

Attachment E – AN ORDINANCE  
AMENDING TITLE 2, DIVISION 1,  
CHAPTER 25 OF THE SAN DIEGO  
COUNTY CODE OF REGULATORY  
ORDINANCES RELATED TO MEDICAL  
MARIJUANA (POD 21-001) (STRIKE-  
OUT/UNDERLINE COPY)

ORDINANCE NO. \_\_\_\_\_(N.S.)

**AN ORDINANCE AMENDING TITLE 2, DIVISION 1, CHAPTER 25 OF THE  
SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCES RELATED  
TO SHERIFF'S REGULATORY FEES AND MEDICAL MARIJUANA**

The Board of Supervisors of the County of San Diego ordains as follows:

Section 1. The Board of Supervisors finds and determines that the San Diego County Code of Regulatory Ordinances Ordinance should be updated by amending or adding various sections regarding cannabis.

Section 2. Title 2, Division 1, Chapter 25 of the San Diego County Code of Regulatory Ordinances is amended to read as follows:

**CHAPTER 25. CANNABIS~~MEDICAL MARIJUANA~~**

**SEC. 21.2501. LEGISLATIVE FINDINGS AND INTENT.**

(a) On June 30, 2010, the Board of Supervisors for the County of San Diego added to the County Code of Regulatory Ordinances Title 2, Division 1, Chapter 25 relating to ~~M~~medical Cannabis~~marijuana~~ ~~C~~ollective ~~F~~acilities. The regulatory codes therein determined that the Sheriff's Department would be the issuing and enforcement authority for legally established medical ~~cannabis~~marijuana operation certificates and approved fees to recover the cost of processing applications and compliance monitoring for medical cannabis facility operating certificates.

(b) In May 2013, the California Supreme Court issued its decision in City of Riverside v. Inland Empire Patients Health and Wellness Center, Inc., et al., holding that cities and counties have the authority to ban medical ~~cannabis~~marijuana land uses.

(c) On October 11, 2015, the Governor signed into law Senate Bill 643, Assembly Bill 266, and Assembly Bill 243, collectively referred to as the Medical Cannabis Regulation and Safety Act ("MCRSA"), effective January 1, 2016, which established ~~s~~a state licensing system for medical ~~cannabis~~marijuana cultivation, manufacturing, delivery and dispensing, regulating these activities with licensing requirements and regulations that are only applicable if cities and counties also permit ~~cannabis~~marijuana cultivation, manufacturing, or dispensing within their jurisdictions. Under the MCRSA, cities and counties may continue to ban these ~~cannabis~~marijuana facilities and activities, in which case the state will not issue licenses within those jurisdictions.

(d) On November 8, 2016, the state voters approved the Adult Use of Marijuana Act (AUMA), also identified as Proposition 64 ("Prop 64"). Prop 64 legalized adult non-medical use of ~~cannabis~~marijuana and established a state licensing scheme for non-medical ~~cannabis~~marijuana facilities largely patterned on the MCRSA, and generally (1) allows adults 21 years and older to possess up to one ounce of ~~cannabis~~marijuana and cultivate up to six plants for personal use; (2) regulates and taxes the production, manufacture, and sale of ~~cannabis~~marijuana

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for adult use; and (3) rewrites criminal penalties so as to reduce the most common ~~cannabis~~~~marijuana~~ felonies to misdemeanors and allow prior offenders to petition for reduced charges. Prop 64, similar to MCRSA, allows cities and counties to prohibit the establishment of non-medical facilities and licenses that are provided under Prop 64, providing for minimal personal use exceptions.

(e) On March 15, 2017, the Board of Supervisors found and determined that amendments to the Zoning Ordinance to ban Medical and Non-Medical ~~Cannabis~~~~Marijuana~~ Facilities throughout any unincorporated zones were reasonable and necessary for public health, safety and welfare, and consistent with the General Plan, and the intent of those amendments was to prohibit the establishment and operation of both Medical and Non-Medical ~~Cannabis~~~~Marijuana~~ Facilities.

(f) On March 15, 2017 ~~t~~The Board of Supervisors ~~found~~~~also finds~~ and determineds that amendments to the Regulatory Ordinances, Section 21.2503(a), to prohibit the Sheriff's Department from issuing any new Medical ~~Cannabis~~~~Marijuana~~ Collective Facility Operating Certificates to facilities that were not lawfully established prior to April 14, 2017, and consistent with San Diego County Zoning Ordinance Section 6935, ware reasonable and necessary for public health, safety and welfare. The Board determineds that all applicable County Code of Regulatory Ordinances related to the operation of Medical ~~Cannabis~~~~Marijuana~~ Collective Facilities with valid Operating Certificates shall continue to apply until such time as those facilities have been amortized pursuant to Zoning Ordinance Section 6935.

(g) In June 2017, California established the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA) through Senate Bill 94. As a combination of its precursors, MCRSA and AUMA, the MAUCRSA became the single regulatory system for governing medicinal and adult-use cannabis in California.

(h) On October 6, 2021, the Board of Supervisors finds and determines that amendments to the County Code of Regulatory Ordinances, Section 21.2501 et seq., and removal of Section 6935 of the Zoning Ordinance and associated amortization throughout the unincorporated area are consistent with the General Plan, and the intent of those amendments is to allow the continued operation of existing Medical Cannabis Collective Facilities and allow Medical Cannabis Collective Facilities to engage in Commercial Medical or Adult Use Cannabis activities.

(i) On October 6, 2021, the Board of Supervisors finds and determines that Medical Cannabis Collectives Facilities, Commercial Cannabis Microbusinesses and Commercial Cannabis Retailers may sell edible products and branded merchandise. The Board of Supervisors also finds and determines that existing Medical Cannabis Collective Facilities, Commercial Cannabis Microbusinesses, or Commercial Cannabis Retailers may alter existing structures, or add an addition up to 10,000 square feet pursuant to Zoning Ordinance Section 6861.

**SEC. 21.2502. DEFINITIONS.**

(a) "Primary Care Giver" has the same meaning as defined by state ~~statutes~~~~law~~, including but not limited to Health & Safety Code sections 11362.5(e) and 11362.7(d). As explained in *People v. Mentch* (2008) 45 Cal.4th 274, a "primary caregiver" is a person who (1) consistently provides caregiving to a qualified patient, (2) independent of any assistance in taking medical cannabis, (3) at or before the time he or she assumed responsibility for assisting with medical cannabis.

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(b) "Qualified Patient" has the same meaning as defined by state law, including but not limited to Health & Safety Code sections 11362.7(f) and 11362.5(b).

(c) "~~Medical Cannabis~~Marijuana Collective" or "Collective" means any cannabis cooperative association or combination of primary caregivers and/or qualified patients collectively or cooperatively cultivating and/or storing ~~cannabis~~marijuana for medical purposes as provided in Business and Professions Code Section 26220 et seq.~~Health and Safety Code Section 11362.7775.~~

(d) "~~Medical Cannabis~~Marijuana Collective Facility" or "Collective Facility" means any location at which members of a medical ~~cannabis~~marijuana collective collectively or cooperatively cultivate, store or exchange ~~cannabis~~marijuana among themselves or reimburse each other or the medical ~~cannabis~~marijuana collective for cultivation, overhead costs and operating expenses. "Medical ~~Cannabis~~Marijuana Collective Facility" or "Collective Facility" does not mean or include the following facilities licensed pursuant to the following provisions of Division 2 of the Health and Safety Code:

- (1) A clinic licensed pursuant to Chapter 1;
- (2) A health facility licensed pursuant to Chapter 2;
- (3) A residential care facility for persons with chronic, life-threatening illnesses licensed pursuant to Chapter 3.01;
- (4) A residential care facility for the elderly licensed pursuant to Chapter 3.2; or
- (5) A residential hospice or a home health agency licensed pursuant to Chapter 8.

(e) "Commercial Cannabis Microbusiness" means a cannabis facility that holds an A-Type 12 (Adult Use) or M-Type-12 (Medical Use) Microbusiness license in accordance with Business and Professions Code Section 26050, and is engaged in three of the four following medical commercial cannabis activities:

- (1) Retailer
- (2) Cultivation of cannabis on an area less than 10,000 square feet
- (3) Manufacturing
- (4) Distribution

(f) "Commercial Cannabis Retailer" means a retail storefront facility that sells cannabis and cannabis products and holds an A-Type 10 (Adult Use) or M-Type 10 (Medical Use) Retailer license in accordance with Business and Professions Code Section 26050

(g) "~~Cannabis~~Marijuana" has the same meaning as defined by state law, including but not limited to Health & Safety Code section 11018.

(h) "~~Caregiver~~Caregiver Events" means visits, consultations, transactions, interactions or other events involving a qualified patient and his or her primary caregiver designated by the qualified patient and his or her primary caregiver to demonstrate that the primary caregiver meets the requirements of state law, including but not limited to Health & Safety Code section 11362.5(e), other relevant statutes and court decisions.

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(ig) "Responsible Persons" means those members of the Medical Cannabis Ceollective Facility or owners and/or officers of the Commercial Cannabis Microbusiness or Commercial Cannabis Retailer who shall be jointly and severally responsible for operations, management, direction, or policy of the ~~collective~~ facility in compliance with state law and this ordinance.

(jh) "Applicant" or "Applicants" means those persons who are completing and executing the Application for a ~~Medical Cannabis Marijuana Collective Facility~~ Operating Compliance Certificate ("Operating Certificate").

(k) "Edible Cannabis Product" has the same meaning as defined by state law, including but not limited to Business and Professions Code section 26001(t).

(l) "Branded Merchandise" has the same meaning as defined by state law, including but not limited to the California Code of Regulations, Title 16, section 5000(b).

### **SEC. 21.2503. OPERATING CERTIFICATE REQUIRED; APPLICATIONS.**

(a) A Medical Cannabis Ceollective, Commercial Cannabis Microbusiness, or Commercial Cannabis Retailer may only operate a ~~collective~~ facility in the unincorporated area of San Diego County if a valid ~~Medical Marijuana Collective Facility Operating Compliance Certificate~~ ("Operating Certificate") has been issued by the Sheriff's Department to a member of the collective or owner and/or officer of the Commercial Cannabis Microbusiness or Commercial Cannabis Retailer facility. The Sheriff's Department shall ~~not only~~ issue new Operating Certificates to ~~Medical Marijuana Collective Facilities that~~ except to those facilities which were lawfully established prior to April 14, 2017, ~~and consistent with San Diego County Zoning Ordinance Section 6935.~~

(b) The procedure for obtaining an Operating Certificate, including appeals of denials and revocations, shall be as set forth in Chapter 1 of the County of San Diego Uniform Licensing Procedure, except as set forth in this chapter and in addition, shall be subject to the specific requirements and regulations set forth in this chapter.

(c) The ~~form of~~ application for an Operating Certificate shall be developed by the Sheriff's Department. At a minimum, the ~~form of~~ application developed by the Sheriff shall require the applicant(s) to provide sufficient information deemed necessary by the Sheriff to make an initial determination that (1) the applicant(s) will be operating a legitimate ~~collective~~ facility in compliance with state law and this ordinance, and (2) the applicant(s) is or are the owner(s) of the property for which the Operating Certificate is sought or have the written permission of the owner(s) of the property for which the license is sought.

(d) As a condition for obtaining an Operating Certificate from the Sheriff, the applicant must show proof that the location has been approved by the Department of Planning and Development Services, Zoning Division, and a building permit (including a tenant improvement permit) has been applied for if required by the California Building Code.

(e) The ~~form of~~ application, which upon completion shall be signed by the applicant(s), shall also require the applicant(s), at a minimum, to make the following express representations:

(1) That no activities prohibited by state law will occur on or at the Medical Cannabis Ceollective Facility, Commercial Cannabis Microbusiness, or Commercial Cannabis Retailer with the knowledge of the responsible person(s).

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(2) That the Medical Cannabis Ceollective Ffacility, Commercial Cannabis Microbusiness, or Commercial Cannabis Retailer~~the collective~~ and all of its members, owners, and/or officers will comply with all provisions of this chapter and state law pertaining to ~~medical cannabis~~marijuana.

(f) An Operating Certificate issued pursuant to this section shall be valid only for the address for which it was issued.

(g) Section 21.108(c) of the County of San Diego Uniform Licensing Procedure shall not apply to the issuance of Operating Certificates for Medical Cannabis Ceollective Ffacilities, Commercial Cannabis Microbusiness, or Commercial Cannabis Retailer.

(h) The applicant(s) shall provide to the Sheriff along with a completed application and fee for the Operating Certificate, evidence that any required building permit (including a tenant improvement permit) issued by the Department of Planning and Development Services has passed final inspection and occupancy approval has been issued before the Sheriff's Operating Certificate can be effective.

(i) For purposes of facilitating the provisions of this ordinance, a Medical Cannabis Ceollective Ffacility, Commercial Cannabis Microbusiness, or Commercial Cannabis Retailer must have a unique identifying name that will be entered onto the application for an Operating Certificate.

(j) The fee for an Operating Certificate shall be as provided in section 21.1901 of the County Code of Regulatory Ordinances for Medical Marijuana Operation Certificate.

(k) The application for an Operating Certificate shall designate and identify one or more persons as responsible persons. The designated responsible person(s) shall include the applicant(s). Operating Certificates may be transferred to others by the following procedure: upon request of all responsible persons listed on an Operating Certificate, the proposed transferee(s) shall apply to the Sheriff for a new Operating Certificate as required by this section. Upon issuance of a new Operating Certificate, the transferor's Operating Certificate shall expire. Removal of all responsible persons originally listed on an Operating Certificate shall constitute a transfer. Operating Certificates may also be updated to add responsible persons or include additional cannabis activities, subject to a reduced application fee reflecting Sheriff's actual cost of any necessary background checks or investigation.

(l) An Operating Certificate shall not be issued where a responsible party has a felony conviction.

**SEC. 21.2504. INFRASTRUCTURE REQUIREMENTS FOR CANNABISCOLLECTIVE FACILITIES.**

(a) Alarms, closed circuit television.

(1) A Sheriff Department-licensed, 24-hour centrally monitored alarm system is required.

(2) Closed circuit television (CCTV) video monitoring shall be installed that meets the following criteria:

(A) Continuous 24-hour operation and recording with minimum archival period of 14 days.

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(B) Sufficient cameras, angles of observation and lighting to allow facial feature identification of persons in interior and exterior areas where ~~cannabis~~marijuana is present at any time.

(C) Sufficient cameras, angles of observation and lighting to allow facial feature identification of persons in the immediate exterior areas of doors, windows or other avenues of potential access.

(D) All CCTV recordings shall be accessible to law or code enforcement officers at all times during operating hours and otherwise upon reasonable request. All CCTV recording systems shall have the capability of producing tapes, DVDs or other removable media of recordings made by the CCTV system.

(E) To prevent tampering, the recorder shall be kept in a secure location and all recordings shall be date and time stamped.

(b) Windows.

(1) Windows and glass panes shall have vandal-resistant glazing, shatter-resistant film, glass block, or bars installed equipped with latches that may be released quickly from the inside to allow exit in the event of emergency.

(2) Windows vulnerable to intrusion by a vehicle must be protected by bollards or landscaping grade separation reasonably sufficient to prevent such intrusion.

(c) Roofs, roof hatches, sky lights, ceilings. For buildings in which a Medical Cannabis Ceollective Ffacility, Commercial Cannabis Microbusiness, or Commercial Cannabis Retailer is located:

(1) All means of gaining unauthorized access to the roof shall be eliminated. Exterior roof ladders shall be secured with locked ladder covers.

(2) Roof hatches and skylights shall be secured so as to prevent intrusion.

(3) Where a Medical Cannabis Ceollective Ffacility, Commercial Cannabis Microbusiness, or Commercial Cannabis Retailer is located in a building with other tenants, the Medical Cannabis Ceollective Ffacility, Commercial Cannabis Microbusiness, or Commercial Cannabis Retailer shall be secured against unauthorized access from other tenant spaces or common areas, including access through crawl spaces, ceiling spaces, ventilation systems or other access points concealed from the common areas.

(d) Visibility.

(1) No ~~cannabis~~marijuana may be visible from any location off the property on which a ~~collective cannabis~~facility is located. All cannabis activities shall be enclosed within a building.

(2) Exterior landscaping within 10 feet of any building in which a Medical Cannabis Ceollective Ffacility, Commercial Cannabis Microbusiness, or Commercial Cannabis Retailer is located shall be free of locations which could reasonably be considered places where a person could conceal themselves considering natural or artificial illumination.

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(3) Exterior building lighting and parking area lighting must be in compliance with County of San Diego Light Pollution Code (Sections 51.201-51.209 of the San Diego County Code), County of San Diego Zoning Ordinance (Sections 6322 - 6326), and California Energy Code (Title 24-Chapter 6 of the California Code of Regulations). Lighting must be of sufficient foot-candles and color rendition, so as to allow the ready identification of any individual committing a crime on site at a distance of no less than forty feet.

(e) Fire suppression system: An approved automatic fire sprinkler system, designed in compliance with NFPA 13, shall be provided in buildings and portions thereof used as a Medical Cannabis Collective Facility, Commercial Cannabis Microbusiness, or Commercial Cannabis Retailer.

~~(f) Parking. A collective facility shall conform to the requirements of Zoning Ordinance Section 6762 and shall be considered an "Office" occupancy type for purposes of that section.~~

~~(f)g~~ Entrances, exits, doors.

(1) A Medical Cannabis Collective Facility, Commercial Cannabis Microbusiness, or Commercial Cannabis Retailer shall have a single plainly identified primary entrance/exit site that is visible from public or common areas.

(2) Any exit or entrance that is not visible from a public or common area shall be plainly marked as an emergency exit only. Such emergency exits shall be self-closing, self-locking, equipped with an alarm and not used except in an emergency.

(3) Any aluminum door shall be fitted with steel inserts at the lock receptacles.

(4) Any outward opening doors shall be fitted with hinge stud kits, welded hinges or set-screw hinge pins.

(5) Panic exit hardware shall be "push-bar" design.

(6) Double doors shall be fitted with three- point locking hardware and push-bars consistent with fire agency regulations or requirements.

(7) All emergency exits shall be solid core doors featuring hinge-pin removable deterrent. Emergency exit doors shall have latch guards at least 12 inches in length protecting the locking bolt area. Latch guards shall be of minimum 0.125-inch thick steel, affixed to the exterior of the door with non-removable bolts, and attached so as to cover the gap between the door and the doorjamb for a minimum of six inches both above and below the area of the latch.

(8) All glass doors or doors with glass panes shall have shatter-resistant film affixed to prevent glass breakage.

~~(h) The provisions of this section do not apply to the following collective facilities:~~

~~(1) A collective facility operated by a qualified patient where the amount of marijuana at no time exceeds 1.5 times the amount allowed by state law for a single qualified patient under Health & Safety Code section 11362.77, only cultivation occurs, and no exchanges of marijuana or reimbursements for marijuana occur.~~



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~~— (2) A collective facility operated by a primary care giver where the amount of marijuana at no time exceeds the amount allowed by state law for a single primary care giver under Health & Safety Code section 11362.77, only cultivation occurs, and no exchanges of marijuana or reimbursements for marijuana occur.~~

**SEC. 21.2505. OPERATING REQUIREMENTS FOR COLLECTIVE CANNABIS FACILITIES.**

(a) The hours of operation of a Medical Cannabis Collective Facility, Commercial Cannabis Microbusiness, and Commercial Cannabis Retailer shall be no earlier than 8 a.m. and no later than 8 p.m., seven days a week.

(b) No persons under the age of eighteen are allowed at, in, or on the premises of a Medical Cannabis Collective Facility, Commercial Cannabis Microbusiness, or Commercial Cannabis Retailer for medical use, unless such individual is a qualified patient and accompanied by their licensed attending physician, parent or documented legal guardian. No persons under the age of twenty-one are allowed at, in, or on the premises of an adult use Commercial Cannabis Microbusiness or Commercial Cannabis Retailer.

(c) In order to facilitate verification that a Medical Cannabis Collective Facility is operating pursuant to state and local laws, the following records must be maintained at the Medical Cannabis Collective Facility at all times and available for inspection by the Sheriff's Department:

(1) A record identifying all current qualified patient members of the collective associated with the Medical Cannabis Collective Facility. The record shall identify each qualified patient's designated primary caregiver, the name of the physician providing the recommendation for medical ~~cannabis~~marijuana and shall reflect whether the recommendation is written or oral. The record shall identify the city and county of residence for each qualified patient and his or her primary caregiver.

(2) A record identifying all current primary caregiver members of the collective associated with the Medical Cannabis Collective Facility, and the persons for whom they are the designated primary caregiver. The record will show the city and county of residence for all qualified patients and primary caregivers.

(3) A current record of caregiver events for each member of the collective associated with the Medical Cannabis Collective Facility. Such record should include, at a minimum, the dates, times, duration, participants and nature of the caregiver event(s). Such record shall not include information protected by federal or state medical information privacy laws.

(4) A record identifying the source or sources of all ~~cannabis~~marijuana currently on the premises of the Medical Cannabis Collective Facility or that has been on the premises during the two-year period preceding the current date. The record shall reflect the grower and the address and location of cultivation of the identified ~~cannabis~~marijuana.

(5) All ~~cannabis~~marijuana at the Medical Cannabis Collective Facility must at all times be physically labeled with information which, used in conjunction with the record required by section 21.2505(c)(4), will allow for ready identification of the specific collective member who is the source of the ~~cannabis~~marijuana.

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(6) All ~~cannabismarijuana~~ at the Medical Cannabis Ceollective Ffacility must at all times be physically labeled with the monetary amount to be charged (or "price" for purposes of this subparagraph only) to a collective member as reimbursement for cost of cultivation, overhead and operating expenses. ~~CannabisMarijuana~~ that is stored in bulk, and which is distributed by requested weight amount, shall be labeled with the price-per-ounce. ~~CannabisMarijuana~~ that is stored and distributed in fixed weight packages shall be labeled with the price and weight of the ~~cannabismarijuana~~ in the package.

(7) Current records of all transactions involving money and/or cannabis occurring in connection with the operation and activities of the collective or the Medical Cannabis Ceollective Ffacility during the two-year period preceding the current date. Such records must include at a minimum the following information: (a) The names of the persons involved, the person's membership status in the collective associated with the Medical Cannabis Ceollective Ffacility, and whether they are a qualified patient or a primary caregiver; (b) the amount of cash involved, if any, (c) the amount of ~~cannabismarijuana~~ involved, if any, (d) the method of payment if not by cash, and (d) if ~~cannabismarijuana~~ was involved, the collective member who was the source of the ~~cannabismarijuana~~.

(8) An agreement, signed by each member of the collective associated with the Medical Cannabis Ceollective Ffacility and who is a source of ~~cannabismarijuana~~ to the Medical Cannabis Ceollective Ffacility as identified by sections 21.2505(c)(4) and 21.2505(c)(5), that:

(A) within seven days of request by the Sheriff's Department, the member will produce for inspection by law enforcement a record, current to within 48 hours, of costs of cultivation, overhead and operating expenses; and

(B) the location of the cultivation of the ~~cannabismarijuana~~ supplied by the member shall be subject to inspection for physical verification by appropriate law enforcement or fire agencies.

The form of the agreement required by this subdivision shall be determined by the Sheriff's Department, and shall require as a minimum the full name, home address, cultivation site address, home and emergency telephone numbers and the agreement required by this section.

(9) A record showing the identification of the responsible persons for the collective by name, home address and telephone number.

(10) A clearly-visible, posted document identifying the names of the responsible persons and their emergency contact telephone numbers.

(d) The total quantity of ~~cannabismarijuana~~ located at any Medical Cannabis Ceollective Ffacility shall not exceed the maximum quantity limits set by state law, as established by statute and court decisions, in relation to the number of qualified patients and primary caregivers that are members of the collective.

(e) All ~~cannabismarijuana~~ at a Medical Cannabis Ceollective Ffacility must have been cultivated at that Medical Cannabis Ceollective Ffacility or have as its source a member or members of the collective with which the Medical Cannabis Ceollective Ffacility is associated.

(f) The sale of Edible Cannabis Products and Branded Merchandise is allowed at a Medical Cannabis Collective Facility, Commercial Cannabis Microbusiness that includes retail as one of

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~~the three uses, and Commercial Cannabis Retailer. Only cannabis as herein defined is allowed at the collective facility. No food or drink containing marijuana is allowed.~~

(g) No smoking or any other consumption or ingestion of ~~cannabismarijuana~~ is allowed at a Medical Cannabis Ceollective Ffacility, Commercial Cannabis Microbusiness, or Commercial Cannabis Retailer.

(h) Only persons who are members of the collective that is associated with a Medical Cannabis Ceollective Ffacility shall collectively or cooperatively cultivate, store or exchange ~~cannabismarijuana~~ among themselves, or reimburse each other or the medical ~~cannabismarijuana~~ collective for cultivation, overhead costs and operating expenses, at the Medical Cannabis Ceollective Ffacility.

(i) All transactions between or among members of a collective involving the exchange of ~~cannabismarijuana~~ and money, the exchange of ~~cannabismarijuana~~ and any other thing of value, the exchange of ~~cannabismarijuana~~, or the provision of ~~cannabismarijuana~~ by one collective member to another collective member shall occur at the Medical Cannabis Ceollective Ffacility operated by the collective to which the members belong, except as follows: To the extent allowed by Health & Safety Code § 11362.71 and Health & Safety Code § 11362.765, a member of a collective may transport medical ~~cannabismarijuana~~ from the Medical Cannabis Ceollective Ffacility of the collective to which the member belongs and deliver the medical ~~cannabismarijuana~~ to another member of the same collective and may, upon delivery, accept money on behalf of the collective in exchange for the medical ~~cannabismarijuana~~.

(j) Medical Cannabis Collective Ffacilities, Commercial Cannabis Microbusinesses, and Commercial Cannabis Retailers shall be available for inspection by the Sheriff, the Director of Planning and Development Services, the fire authority having jurisdiction or their respective authorized representatives, at all times during operating hours and upon reasonable notice during non-operating hours.

(k) A Medical Cannabis Ceollective Ffacility, Commercial Cannabis Microbusiness, and Commercial Cannabis Retailer shall have on its premises, posted in a prominent location, a copy of its Operating Certificate and a document that provides the names, home addresses, home telephone numbers and 24-hour emergency telephone numbers of its ~~operators~~Responsible Persons.

(l) A licensed, uniformed security guard shall be present at a Medical Cannabis Ceollective Ffacility, Commercial Cannabis Microbusiness, and Commercial Cannabis Retailer at all times during hours of operation pursuant to section 21.2505(a).

~~—(m) The provisions of this section do not apply to the following collective facilities:~~

~~—(1) A collective facility operated by a qualified patient where the amount of marijuana at no time exceeds 1.5 times the amount allowed by state law for a single qualified patient under Health & Safety Code section 11362.77, only cultivation occurs, and no exchanges of marijuana or reimbursements for marijuana occur.~~

~~—(2) A collective facility operated by a primary care giver where the amount of marijuana at no time exceeds the amount allowed by state law for a single primary care giver under Health &~~

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~~Safety Code section 11362.77, only cultivation occurs, and no exchanges of marijuana or reimbursements for marijuana occur.~~

**SEC. 21.2506. FACILITY LIMITS; NAMING.**

(a) A collective may operate only one Medical Cannabis Collective Facility where members of the collective exchange ~~cannabis~~marijuana among themselves or reimburse each other or the collective for cultivation, overhead costs and operating expenses. A collective may operate additional Medical Cannabis Collective Facilities where only cultivation occurs, all of which must meet the requirements of this ordinance except as expressly provided by this ordinance.

(b) A Medical Cannabis Collective Facility, Commercial Cannabis Microbusiness, or Commercial Cannabis Retailer must have a unique identifying name, identified on the Operating Certificate Application, ~~for purposes of tracking membership and facilities.~~

**SEC. 21.2507. ADMINISTRATIVE AND CIVIL PENALTIES.**

(a) An Operating Certificate may be revoked for any violation of state law or this chapter, or for failure to comply with conditions listed on the Operating Certificate. Revocation proceedings, hearings and appeals shall be conducted as set forth in Chapter 1 of the County of San Diego Uniform Licensing Procedure. Administrative civil penalties shall be assessed pursuant to sections 18.201 et seq. of this Code or successor or amended administrative civil penalty provisions as may be adopted.

(b) In a civil action filed by the County to enforce provisions of this ordinance, a court may assess a maximum civil penalty of \$2500 per violation for each day during which any violation of any provision of this ordinance is committed, continued, permitted or maintained by such person(s). As part of said civil action, a court may also assess a maximum civil penalty of \$6000 for each day any person intentionally violates an injunction prohibiting the violation of any provision of this ordinance.

(c) Any violation of this chapter may also be deemed a public nuisance and may be enforced by any remedy available to the County for abatement of public nuisances.

**SEC. 21.2508. SEVERABILITY.**

(a) If any part of this chapter is for any reason held to be invalid, unlawful, or unconstitutional, such invalidity, unlawfulness or unconstitutionality shall not affect the validity, lawfulness, or constitutionality of any other part of this chapter.

Section 4. Effective Date and Publication. This ordinance shall take effect and be in force thirty (30) days after its adoption. Fifteen days after the date of adoption of this ordinance, a summary shall be published once with the names of the members of the Board voting for and against it in a newspaper of general circulation published in County of San Diego.

APPROVED AS TO FORM AND LEGALITY

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COUNTY COUNSEL

By: Justin Crumley, Senior Deputy County Counsel