by Storefront Cannabis Retailers and Delivery-Only Cannabis Retailers that are
10 permitted by the Office of Cannabis and receive express authorization to engage in Deliveries from the
11 Director. The Delivery of Cannabis or Cannabis Products within San Francisco by Cannabis
12 Businesses that are located outside of San Francisco is prohibited.

13 (b) Permitted Cannabis Businesses that receive authorization from the Director to engage in
14 Deliveries must comply with such Delivery Standards as may be adopted by the Director, including but
15 not limited to the following:

16 (1) Deliveries may only be conducted by employees of the Permitted Cannabis Business.
17 Deliveries may not be conducted by independent contractors.

18 (2) An employee conducting a Delivery must deliver the Cannabis or Cannabis Product
19 to an address associated with real property (e.g. not to a street corner or location within a park).

20 (3) Orders must be completed by individuals aged 21 or over (with valid California
21 driver's license or Identification card).

22 (4) Deliveries must be made during the Cannabis Business' hours of operation.

23 (5) Delivery may only be made to the individual who placed the Bona Fide Order, and
24 to individuals who are 21 years of age or older, unless the Customer provides verification that the
25

1 Customer, or a patient for whom he or she is a Primary Caregiver, qualifies under California Health
2 and Safety Code Section 11362.7 et seq. to use Medicinal Cannabis.

3 (6) Upon Delivery, the employee performing the Delivery must:

4 (A) Personally review the Bona Fide Proof of Age and Identity of the Customer
5 to confirm that he or she is the same individual who submitted the Bona Fide Order, and is not
6 underage, as set forth in Section 1619 of this Article 16;

7 (B) Where the product being sold is Medicinal Cannabis or a Medicinal
8 Cannabis Product, personally review documentation verifying that the Customer possesses a valid
9 Physician's Recommendation;

10 (C) Require the Customer to sign a document indicating the type and quantity of
11 Cannabis and/or Cannabis Products that were Delivered; and

12 (D) Distribute to each Customer at the time of sale a fact sheet relating to safe
13 Consumption of Cannabis and Cannabis Products, the content of which shall be produced by the
14 Department of Public Health.

15 (7) A Cannabis Business may not Deliver more than 28.5 grams of non-concentrated
16 Cannabis or eight grams of concentrated Cannabis Products to the same real property (e.g. apartment
17 unit or house) in the same business day.

18 (8) Cannabis and Cannabis Products that are Delivered to a Customer must:

19 (A) Comply with the all State and local packaging and labeling rules; and,

20 (B) Be placed in an opaque child resistant Delivery receptacle.

21 (9) All Cannabis and Cannabis Products shall be kept in a lock-box securely affixed
22 inside the Delivery vehicle.

23 (10) A manifest must be created for each Delivery or series of Deliveries prior to
24 departure, and the Delivery employee may not make any unnecessary stops between Deliveries or
25 deviate substantially from the manifest route, unless a stop is necessary for personal safety.

1 (11) A Cannabis Business authorized to engage in the Delivery of Cannabis and/or
2 Cannabis Products shall comply with all track and trace requirements imposed by state law, and shall
3 document the following information regarding Deliveries pursuant to track and trace:

4 (A) The date and time the Bona Fide Order was received by the Cannabis
5 Business;

6 (B) The date and time the Cannabis and/or Cannabis Products were Delivered;

7 (C) A description of the Cannabis and/or Cannabis Products that were
8 Delivered, including the weight or volume and price paid by the Customer;

9 (D) The name of the Delivery employee who performed the Delivery; and

10 (E) The name of the individual to whom the Delivery was made, and the
11 Delivery address.

12 (12) A Cannabis Business authorized to engage in Deliveries must Deliver Cannabis
13 and Cannabis Products by Vehicle only. Delivery of Cannabis and Cannabis Products by motorcycles,
14 scooters, drones, human powered vehicles, and unmanned vehicles is prohibited.

15
16 **SEC. 1623. CANNABIS CULTIVATION FACILITIES.**

17 (a) **Authorized activities.** A Cannabis Cultivation Facility Permit authorizes the Permittee to
18 engage in the Commercial Cultivation and Processing of Medicinal Cannabis and Adult Use Cannabis,
19 provided that the Permittee is both an A-licensee and an M-licensee. A Cannabis Cultivation Facility
20 Permittee that holds only an A-license may engage in the Commercial Cultivation and Processing of
21 Adult Use Cannabis only. A Cannabis Cultivation Facility Permittee that holds only an M-License may
22 engage in the Cultivation and Processing of Medicinal Cannabis only.

23 (b) **Operating Standards.** In addition to the operating requirements set forth in Section 1618 of
24 this Article 16, a Cannabis Cultivation Facility shall comply with the following Cultivation operating
25 standards:

1 (1) The Premises to be used as a Cannabis Cultivation Facility may not exceed 22,000
2 square feet of total Canopy. Canopy shall be calculated on a square foot basis and shall include any
3 vertical growth space, such as shelving.

4 (2) A Cannabis Cultivation Facility may engage in the indoor Cultivation of Cannabis
5 only; the outdoor Cultivation of Cannabis is prohibited. For purposes of this Article 16, “indoor
6 Cultivation” and “outdoor Cultivation” shall have the meaning set forth in regulations promulgated by
7 the California Department of Food and Agriculture pursuant to the Medicinal and Adult Use Cannabis
8 Regulation and Safety Act.

9 (3) All Cultivation activities must not be visible from the public right-of-way.

10 (4) A Cannabis Cultivation Facility must have weighing and measuring devices used in
11 connection with the Sale or Distribution of Cannabis that meet state standards.

12
13 **SEC. 1624. CANNABIS MANUFACTURING FACILITIES.**

14 (a) **Authorized activities.** A Cannabis Manufacturing Facility Permit authorizes the Permittee
15 to engage in the Commercial Manufacture of Medicinal Cannabis Products and Adult Use Cannabis
16 Products, provided that the Permittee is both an A-licensee and an M-licensee. A Cannabis
17 Manufacturing Facility Permittee that holds only an A-license may engage in the Commercial
18 Manufacture of Adult Use Cannabis Products only. A Cannabis Manufacturing Facility Permittee that
19 holds only an M-License may engage in the Manufacturing of Medicinal Cannabis Products only.

20 (b) **Operating Standards.** In addition to the operating requirements set forth in Section 1618 of
21 this Article 16, a Cannabis Manufacturing Facility shall comply with the following Manufacturing
22 operating standards:

23 (1) A Cannabis Manufacturing Facility may Manufacture Cannabis Products only; it
24 may not Manufacture products that do not contain Cannabis.

1 (2) A Cannabis Manufacturing Facility may engage in Cannabis oil extraction, subject
2 to any limitations imposed by the Planning Code, the Planning Department or the Planning
3 Commission.

4 (3) A Cannabis Manufacturing Facility may not produce or Sell Edible Cannabis
5 Products that do not comply with the requirements of Sections 26130 and 26131 of the California
6 Health and Safety Code, as may be amended from time to time, and any regulations promulgated
7 thereto.

8 (4) A Cannabis Manufacturing Facility may use Volatile Solvents only if the operator
9 holds a State Cannabis License authorizing their use.

10 (5) A Cannabis Manufacturing Facility using Volatile Solvents for Manufacturing
11 Cannabis Products must operate in a manner to reduce the risk of explosion or danger to public health,
12 including through the use of a close-loop or solvent dispersion system consistent with the requirements
13 of California Health and Safety Code Section 11362.775, as may be amended from time to time.

14
15 **SEC. 1625. CANNABIS TESTING FACILITIES.**

16 (a) **Authorized activities.** A Cannabis Testing Facility Permit authorizes the Permittee to
17 engage in the Commercial testing of Medicinal Cannabis and Cannabis Products and Adult Use
18 Cannabis and Cannabis Products.

19 (b) **Operating Standards.** In addition to the operating requirements set forth in Section 1618 of
20 this Article 16, a Cannabis Testing Facility shall:

21 (1) Notify the Department of Public Health and Office of Cannabis of any tests
22 performed on Cannabis or Cannabis Products Cultivated or Manufactured by a Cannabis Business
23 located in San Francisco where the Cannabis batch fails the testing requirements established by state
24 regulation within five business days of conducting such test. Such notification shall include the name,
25 State license number and local Permit number of the Manufacturer that provided the Cannabis to be

1 tested, and information related to the test results, reason for failure, and any applicable track and trace
2 information;

3 (2) Notify the Office of Cannabis within 24 hours of conducting a test if a sample that
4 was Cultivated, Manufactured, or supplied by a Cannabis Business located in San Francisco is found
5 to contain levels of a contaminant not allowable by the State that could be injurious to human health if
6 Consumed. The Office of Cannabis shall provide this information to appropriate City and state
7 departments, including but not limited to the Department of Public Health;

8 (3) Notify the Office of Cannabis within one business day after receipt of notice that
9 accreditation as a Cannabis Laboratory has been denied, suspended or revoked; and

10 (4) Employ at least one full-time employee responsible for quality control.

11
12 **SEC. 1626. CANNABIS DISTRIBUTORS.**

13 (a) **Authorized activities.** A Cannabis Distributor Permit authorizes the Permittee to engage in
14 the Commercial Distribution of Medicinal Cannabis and Adult Use Cannabis, provided that the
15 Permittee is both an A-licensee and an M-licensee. A Cannabis Distributor that holds only an A-
16 license may engage in the Commercial Distribution of Adult Use Cannabis and Cannabis Products
17 only. A Cannabis Distributor that holds only an M-License may engage in the Commercial
18 Distribution of Medicinal Cannabis and Cannabis Products only.

19 (b) **Operating Standards.** In addition to the operating requirements set forth in Section 1618 of
20 this Article 16, a Cannabis Distributor shall comply with the following operating standards:

21 (1) A Cannabis Distributor shall inspect all Cannabis and Cannabis Products received
22 by it for quality assurance prior to Distribution.

23 (2) A Cannabis Distributor shall Distribute Cannabis and Cannabis Products by
24 Commercial Vehicle only. Distribution by non-Commercial Vehicles, drones, human powered vehicles,
25 and unmanned vehicles is prohibited.

1
2 **SEC. 1627. CANNABIS MICROBUSINESSES.**

3 (a) Authorized activities. A Cannabis Microbusiness Permit authorizes the Permittee to
4 engage in the Commercial Cultivation, Manufacture, Distribution, and Sale of Medicinal Cannabis and
5 Cannabis Products and Adult Use Cannabis and Cannabis Products, provided that the Permittee is
6 both an A-licensee and an M-licensee. A Cannabis Microbusiness that holds only an A-license may
7 engage in the aforementioned Commercial activities relating to Adult Use Cannabis and Cannabis
8 Products only. A Cannabis Microbusiness that holds only an M-License may engage in the
9 aforementioned Commercial activities relating to Medicinal Cannabis and Cannabis Products only.

10 (b) Operating Standards. In addition to the operating requirements set forth in Section 1618, a
11 Cannabis Microbusiness shall comply with the operating standards set forth in Sections 1623, 1624,
12 1626, and 1628 of this Article 16, and shall comply with the following additional operating standards:

13 (1) A Cannabis Microbusiness shall conduct all four categories of Commercial activity
14 (Cultivation, Manufacture, Distribution, and Sale) on the same Premises.

15 (2) The area on which a Cannabis Microbusiness Cultivates Cannabis must be less than
16 10,000 square feet.

17 (3) The use of Volatile Solvents by a Cannabis Microbusiness is prohibited.

18
19 **SEC. 1628. STOREFRONT CANNABIS RETAILERS.**

20 (a) Authorized activities.

21 (1) A Medicinal Cannabis Retailer permit authorizes the Permittee to engage in the
22 retail Sale of Medicinal Cannabis and Medicinal Cannabis products only.

23 (2) A Cannabis Retailer permit authorizes the Permittee to engage in the retail Sale of
24 both Medicinal and Adult Use Cannabis and Cannabis Products, provided that the Permittee is both an
25 A-licensee and an M-licensee. A Cannabis Retailer Permittee that holds only an A-license may engage

1 in the retail Sale of Adult Use Cannabis and Cannabis Products only. A Cannabis Retailer Permittee
2 that holds only an M-License may engage in the retail Sale of Medicinal Cannabis and Cannabis
3 Products only.

4 (3) A Storefront Cannabis Retailer permit does not authorize the Permittee to engage in
5 the Delivery of Cannabis or Cannabis Products to Customers unless the Director has authorized the
6 Permittee to engage in deliveries, as set forth in Section 1622 of this Article 16.

7 (b) **Operating Standards.** In addition to the operating requirements set forth in Sections 1618,
8 a Storefront Cannabis Retailer shall comply with the following additional operating requirements:

9 (1) A Storefront Cannabis Retailer must be operated from a fixed place of business. It
10 may not be operated out of a bus, truck, car, van, or any other mobile location or location that is
11 capable of being mobile.

12 (2) A Storefront Cannabis Retailer shall post staff at the point of entry to the Premises
13 to confirm that all Customers who enter are not underage, as set forth in Section 1619 of this Article
14 16.

15 (3) A Storefront Cannabis Retailer must distribute to each Customer at the time of Sale,
16 a fact sheet relating to safe Consumption of Cannabis and Cannabis Products, to be produced by the
17 Department of Public Health.

18 (4) A Storefront Cannabis Retailer shall not employ or enter into any agreements with
19 any physicians who recommend Medicinal Cannabis or with any third party that employs physicians
20 who recommend Medicinal Cannabis.

21 (5) A Storefront Cannabis Retailer licensed to sell Adult Use Cannabis may not Sell
22 more than 28.5 grams of non-concentrated Adult Use Cannabis or eight grams of concentrated Adult
23 Use Cannabis Products to a Customer in the same business day.

24 (6) A Storefront Cannabis Retailer licensed to sell Medicinal Cannabis may not Sell
25 more than 28.5 grams of non-concentrated Medicinal Cannabis or eight grams of concentrated

1 Medicinal Cannabis Products to a Customer in the same business day, unless the Customer provides a
2 Physician's Recommendation requiring a greater amount.

3 (7) A Storefront Cannabis Retailer may not:

4 (A) Allow Customers on the Premises during hours of closure;

5 (B) Store Cannabis or Cannabis Products in any location other than on the
6 permitted Premises;

7 (C) Sell Cannabis or Cannabis Products through a drive-up window;

8 (D) Give away or Sell pressurized containers of butane or other materials that
9 could be used in the home production of Cannabis extract.

10 (8) A Storefront Cannabis Retailer may accept returns of Cannabis and Cannabis
11 Products that were previously sold by the Storefront Cannabis Business, but shall not resell Cannabis
12 or Cannabis Products that have been returned. A Storefront Cannabis Retailer shall treat any
13 Cannabis and Cannabis Products that are abandoned on the Premises as a return. A Storefront
14 Cannabis Retailer shall destroy all Cannabis and Cannabis Products that have been returned as
15 required by the State of California.

16 (9) A Storefront Cannabis Retailer must maintain an electronic age verification device
17 to determine the age of any individual attempting to purchase Cannabis or Cannabis Products, which
18 device shall be used for the Sale of the Cannabis or Cannabis Products to the Customer. The device
19 shall be maintained in operational condition and all employees shall be instructed in its use. Cannabis
20 and Cannabis products shall not be sold to a Customer if the electronic age verification device is not
21 functioning.

22 (10) All operating standards applicable to Sales of Cannabis and Cannabis Products that
23 are made on the Premises of the Cannabis Business shall apply equally to Sales that are made by Delivery
24 pursuant to Section 1622.

1 **SEC. 1629. DELIVERY-ONLY CANNABIS RETAILERS.**

2 **(a) Authorized Activities.**

3 A Delivery-Only Cannabis Retailer permit authorizes the Permittee to engage in the Delivery
4 and Sale of both Medicinal Cannabis and Cannabis Products and Adult Use Cannabis and Cannabis
5 Products, provided that the Permittee is both an A-licensee and an M-licensee. A Delivery-Only
6 Cannabis Retailer Permittee that holds only an A-license may engage in the Delivery and retail Sale of
7 Adult Use Cannabis and Cannabis Products only. A Delivery-Only Cannabis Retailer Permittee that
8 holds only an M-License may engage in the Delivery and retail Sale of Medicinal Cannabis and
9 Cannabis Products only.

10 **(b) Only Delivery Authorized.** The Premises of a Delivery-Only Cannabis Retailer must be
11 closed to the public and all Sales must be conducted exclusively by Delivery. A Delivery-Only
12 Cannabis Retailer may not permit entry on to its Premises by Customers.

13 **(c) Operating Standards.** In addition to the operating requirements set forth in Sections 1618,
14 a Delivery-Only Cannabis Retailer shall comply with the following additional operating requirements:

15 **(1) A Delivery-Only Cannabis Retailer licensed to sell Adult Use Cannabis may not**
16 Sell more than 28.5 grams of non-concentrated Adult Use Cannabis or eight grams of concentrated
17 Adult Use Cannabis Products to a Customer in the same business day.

18 **(2) A Delivery-Only Cannabis Retailer licensed to sell Medicinal Cannabis may not Sell**
19 more than 28.5 grams of non-concentrated Medicinal Cannabis or eight grams of concentrated
20 Medicinal Cannabis Products to a Customer in the same business day, unless the Customer provides a
21 Physician's Recommendation requiring a greater amount.

22 **(3) All inventory must be stored on the Premises.**

23 **(4) A Delivery-Only Cannabis Retailer may not employ or enter into any agreements**
24 with any physicians who recommend Medicinal Cannabis or with any third party that employs
25 physicians who recommend Medicinal Cannabis.

1 (5) A Delivery-Only Cannabis Retailer must provide to all Delivery personnel a remote
2 electronic age verification device to determine the age of any individual attempting to purchase
3 Cannabis or Cannabis Products, which device shall be used upon the Delivery of the Cannabis or
4 Cannabis Products to the Customer. The device shall be maintained in operational condition and all
5 employees shall be instructed in its use. Cannabis and Cannabis products shall not be Delivered to a
6 Customer if the electronic age verification device is not functioning.

7
8 **SEC. 1630. INSPECTIONS.**

9 (a) Any member of the Office of Cannabis, the Police Department, the Department of Public
10 Health, the Department of Building Inspection, the Planning Department, and/or any other Referring
11 Department (collectively, “Inspecting Departments”) may enter and inspect the Premises of any
12 Cannabis Business and any vehicle used for the purpose of Distribution or Delivery, to determine
13 whether the Cannabis Business is operating in compliance with State law or this Article 16 (including
14 compliance with conditions on the permit).

15 (b) Pursuant to this Section 1630, the Inspecting Departments shall have access to the
16 Cannabis Business Premises, video footage, business records, data, inventory levels and information
17 relating to Customers, vendors, Cannabis Products, plans and agreements (collectively, “Confidential
18 Information”). To the extent authorized by law, an Inspecting Department shall not disclose
19 Confidential Information to the public, and shall use the Confidential Information only for purposes
20 specified in this Article 16 or other laws and regulations of the City specifically related to the City
21 Permittees from whom such Confidential Information has been received. Notwithstanding the
22 foregoing, the City may disclose Confidential Information:

23 (1) As may be required by the California Public Records Act or the San Francisco
24 Sunshine Ordinance or other state or City law, or pursuant to a valid subpoena or court order; or

1 (2) In connection with any City enforcement proceeding relating to compliance with
2 laws specifically applicable to Cannabis Businesses, but only to the extent the Confidential Information
3 is relevant to the proceeding.

4 (c) The Police Department may conduct random, onsite “sting” operations on the Premises of
5 Cannabis Retailers to determine compliance with Section 1619 of this Article 16. In conducting these
6 inspections, the Police Department may enlist the assistance of persons under 21 years of age.

7
8 **SEC. 1631. NOTICE OF VIOLATION; HEARING AND APPEAL.**

9 (a) If the Director determines that a Cannabis Business is operating in violation of this Article
10 16 (which is deemed in the entirety of this Section 1631 to include a violation of a permit condition
11 and/or a violation of the rules and regulations adopted pursuant to this Article), the Director may issue
12 a Notice of Violation to the Cannabis Business, the owner of real property where the violation
13 occurred, and/or any other Persons the Director deems responsible for causing the violation.

14 (b) The Notice of Violation shall include the following information:

15 (1) That the Director has made a determination that the Cannabis Business is operating
16 in violation of this Article 16;

17 (2) The alleged acts or failures to act that constitute the basis for the Director’s
18 determination;

19 (3) That the Director intends to take enforcement action against the Cannabis Business,
20 owner of real property, and/or any other Person deemed responsible for causing the violation(s), and
21 the nature of that action, including the administrative penalty and enforcement costs to be imposed,
22 additional conditions on Cannabis Business Permit(s) that may be imposed, and/or the suspension or
23 revocation of Cannabis Business Permit(s);

24 (4) That the Cannabis Business, owner of real property, and/or any other Person
25 deemed responsible for causing the violation(s) has the right to request a hearing before the Director

1 within 15 days after the Notice of Violation is mailed, and that the written request for hearing must
2 state facts demonstrating that:

3 (A) If the violation is disputed, the Cannabis Business was operating in
4 compliance with this Article 16 and/or the rules and regulations adopted pursuant to this Article; and

5 (B) Whether or not the violation is disputed, the Cannabis Business is currently
6 operating in compliance with this Article 16 and/or the rules and regulations adopted pursuant to this
7 Article, and has taken reasonable steps to prevent violations similar to the alleged violation(s), and
8 arranged for the Director to re-inspect the Cannabis Business to confirm such reasonable steps.

9 Where no such showing has been made, any Person or entity served with a notice or order by the
10 Director setting forth the nature of the violation of this Article, such person shall be presumed, in
11 subsequent civil proceedings, not to have corrected such violation.

12 (c) If no request for a hearing is filed with the Director within the appropriate period, or the
13 request for hearing does not include the information required by subsection (b)(4) of this Section 1631,
14 the right to request a hearing shall be deemed waived, and the Director's determination shall become
15 final and effective 15 days after the Notice of Violation was mailed. The Director shall issue an order
16 imposing the enforcement action and mail the order to the Persons served with the Notice of Violation.
17 In subsequent civil proceedings, such violations shall be presumed not to have been corrected. Where
18 no hearing is timely requested, an order suspending, revoking, or imposing additional conditions on a
19 permit is final. The failure of the Person on whom the Notice of Violation is served to request a
20 hearing shall constitute a failure to exhaust administrative remedies and shall preclude the Person
21 from obtaining judicial review of the validity of the enforcement action.

22 (d) Upon a timely request for a hearing that includes the information required by subsection
23 (b)(4) of this Section 1631, the Director shall, within 15 days of the request, notify the requester of the
24 date, time, and place of the hearing. The Director shall make available to the requester the
25 photographs and other recorded evidence obtained in support of the Notice of Violation as well as a

1 copy of the report prepared by the Director's designee, if any, to support the Notice of Violation. Such
2 hearing shall be held no later than 60 days after the Director receives the request, unless time is
3 extended by mutual agreement of the requester and the Director.

4 (e) The Director shall conduct the hearing, or a hearing officer may be designated, who shall
5 have the same authority as the Director to hear and decide the case and make any orders consistent
6 with this Article 16. The Cannabis Business, owner of real property, or other Person(s) deemed
7 responsible for causing the violation(s) may present evidence for consideration, subject to any rules
8 adopted by the Director or hearing officer for the orderly conduct of the hearing. Within 30 days of the
9 conclusion of the hearing, the Director or hearing officer shall render a decision in the form of a
10 written order, which the Director shall promptly serve on the Cannabis Business, owner of real
11 property, or any other Persons charged in the Notice of Violation. The order shall state whether the
12 Notice of Violation has been upheld (in whole or in part), and the enforcement action taken against
13 each party.

14 (f) If the order directs the Cannabis Business, owner of real property, or other person to pay an
15 administrative penalty and/or enforcement costs, such amount shall be paid within ten days from the
16 mailing of the order; the order shall inform the recipient of such deadline for payment.

17 (g) If the order suspends or revokes a permit, or imposes additional permit conditions, it may
18 be appealed to the Board of Appeals in the manner prescribed in Article 1 of the Business and Tax
19 Regulations Code; the order shall inform the recipient of such right to appeal.

20
21 **SEC. 1632. ADMINISTRATIVE PENALTIES AND ENFORCEMENT COSTS.**

22 (a) **Penalty Amounts.** Any Person who violates this Article 16 (which is deemed in the entirety
23 of this Section 1632 to include a violation of a permit condition and/or a violation of the rules and
24 regulations adopted pursuant to this Article) shall be subject to an administrative penalty imposed by
25 order of the Director, not to exceed \$1,000 for each violation, for each day such violation occurs.

1 However, in the case of a continuing violation, the Director shall not impose a daily administrative
2 penalty for the second and subsequent days of such violation where the Director finds all of the
3 following:

4 (1) In the 12 months preceding issuance of the Notice of Violation, the Cannabis
5 Business was not issued a Notice of Violation, which was later upheld in whole or in part, for a similar
6 violation;

7 (2) In the 12 months preceding issuance of the Notice of Violation, the Cannabis
8 Business was issued no more than two Notices of Violation, which were later upheld in whole or in
9 part, for any violation of this Article;

10 (3) The violation occurred notwithstanding that the Cannabis Business was acting in
11 good faith; and

12 (4) The Cannabis Business promptly took reasonable steps to prevent future violations
13 similar to the alleged violation(s), and arranged for the Director to re-inspect the Cannabis Business to
14 confirm such reasonable steps.

15 (b) **Setting Administrative Penalty.** In setting the amount of the administrative penalty, the
16 Director shall consider any one or more of the relevant circumstances presented, including but not
17 limited to the following: the nature and seriousness of the misconduct giving rise to the violation, the
18 number of violations, the persistence of the misconduct, the length of time over which the misconduct
19 occurred, the willfulness of the responsible party's misconduct, and the responsible party's assets,
20 liabilities, and net worth.

21 (c) **Setting Enforcement Costs.** In any action where a violation is found, the Director shall
22 assess the Office's costs of enforcement against the Cannabis Business or any other Persons the
23 Director finds responsible for causing the violation.

24 (d) **Payment and Collection of Administrative Penalty and Enforcement Costs.** Any
25 administrative penalty and/or enforcement costs assessed under this Article 16 is a debt to the City and

1 County of San Francisco and shall be paid to the Treasurer of the City and County of San Francisco.
2 Any amount paid late shall be subject to an additional late fine of 10% on the unpaid amount. The sum
3 of the unpaid amount and the 10% late fine shall accrue interest at the rate of 1% per month (or
4 fraction thereof) until fully paid; any partial payments made shall first be applied to accrued interest.
5 The City may file a civil action or pursue any other legal remedy to collect such unpaid amount, fine,
6 and interest. In any civil action for collection, the City shall be entitled to obtain a judgment for the
7 unpaid amounts, fine, and interest, and for the costs and attorneys' fees incurred by the City in
8 bringing such civil action.

9 (e) **Lien for Administrative Penalty.** Where an activity or condition on San Francisco real
10 property has caused, contributed to, or been a substantial factor in causing the violation, the Director
11 may initiate proceedings to make any unpaid administrative penalty, enforcement costs, fine, and
12 interest, and all additional authorized costs and attorneys' fees, a lien on the property. Such liens shall
13 be imposed in accordance with Administrative Code Sections 10.230—10.237, or any successor
14 provisions. Before initiating lien proceedings, the Director shall send a request for payment under
15 Administrative Code Section 10.230A.

16
17 **SEC. 1633. PERMIT SUSPENSIONS AND REVOCATIONS.**

18 (a) **Grounds for Suspension or Revocation.** The Director may revoke or suspend any
19 Cannabis Business Permit if the Director finds any of the following circumstances to exist:

20 (1) Facts sufficient to support the denial of such permit on any ground set forth in
21 Section 1615 of this Article 16;

22 (2) The Permittee has refused to permit an inspection of its business Premises or its
23 operations under this Article;

24 (3) The Permittee has engaged in any conduct in connection with the operation of the
25 Cannabis Business that violates this Article 16 (which is deemed in the entirety of this Section 1633 to

1 include a violation of a permit condition and/or a violation of the rules and regulations adopted
2 pursuant to this Article), or the Medicinal and Adult Use Cannabis Regulation and Safety Act, and any
3 regulations promulgated thereto;

4 (4) The Director determines that such Cannabis Business is being managed, conducted,
5 or maintained in a way that threatens the health or safety of clients, employees, or the public at large;

6 (5) The Director finds good cause to suspend or revoke the permit in accordance with
7 Business and Tax Regulations Code Sections 24 and 26;

8 (6) An Owner or manager of the Cannabis Business willfully violated this Article;

9 (7) An Owner or manager of the Cannabis Business willfully made a false statement to
10 the Office, or discovered a false statement made to the Office by any employee or agent of the Cannabis
11 Business and failed to promptly correct such statement; or

12 (8) An Owner has been convicted of a controlled substance felony subsequent to the
13 award of a Cannabis Business Permit;

14 (b) The Director may not suspend or revoke a Cannabis Business Permit under this Article 16
15 until the Director has issued a Notice of Violation and provided the Cannabis Business an opportunity
16 to be heard and respond as provided in Section 1631 of this Article 16. A Cannabis Business whose
17 permit has been suspended or revoked must cease operations within 24 hours of the suspension or
18 revocation order being final.

19 (c) Notwithstanding subsection (b) of this section 1633, the Director may suspend summarily
20 any Cannabis Business Permit issued under this Article 16 when, in the judgment of the Director, the
21 public health or safety requires such summary suspension. The Director shall provide written notice of
22 such summary suspension to the permit holder by hand delivery, registered mail, or electronic mail.
23 No more than three days after written notice of such summary suspension is given, the Director shall
24 issue a Notice of Violation identifying the alleged acts or failures to act that constitute the basis for the
25 summary suspension, and provide the Cannabis Business an opportunity to be heard and respond as

1 provided in Section 1631 as to why the summary suspension should end. However, the time for hearing
2 and decision shall be accelerated as follows: Upon a timely request for a hearing that includes the
3 information required by subsection (b)(4) of Section 1631, the Director shall set any requested hearing
4 within seven days, unless time is extended by mutual agreement of the affected parties; and the
5 Director, or a designated hearing officer who shall have the same authority as the Director to hear and
6 decide the case, and make any orders consistent with this Article 16, shall issue a decision on the
7 summary suspension within seven days after hearing.

8 (c) If the Permittee appeals a decision by the Director or hearing officer upholding a summary
9 suspension to the Board of Appeals, the summary suspension shall remain in effect until a final decision
10 is issued by the Board of Appeals. Where a permit is revoked after a summary suspension, the
11 revocation shall be effective immediately and, if the Permittee appeals to the Board of Appeals, shall
12 remain in effect until a final decision is issued by the Board of Appeals.

13
14 **SEC. 1634. ADDITIONAL ADMINISTRATIVE ENFORCEMENT ORDERS.**

15 (a) Order to Cease Operations Without Permit. Upon a determination by the Director that
16 any Cannabis Business is operating without all valid, effective, and current permits required by this
17 Article 16, the Director shall issue an Order to Cease Operations Without Permit, which shall be
18 posted prominently on the Premises and mailed to the Cannabis Business. Such Order shall state:

19 (1) The required permits which are lacking;

20 (2) That the Cannabis Business has 72 hours from the time of posting to demonstrate to
21 the Director's satisfaction that the Cannabis Business has the required valid, effective, and current
22 permits;

23 (3) If the Cannabis Business has not made such demonstration within 72 hours, that the
24 Cannabis Business must immediately close until such time as it demonstrates to the Director's
25 satisfaction that the Cannabis Business has the required permits; and

1 (4) If the Cannabis Business fails to close as required by this subsection (a), that the
2 Director shall issue an Immediate Closure Order and close the Premises.

3 (b) **Order to Cease Operations without a Permit Inapplicable to Permit Suspensions and**
4 **Revocations.** As set forth in subsection (b) of section 1633, a Cannabis Business whose permit has
5 been suspended or revoked must cease operations within 24 hours of the suspension or revocation
6 order being final. The Director is not required to issue an Order to Cease Operations without a Permit
7 to a Cannabis Business whose Cannabis Business Permit is subject to a final order of suspension or
8 revocation.

9 (c) **Immediate Closure Order.** The Director shall issue an Immediate Closure Order ordering
10 closure of a Cannabis Business under the following circumstances:

11 (1) 72 hours after the issuance of an Order to Cease Operations Without Permit, the
12 Cannabis Business has not demonstrated to the Director's satisfaction that the Cannabis Business has
13 the required permits, and the Cannabis Business nevertheless continues to operate;

14 (2) 24 hours after the suspension or revocation of a permit becomes final, the Cannabis
15 Business continues to operate;

16 (3) Without delay, after issuance of a summary suspension.

17 (d) **Enforcement.** It is the duty of a Cannabis Business and any person owning or managing a
18 Cannabis Business, to obey all orders issued under this Section 1634. To enforce an Immediate
19 Closure Order, the Director shall take such steps as the Director views as reasonable and necessary to
20 enforce such order, including but not limited to securing and barricading the Premises. The Director
21 is hereby authorized to call upon the Police Department and other departments and bureaus to aid and
22 assist the Director in such enforcement, and it shall then be their duty to enforce the provisions of this
23 Article and to perform such duties as may come within their respective jurisdictions.

24 (e) **Enforcement Costs.** Following an Order under this Section 1634, the Director shall issue a
25 separate order assessing the City's costs of enforcement, including the costs incurred by the Office as

1 well as the costs incurred by any other City departments, against the Cannabis Business. Such
2 assessments shall be paid within 10 days of issuance of the separate order. Unpaid amounts shall
3 accrue late fines, penalties, and interest, and may be collected as provided in Section 1632 of this
4 Article 16.

5
6 **SEC. 1635. NUISANCE.**

7 Any building or place used by a Cannabis Business in violation of this Article, or where any
8 Commercial Cannabis Activity occurs in violation of this Article 16, is a nuisance which may be
9 remedied as provided by law, including but not limited to the provisions of Article 3 (commencing with
10 Section 11570) of Chapter 10 of Division 10 of the California Health and Safety Code.

11
12 **SEC. 1636. ENFORCEMENT BY CITY ATTORNEY.**

13 (a) The City Attorney may at any time institute civil proceedings for injunctive and monetary
14 relief, including civil penalties, against any Person for violations of this Article 16, without regard to
15 whether the Director has issued a notice of violation, instituted abatement proceedings, scheduled or
16 held a hearing on a notice of violation, or issued a final decision.

17 (b) At any time, the Director may refer a case to the City Attorney's Office for civil
18 enforcement, but a referral is not required for the City Attorney to bring a civil action under subsection
19 (a).

20 (c) **Action for Injunction and Civil Penalty.** Any Person that violates any provision of this
21 Article 16 shall be enjoined and shall be subject to a civil penalty in an amount not to exceed \$1,000
22 for each day such violation is committed or permitted to continue, which penalty shall be assessed and
23 recovered in a civil action brought in the name of the people of the City and County of San Francisco
24 by the City Attorney in any court of competent jurisdiction. In assessing the amount of the civil penalty,
25 the court shall consider any one or more of the relevant circumstances presented by any of the parties

1 to the case, including but not limited to, the following: the nature and seriousness of the misconduct
2 giving rise to the violation, the number of violations, the persistence of the misconduct, the length of
3 time over which the misconduct occurred, the willfulness of the defendant's misconduct, and the
4 defendant's assets, liabilities and net worth.

5 (d) Attorneys' fees. The prevailing party in any court case or special proceeding to enforce
6 this Article 16 shall recover reasonable attorneys' fees if the City Attorney elects, at the initiation of the
7 action, to seek recovery of attorneys' fees and provides notice of such intention to the adverse party or
8 parties. In no court case or special proceeding shall an award of attorneys' fees to a prevailing party
9 exceed the amount of reasonable attorneys' fees incurred by the City.

10 (e) Remedies under this Section 1636 are non-exclusive and cumulative to all other remedies
11 available at law or equity.

12
13 **SEC. 1637. UNDERTAKING FOR THE GENERAL WELFARE.**

14 In enacting and implementing this Article 16, the City is assuming an undertaking only to
15 promote the general welfare. It is not assuming, nor is it imposing on its officers and employees, an
16 obligation for breach of which it is liable in money damages to any person who claims that such breach
17 proximately caused injury. To the fullest extent permitted by law, the City shall assume no liability
18 whatsoever, and expressly does not waive sovereign immunity, with respect to the permitting and
19 licensing provisions of this Article, or for the activities of any Cannabis Business. To the fullest extent
20 permitted by law, any actions taken by a public officer or employee under the provisions of this Article
21 shall not become a personal liability of any public officer or employee of the City.

22
23 **SEC. 1638. SEVERABILITY.**

24 If any section, subsection, sentence, clause, phrase, or word of this Article 16, or any
25 application thereof to any person or circumstance, is held to be invalid or unconstitutional by a

1 decision of a court of competent jurisdiction, such decision shall not affect the validity of the remaining
2 portions or applications of the ordinance. The Board of Supervisors hereby declares that it would have
3 passed this Article and each and every section, subsection, sentence, clause, phrase, and word not
4 declared invalid or unconstitutional without regard to whether any other portion of this ordinance or
5 application thereof would be subsequently declared invalid or unconstitutional.

6
7 Section 3. Article 1 of the Business and Regulations Code is amended by revising
8 Section 8, to read as follows:

9
10 **SEC. 8. METHOD OF APPEAL TO THE BOARD OF APPEALS.**

11 Except for variance decisions and permits issued by the Entertainment Commission or
12 its Director, appeals to the Board of Appeals shall be taken within 15 days from the making or
13 entry of the order or decision from which the appeal is taken. Appeals of variance decisions
14 shall be taken within 10 days.

15 Appeals of actions taken by the Entertainment Commission or its Director on the
16 granting, denial, amendment, suspension, or revocation of a permit, or on denial of exceptions
17 from regulations for Extended-Hours Premises Permit, shall be taken within 10 days from the
18 making of the decision. Nothing in this Section is intended to require an appeal to the Board of
19 Appeals if any provision of Article 15, Article 15.1 (Entertainment Regulations Permit and
20 License Provisions) or Article 15.2 (Entertainment Regulations for Extended-Hours Premises)
21 of the Police Code governing these permits otherwise provides. Appeals shall be taken by
22 filing a notice of appeal with the Board of Appeals and paying to said Board at such time a
23 filing fee as follows:

24 * * * *

25 (i) Additional Requirements.

1 (1) Notice of appeal shall be in such form as may be provided by the rules of the
2 Board of Appeals.

3 (2) On the filing of any appeal, the Board of Appeals shall notify in writing the
4 department, board, commission, officer or other person from whose action the appeal is taken
5 of such appeal. On the filing of any appeal concerning a structural addition to an existing
6 building, the Board of Appeals shall additionally notify in writing the property owners of
7 buildings immediately adjacent to the subject building.

8 (3) The Board of Appeals shall fix the time and place of hearing, which shall be
9 not less than 10 nor more than 45 days after the filing of said appeal, and shall act thereon not
10 later than 60 days after such filing or a reasonable time thereafter. In the case of a permit
11 issued by the Entertainment Commission or its Director, the Board of Appeals shall set the
12 hearing not less than 15 days after the filing of said appeal, shall act thereon not more than 30
13 days after such filing, and shall not entertain a motion for rehearing.

14 (4) With respect to any decision of the Board of Appeals related to any "dwelling"
15 in which "protected class members" are likely to reside (each as defined in Administrative
16 Code Chapter 87), the Board of Appeals shall comply with the requirements of Administrative
17 Code Chapter 87 which requires, among other things, that the Board of Appeals not base any
18 decision regarding the development of such units on information which may be discriminatory
19 to any member of a "protected class."

20 (5) Pending decision by the Board of Appeals, the action of such department,
21 board, commission, officer or other person from which an appeal is taken, shall be
22 suspended, except for: (1) actions of revocation or suspension of permit by the Director of
23 Public Health when determined by the Director to be an extreme public health hazard; ~~and~~ (2)
24 actions by the Zoning Administrator or Director of the Department of Building Inspection
25 stopping work under or suspending an issued permit; ~~and~~ (3) actions of suspension or

1 revocation by the Entertainment Commission or the Director of the Entertainment Commission
2 when the suspending or revoking authority determines that ongoing operation of the activity
3 during the appeal to the Board of Appeals would pose a serious threat to public safety; and (4)
4 actions of the Director of the Office of Cannabis awarding a Temporary Medicinal Cannabis Business
5 Permit.

6
7 Section 4. The Health Code is amended by adding new Article 8A, consisting of
8 Sections 8A.1-8A.8, to read as follows:

9
10 **ARTICLE 8A: CANNABIS CONSUMPTION PERMITS**

11
12 **SEC. 8A.1. DEFINITIONS.**

13 (a) Terms not defined in this Article 8A shall have the meaning attributed to them in Section
14 1602 of the Police Code.

15 (b) As used in this Article 8A, the following words or phrases shall mean:

16 “Director” means the Director of the Department of Public Health, or his or her designee.

17 “Permittee” means any person or business to whom a Cannabis Consumption Permit is issued
18 under this Article 8A, and any authorized agent or designee of such person or business.

19 “Pre-packaged Cannabis Product” means a Cannabis Product that is packaged by a cannabis
20 business that holds a valid license from the state of California authorizing it to engage in the
21 distribution or manufacture of Cannabis Products, and that is served to a customer in its original
22 packaging.

23 “Preparing” or “Preparation” means the heating, re-heating, or serving of Cannabis Products,
24 and does not include cooking or infusing.

1 **SEC. 8A.2. PERMITS FOR THE ON-SITE CONSUMPTION OF CANNABIS.**

2 It shall be unlawful to allow the Consumption of Cannabis Products on the Premises of a
3 commercial business without obtaining and maintaining:

4 (a) A permit therefor issued by the Department of Public Health; and

5 (b) A Medicinal Cannabis Retailer, Cannabis Retailer, or Cannabis Microbusiness permit
6 issued by the Office of Cannabis; and

7 (c) A State Cannabis License.

8
9 **SEC. 8A.3. CANNABIS CONSUMPTION PERMIT TYPES.**

10 There are two types of permits available for the purpose of legalizing and regulating the
11 Consumption of Cannabis Products on the Premises of commercial businesses:

12 (a) **Cannabis Consumption – Prepackaged Cannabis Products – No Preparation.** A
13 Permittee in possession of this permit type may allow the on-site Consumption of Pre-Packaged
14 Cannabis Products but may not engage in the Preparation of Cannabis Products.

15 (b) **Cannabis Consumption – Limited Preparation of Cannabis Products.** A Permittee in
16 possession of this permit type may allow the on-site Consumption of Pre-Packaged Cannabis Products,
17 and may also Prepare and allow the Consumption of Cannabis Products.

18
19 **SEC. 8A.4. PERMIT APPLICATIONS AND AWARDS.**

20 (a) Every applicant for a Cannabis Consumption Permit shall file an application with the
21 Director upon a form provided by the Director and provide such additional information as may be
22 required by the Director, in the exercise of his or her discretion. Every applicant shall pay a non-
23 refundable application fee

24 (b) A person may not file and the Director may not accept an application for a Cannabis
25 Consumption Permit until after the Director has adopted rules, regulations, and/or guidelines to

1 establish the minimum health and safety standards applicable to Permittees, as set forth in Section
2 8A.8.

3 (c) Upon receipt of a complete application, the Director shall refer the application to the
4 Planning Department and Fire Department (the “Referring Departments”). The Referring Departments
5 shall determine whether an inspection of the premises is warranted in light of the type of Cannabis
6 Consumption Permit sought and any inspection history at the premises, and shall conduct inspections
7 as may be required. Said departments shall advise the Director in writing whether they recommend
8 approval or denial of the application for the Cannabis Consumption permit, and the basis for that
9 recommendation.

10 (d) Upon review of a complete application and consideration of the recommendations of the
11 Referring Departments, the Director shall either grant or deny a permit, as specified in more detail in
12 subsections (e) and (f) of this Section 8A.4.

13 (e) In granting a permit, the Director may impose conditions as are, in his or her judgment,
14 necessary to protect the health and safety of the Permittee’s employees and customers.

15 (f) No Cannabis Consumption permit shall be issued if the Director finds that:

16 (1) The applicant has provided materially false information or documents (which
17 includes omitting material information or documents) in support of the application.

18 (2) The applicant failed to submit a complete application and/or did not provide all of
19 the information required in connection with the application.

20 (3) The applicant has not demonstrated that it can meet the health and safety standards
21 adopted by the Director under Section 8A.8.

22 (4) A Referring Department recommends that the application be denied and states a
23 sound basis for such recommendation.

24 (5) The on-site Consumption of Cannabis Products, if permitted, would not comply with
25 all applicable laws, including but not limited to the Building, Planning, Housing, Police, Fire, and

1 Health Codes, and the Medicinal and Adult Use Cannabis Regulation and Safety Act, 2017 Cal. Legis.
2 Serv. Ch. 27 (S.B. 94), and its implementing regulations, as may be amended from time to time.

3
4 **SEC. 8A.5. PAYMENT OF ANNUAL LICENSE FEE.**

5 The license fee for a Cannabis Consumption Permit shall be paid annually on or before March
6 31, in accordance with the provisions of Section 76.1 of the Business and Tax Regulations Code.

7
8 **SEC. 8A.6. OPERATING STANDARDS.**

9 (a) No Permittee shall allow the on-site Consumption of Cannabis Products in a manner
10 inconsistent with any permit condition imposed by the Director, or inconsistent with any rules,
11 regulations, or guidelines promulgated by the Director under Section 8A.8.

12 (b) Any employee or agent of the Department of Public Health may enter and inspect the
13 Premises of a Permittee during business hours, without notice.

14 (c) No Permittee shall authorize the on-site Consumption of Cannabis Products outside of the
15 business' operating hours, as such hours may be established by law or regulation or required as a
16 condition of the permit.

17 (d) Permittees shall post one or more notices of sufficient size, lettering, and prominence to
18 advise customers that the Consumption of Cannabis Products on the sidewalk or in other areas
19 adjacent to the Premises is prohibited.

20 (e) Access to the area where the Consumption of Cannabis Products is allowed shall be
21 restricted to persons 21 years of age and older, or persons 18 years of age and older if the Permittee is
22 authorized to Sell Medicinal Cannabis Products.

23 (f) Cannabis Consumption shall not be visible from any public place or any nonage-restricted
24 area on the Premises.

25 (g) The sale and Consumption of alcohol or tobacco products are not allowed on the Premises.

1 (h) A Permittee shall comply with laws governing Cannabis Businesses and retail food
2 establishments, including but not limited to the California Retail Food Code and Article 8 of the Health
3 Code, where applicable.

4
5 **SEC. 8A.7. NOTICE OF VIOLATIONS; HEARING AND APPEAL.**

6 (a) If the Director determines that a Cannabis Business is operating in violation of this Article
7 8A or rules, regulations, or guidelines adopted pursuant to this Article, the Director shall issue a
8 Notice of Violation to the Permittee. The Notice of Violation shall include the following information:
9 the alleged act or failure to act that constitutes the basis for the Director's determination; that the
10 Director intends to take enforcement action against the Permittee, and the nature of that action,
11 specifically, the administrative penalty to be imposed, additional permit conditions to be imposed,
12 and/or suspension or revocation of the permit; and that the Permittee may request a hearing before the
13 Director within 15 days after the Notice of Violation is mailed, to challenge the Director's
14 determination and/or the proposed enforcement action.

15 (b) If no request for a hearing is timely filed with the Director, the right to request a hearing
16 shall be deemed waived, and the Director's determination shall become final and effective 15 days
17 after the Notice of Violation was mailed. The failure of the Person on whom the Notice of Violation is
18 served to request a hearing shall constitute a failure to exhaust administrative remedies and shall
19 preclude the Person from obtaining judicial review of the validity of the enforcement action.

20 (c) Upon a timely request for a hearing, the Director shall, within 15 days of the request, notify
21 the requester of the date, time, and place of the hearing.

22 (d) The Director shall conduct the hearing, or may designate a hearing officer who shall have
23 the same authority as the Director to hear and decide the case.

24 (e) An order after hearing to suspend or revoke a permit, or to impose additional permit
25 conditions, may be appealed to the Board of Appeals in the manner prescribed in Article 1 of the

1 Business and Tax Regulations Code; and such an order shall inform the recipient of this right to
2 appeal.

3
4 **SEC. 8A.8. RULES AND REGULATIONS.**

5 (a) The Director shall adopt rules, regulations, and/or guidelines to establish the minimum
6 health and safety standards that businesses must maintain to be eligible to receive and maintain a
7 Cannabis Consumption permit. Such health and safety standards shall be sufficient in the Director's
8 judgment to, among other things: protect the health and safety of consumers and employees of the
9 cannabis business, prevent the ingestion of adulterated Cannabis Products, promote sanitary
10 conditions in the Consumption and Preparation areas, and prevent food-borne diseases that might
11 occur through unsafe food or Cannabis Product handling procedures.

12 (b) The Director may adopt rules, regulations, and guidelines that are not inconsistent with this
13 Article 8A, for the purpose of implementing and enforcing this Article.

14
15 Section 5. Article 19F of the Health Code is hereby amended by revising Sections
16 1009.22 and 1009.23, to read as follows:

17
18 **SEC. 1009.22. PROHIBITING SMOKING IN BUILDINGS, CERTAIN VEHICLES,**
19 **CERTAIN UNENCLOSED AREAS, ENCLOSED STRUCTURES CONTAINING CERTAIN**
20 **USES, AND SPORTS STADIUMS.**

21 (a) Smoking is prohibited in buildings and enclosed structures, throughout the building
22 or structure and in the common areas, such as the elevators, hallways, stairways, restrooms,
23 conference and meeting rooms, and eating and break rooms, and certain unenclosed areas
24 that contain any of the facilities or uses set forth below.

1 (1) Facilities owned or leased by the City and County of San Francisco; every
2 commission, department, or agency, with jurisdiction over such property shall adopt
3 regulations or policies implementing the provisions of this Article 19F; provided, however, with
4 respect to facilities located outside the City and County of San Francisco, the regulations or
5 policies shall prohibit smoking in enclosed areas during all times;

6 (2) Facilities in which the business of any governmental body or agency is
7 conducted, including hearing rooms, courtrooms, or places of public assembly;

8 (3) Polling places;

9 (4) Health facilities, including, but not limited to, hospitals, long term care
10 facilities, doctors' and dentists' offices, inpatient rooms, and outpatient examination and
11 treatment rooms;

12 (5) Educational facilities;

13 (6) Business establishments, except that persons qualifying under California Health
14 and Safety Code Sections 11362.7 et seq. to use medicinal cannabis may smoke medicinal cannabis on
15 the premises of a Medicinal Cannabis Retailer with a valid permit issued by the Office of Cannabis
16 under Article 16 of the Police Code, subject to the limitations set forth in Section 1009.23 of this Article
17 19F;

18 (7) Nonprofit establishments, except that persons qualifying under California
19 Health and Safety Code Section 11362.7 et seq. to use medical marijuana may smoke
20 medical marijuana on the premises of a Medical Cannabis Dispensary with a valid permit
21 issued by the Department of Public Health under Article 33 of the Health Code prior to
22 September 26, 2017, provided that the medical cannabis dispensary was not prohibited by the Planning
23 Department, the Planning Commission, or the Director of Health from allowing smoking on the
24 premises;

25 (8) Aquariums, galleries, libraries, and museums;

1 (9) Child care facilities, except when located in private homes;

2 (10) Facilities used for exhibiting motion pictures, drama, dance, musical
3 performance, lectures, or other entertainment;

4 (11) Sports arenas; provided, however, that subsection (b) shall govern sports
5 stadiums as defined in that subsection;

6 (12) Convention facilities;

7 (13) Restaurants, ~~except that smoking will be allowed in outdoor and sidewalk dining~~
8 ~~areas of restaurants until six months after the effective date of this ordinance;~~

9 (14) Bars and Taverns, except for historically compliant semi-enclosed smoking
10 rooms, the portion of an outdoor patio at least ~~ten~~10 feet away from the entry, exit, or operable
11 window of the bar or tavern, or as specified in Section s 1009.23(c) or 1009.23(d);

12 (15) Tourist Lodging Facilities;

13 (16) Homeless Shelters, including, but not limited to, the sleeping areas of
14 those buildings;

15 (17) Tobacco Shops, except as specified in Section 1009.23(e);

16 (18) Facilities used to conduct charity bingo games pursuant to California Penal
17 Code Section 326.5, during such times that persons are assembled in the facility in
18 connection with such games; and,

19 (19) Farmers Markets, whether on public or private property.

20 * * * *

21
22 **SEC. 1009.23. EXCEPTIONS.**

23 The following places shall not be subject to this Article 19F:

24 * * * *

1 (f) Medicinal Cannabis Retailers permitted by the Office of Cannabis under Article 16 of the
2 Police Code that submit to the Director all documents required by the Director to demonstrate that the
3 Medicinal Cannabis Retailer: previously held a valid permit to operate a Medical Cannabis
4 Dispensary, issued by the Director under Article 33 of the Health Code prior to September 26, 2017;
5 was not prohibited by the Planning Department or the Planning Commission from allowing smoking on
6 the premises of the Medical Cannabis Dispensary; and meets such ventilation standards as may be
7 established by the Director to protect the health and safety of the Medicinal Cannabis Retailer's
8 employees, neighbors, and customers.

9 (1) A Medicinal Cannabis Retailer that qualifies for an exemption under this subsection
10 (f) may allow the smoking of medicinal cannabis in such indoor area(s) within its premises as may be
11 approved by the Director, but may not allow the smoking of tobacco products or adult use cannabis.

12 (2) A Medicinal Cannabis Retailer that seeks to allow the smoking of medicinal
13 cannabis on its premises pursuant to this subsection (f) shall have three months from the date of receipt
14 of its Cannabis Business Permit to demonstrate compliance with the ventilation standards established
15 by the Director.

16 (3) This exemption is nontransferable and immediately expires if any of the following
17 occur:

18 (A) There is a change in the ownership interest(s) in the Medicinal Cannabis
19 Retailer, meaning the aggregate change of 50% or more of the ownership of the business;

20 (B) There are structural alterations made to the area where smoking is approved
21 that are not approved by the Director;

22 (C) The Medicinal Cannabis Retailer is no longer located in the original
23 permitted commercial building; or

1 operate only on a not_for_profit basis and pay only reasonable compensation to itself and its
2 members and pay only reasonable out-of-pocket expenses.

3 * * * *

4
5 **SEC. 3308. OPERATING REQUIREMENTS FOR MEDICAL CANNABIS**
6 **DISPENSARY.**

7 * * * *

8 (bb) A medical cannabis dispensary must be operated from a fixed place of business. It may
9 not be operated out of a bus, truck, car, van, or any other mobile location or location that is capable of
10 being mobile.

11
12 **SEC. 3322. TRANSITION PROVISION.**

13 (a) Notwithstanding any provision in this Article 33, starting January 1, 2018, a person may
14 not file and the Department of Public Health may not accept an application for a medical cannabis
15 dispensary permit.

16 (b) Notwithstanding any provision in this Article 33, starting April 1, 2018, a medical cannabis
17 dispensary is not authorized by this Article 33 to engage in the cultivation of cannabis.

18 (c) For purposes of Section 26050.1 of the California Business and Professions Code, a valid
19 medical cannabis dispensary permit shall serve as a valid license, permit, or other authorization to
20 engage in the retail sale of medicinal cannabis and medicinal cannabis products at the permitted
21 location, but shall not serve as a valid license, permit, or other authorization to engage in the retail
22 sale of adult use cannabis or cannabis products, or the commercial cultivation of cannabis of any kind.

23
24 **SEC. 3323. SUNSET PROVISION.**
25

1 This Article 33 shall expire by operation of law on December 31, 2018, at which time all
2 permits authorizing the operation of a Medical Cannabis Dispensary issued under this Article 33 shall
3 be rendered invalid. Upon expiration of the Article, the City Attorney shall cause it to be removed from
4 the Health Code.

5
6 Section 7. The Business and Tax Regulations Code is hereby amended by revising
7 Article 1, Sections 1 and 1.77, to read as follows:

8
9 **SEC. 1. DESIGNATING DEPARTMENTS FOR ISSUANCE OF PERMITS.**

10 Permits shall be issued for the location and conduct of the businesses, enterprises, or
11 activities, enumerated hereinafter in Sections 1.1 to 1.76Z, inclusive, by the department or
12 office authorized by Sections 1.1 to 1.76Z, inclusive, and Section 2 of this Article 1 to issue
13 each such class of permit, and subject to the approval of other departments and offices of the
14 City and County, where specifically designated in any such case; provided that permit or
15 license fees as required by ordinance shall be collected by the Tax Collector as provided in
16 Section 3 of this Article.

17 * * * *

18
19 **SEC. 1.77. ~~MEDICAL CANNABIS~~ BUSINESSES/DISPENSARIES.**

20 For the establishment, maintenance, and operation of ~~medical cannabis dispensaries~~ by
21 ~~the Department of Public Health~~ Cannabis Businesses by the Office of Cannabis.

22
23 Section 8. The Administrative Code is hereby amended by revising Section 96B.7, to
24 read as follows:

1 **SEC. 96B.7. MARIJUANACANNABIS POLICY REFORM.**

2 ~~(a)~~—It shall be the policy of the City and County of San Francisco to support policies to
3 tax and regulate marijuanacannabis for adults.

4 ~~(b)~~—*Beginning three months after the effective date of this Ordinance and continuing annually*
5 *thereafter, the Clerk of the Board of Supervisors shall send letters to Governor of California, the*
6 *President of the United States, and all elected officials representing San Franciscans in the U.S. House*
7 *of Representatives, the U.S. Senate, the California Assembly and the California Senate. The letters shall*
8 *state, “The Board of Supervisors of the City and County of San Francisco has passed an ordinance to*
9 *deprioritize marijuana offenses by adults, and requests that the Federal and California State*
10 *governments take immediate steps to tax and regulate marijuana use, cultivation, and distribution and*
11 *to authorize State and local communities to do the same.” The Clerk shall send this letter annually until*
12 *State and Federal laws are changed accordingly.*

13
14 Section 9. Renumbering of Police Code Article 23 Sections. Existing Sections 1600-
15 1618 of Article 23 of the Police Code shall be renumbered as new Sections 2300-2318,
16 respectively, and any cross-references in the Municipal Code to existing Sections 1600-1618
17
18
19
20
21
22
23
24
25

1 shall be renumbered accordingly. These changes are not made for any substantive reason
2 and shall have no substantive effect. The City Attorney shall direct the publisher of the
3 Municipal Code to take all appropriate steps to effectuate this provision.

4
5 Section 10. Effective Date. This ordinance shall become effective 30 days after
6 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
7 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
8 of Supervisors overrides the Mayor’s veto of the ordinance.

9
10 Section 11. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
11 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
12 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
13 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
14 additions, and Board amendment deletions in accordance with the “Note” that appears under
15 the official title of the ordinance.

16
17 APPROVED AS TO FORM:
18 DENNIS J. HERRERA, City Attorney

19 By: _____
20 Anne Pearson
21 Deputy City Attorney

22
23
24
25
n:\legana\as2017\1700478\01228830.docx