

Chapter 20.243 –Medical Cannabis Facilities

20.243.005 Title.

This Chapter shall be known as and may be referred to in all proceedings as "Medical Cannabis Facilities Code" or "MCF."

20.243.010 Intent.

(A) It is the purpose and intent of this Chapter to regulate the processing, manufacturing, testing, dispensing, distributing, delivering and transportation of cannabis intended exclusively for medical use (which may also be referred to herein as medical cannabis) within the unincorporated areas of Mendocino County in a manner that is consistent with current State law and establish a program in coordination with the State of California's future implementation of the Medical Cannabis Regulation and Safety Act ("MCRSA"); Assembly Bill ("AB") 243, AB 266, AB 837 and Senate Bill ("SB") 643, Stats. 2015, ch. 688, 689, and 719, respectively SB 643, AB 266, and AB 243, Stats. 2015, ch. 688, 689, and 719, respectively, chaptered October 9, 2015).

All processing, manufacturing, testing, dispensing, distributing, delivering and transportation of medical cannabis within the jurisdiction of the County of Mendocino shall be controlled by the provisions of this Chapter, regardless of whether the business existed or occurred prior to the adoption of this Chapter. Nothing in this Chapter is intended, nor shall it be construed, to exempt the commercial cultivation, processing, manufacturing, and distribution of cannabis for medical use, from compliance with all other applicable Mendocino County zoning, and land use regulations, as well as other applicable provisions of the County Code, or compliance with any applicable state laws.

(B) These regulations shall apply to the location and permitting of commercial processing, manufacturing, and distribution of cannabis for medical use in zoning districts within which such use is authorized, as specified in this Chapter.

(C) The commercial processing, manufacturing, testing, dispensing, distributing, delivering and transportation of cannabis for medical use within the jurisdiction of the County of Mendocino inland of the coastal zone shall be controlled by the provisions of this Chapter, regardless of whether those activities existed or occurred prior to the adoption of this Chapter.

(D) Nothing in this Chapter is intended, nor shall it be construed, to exempt the commercial processing, manufacturing, testing, dispensing, distributing, delivering and transportation of cannabis for medical use, as defined herein, from any and all applicable local and state construction, electrical, plumbing, land use, or any other environmental, building or land use standards or permitting requirements.

(E) Nothing in this Chapter is intended, nor shall it be construed, to preclude a landlord or property owner from limiting or prohibiting commercial processing, manufacturing, testing, dispensing, distributing, delivering and transportation of cannabis for medical use on private property.

(F) The definitions in this Chapter are intended to apply solely to the regulations in this section. Applicable definitions in Mendocino County Code Sections 10A.17.020 and Section 20.242.030 may also apply to this Chapter.

20.244.015 Severability.

If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Chapter, or its application to any person or circumstance, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this Ordinance, or its application to any other person or circumstance. The Board of Supervisors of the County of Mendocino hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable.

20.243.020 Release of Liability and Hold Harmless.

As a condition of approval for any Zoning Clearance, Administrative Permit, Minor or Major Use Permit for the commercial processing, manufacturing, testing, dispensing, distributing, delivering and transportation of cannabis for medical use, as defined herein, the owner or permittee shall indemnify and hold harmless the County of Mendocino and its agents, officers, elected officials, and employees for any claims, damages, or injuries brought by affected property owners or other third parties due to the commercial cultivation, processing, manufacture, or distribution of cannabis for medical use and for any claims

20.243.025 Definitions.

Unless otherwise defined below, the terms and phrases used in this chapter shall have the same definitions as provided in Chapter 10A.17. As used herein the following definitions shall apply:

“Applicant,” means the following:

- (1) Owner or owners of a proposed facility, including all persons or entities having ownership interest other than a security interest, lien, or encumbrance on property that will be used by the facility.
- (2) If the owner is an entity, “owner” includes within the entity each person participating in the direction, control, or management of, or having a financial interest in, the proposed facility.
- (3) If the applicant is a publicly traded company, “owner” means the chief executive officer or any person or entity with an aggregate ownership interest of 5 percent or more.

“Cannabis concentrate” means manufactured cannabis that has undergone a process to concentrate the cannabinoid active ingredient, thereby increasing the product’s potency. An edible medical cannabis

product is not considered food, as defined by Section 109935 of the Health and Safety Code, or a drug, as defined by Section 109925 of the Health and Safety Code.

“Cannabis product” means raw cannabis that has undergone a process whereby the raw agricultural product has been transformed into a concentrate, an edible product, or a topical product. “Cannabis product” also means marijuana products as defined by Section 11018.1 of the California Health and Safety Code and is not limited to medical cannabis products.

“Cannabinoid” or “phytocannabinoid” means a chemical compound that is unique to and derived from cannabis.

“Caregiver” or “primary caregiver” has the same meaning as that term is defined in Section 11362.7 of the Health and Safety Code.

“Commercial cannabis activity” includes cultivation, possession, manufacture, processing, storing, laboratory testing, labeling, transporting, distribution, or sale of medical cannabis or a medical cannabis product, except as set forth in Section 19319, related to qualifying patients and primary caregivers.

“Commercial cannabis business” means any commercial business activity relating to medical cannabis, including but not limited to cultivating, transporting, distributing, manufacturing, compounding, converting, processing, preparing, storing, packaging, delivering, and selling (wholesale and/or retail sales) of medical cannabis and any ancillary products and accessories in the unincorporated area of the County, whether or not carried on for gain or profit.

“Delivery” means the commercial transfer of medical cannabis or medical cannabis products from a dispensary, up to an amount determined by the bureau to a primary caregiver or qualified patient as defined in Section 11362.7 of the Health and Safety Code, or a testing laboratory. “Delivery” also includes the use by a dispensary of any technology platform owned and controlled by the dispensary, or independently licensed under this chapter, which enables qualified patients or primary caregivers to arrange for or facilitate the commercial transfer by a licensed dispensary of medical cannabis or medical cannabis products.

“Dispensary” means a facility where medical cannabis, medical cannabis products, or devices for the use of medical cannabis or medical cannabis products are offered, either individually or in any combination, for retail sale, including an establishment that delivers medical cannabis and medical cannabis products as part of a retail sale.

“Dispensing” means any activity involving the retail sale of medical cannabis or medical cannabis products from a dispensary.

“Distribution” means the procurement, sale, and transport of medical cannabis and medical cannabis products between entities licensed pursuant to this Chapter.

“Distribution Facility” means the location or a facility where a person licensed with a Type 11 license pursuant to the MCRSA conducts the business of procuring medical cannabis from licensed cultivators or

manufacturers for sale to licensed dispensaries, and the inspection, quality assurance, batch testing by a Type 8 licensee, storage, labeling, packaging and other processes prior to transport to licensed dispensaries.

“Distributor” means a person licensed under this chapter to engage in the business of purchasing medical cannabis from a licensed cultivator, or medical cannabis products from a licensed manufacturer, for sale to a licensed dispensary.

“Edible cannabis product” means manufactured cannabis that is intended to be used, in whole or in part, for human consumption, including, but not limited to, chewing gum. An edible medical cannabis product is not considered food as defined by Section 109935 of the Health and Safety Code or a drug as defined by Section 109925 of the Health and Safety Code.

“Employee” means each and every person engaged in the operation or conduct of any business, whether as owner, member of the owner's family, partner, associate, agent, manager or solicitor, and each and every other person employed or working in such business for a wage, salary, commission, barter or any other form of compensation.

“Environmental Health” means the Mendocino County Environmental Health Division or the authorized representatives thereof.

“Live plants” means living medical cannabis flowers and plants, including seeds, immature plants, and vegetative stage plants.

“Manufacturer” means a person that conducts the production, preparation, propagation, or compounding of manufactured medical cannabis, or medical cannabis products either directly or indirectly or by extraction methods, or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis at a fixed location that packages or repackages medical cannabis or medical cannabis products or labels or relabels its container, that holds and that holds a valid County medical cannabis facility business license.

“Manufactured cannabis” means raw cannabis that has undergone a process whereby the raw agricultural product has been transformed into a concentrate, an edible product, or a topical product.

“Manufacturing site” means a location that produces, prepares, propagates, or compounds manufactured medical cannabis or medical cannabis products, directly or indirectly, by extraction methods, independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and is owned and operated by a licensee for these activities.

“Medical Cannabis Facility” or “MCF” means a structure and/or location where a dispensing, distributing, processing, testing, manufacturing, delivering or transporting cannabis intended exclusively for medical use is operating within the unincorporated areas of Mendocino County.

“Nonvolatile extraction” means an extraction method using nonvolatile solvents (such as CO₂) to manufacture medical cannabis products.

“Person” means an individual, firm, partnership, joint venture, association, corporation, limited liability company, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit, whether organized as a nonprofit or for-profit entity, and includes the plural as well as the singular number.

“Planning and Building” means the Mendocino County Planning and Building Services.

“Personal Medical Cannabis” means medical cannabis that is cultivated, processed, or stored for a single qualified patient’s use.

“Public Health” means the Mendocino County Public Health Department.

“Processing Facility” means location or facility where medical cannabis is dried, cured, graded, trimmed, and/or packaged by or under the control of one or more licensed cultivators, at a location separate from the cultivation site where the medical cannabis is grown and harvested.

“Sale” means and includes any sale, exchange, or barter.

“State” means the State of California.

“State license,” “license,” or “registration” means a State license issued pursuant to California Business & Professions Code Sections 19300, et seq. or other applicable state law.

“Testing laboratory” means a facility, entity, or site in the state that offers or performs testing of medical cannabis or medical cannabis products and that is both of the following:

1. Accredited by an accrediting body that is independent from all other persons involved in the medical cannabis industry in the state; and
2. Registered with the California State Department of Public Health.

“Transporter” means a person issued all required State and County permits to transport medical cannabis or medical cannabis products between permitted facilities.

“Treasurer-Tax Collector” means the Treasurer-Tax Collector of the County of Mendocino, his or her deputies or any other County officer charged with the administration of the provisions of this Chapter.

“Volatile extraction” means an extraction method using volatile solvents to manufacture medical cannabis products.

20.243.030 Application.

The processing, manufacturing, testing, dispensing, distributing, delivering and transportation of cannabis for medical use is prohibited in all zoning districts in Mendocino County, except as allowed by this Chapter.

20.243.035 General Limitations on Medical Cannabis Facilities.

(A) The Applicant must have authorization as a qualified patient or as a primary caregiver to Process, Manufacture, Test, Dispense, Distribute, Deliver and Transport medical cannabis for medical use. This provision shall sunset consistent with MCRSA.

(B) The processing, manufacturing, testing, dispensing, distributing, delivering and transportation of cannabis for medical use in Mendocino County, shall not be allowed within one thousand (1,000) feet of a youth-oriented facility, a school, a park, or any church or residential treatment facility as defined by Mendocino Code Chapter 10A.17 *Medical Cannabis Cultivation Ordinance*. The distance between the above-listed uses and medical cannabis that is being processing, manufacturing, testing, dispensing, distributing, delivering and transportation shall be measured in a straight line from the nearest point of the medical cannabis facility to the nearest boundary line of the property on which the facility, building, or structure, or portion of the facility, building, or structure in which the above-listed use occurs is located.

(C) All permitted medical cannabis facilities shall be located two hundred (200) feet or greater from any legal residential structure located on a separate parcel.

(D) All permitted medical cannabis sites shall comply with the building property line setback established by the zoning district in which the cultivation site is located.

(E) The processing, manufacturing, testing, dispensing, distributing, delivering and transportation of medical cannabis is not permitted as an accessory use to an existing legal dwelling, located on the same legal parcel, where the dwelling is a principal use in the Zoning District in which it is located.

(F) The processing, manufacturing, testing, dispensing, distributing, delivering and transportation of medical cannabis within an accessory structure is not permitted.

(G) The processing, manufacturing, testing, dispensing, distributing, delivering and transportation of medical cannabis is not permitted within any habitable space (i.e., kitchen, bedroom, bathroom, living room or hallway) of a dwelling unit nor is it permitted within any required parking space.

(H) All activities associated with the processing, manufacturing, testing, dispensing, distributing, delivering and transportation of cannabis for medical use shall not exceed the noise level standards as set forth in the County General Plan Policies DE100, 101 and 103.

(I) All processing and manufacturing of cannabis for medical use shall not utilize water that has been or is illegally diverted from any spring, wetland, stream, creek, or river.

(J) Medical cannabis remnants, medical cannabis infused products, bi-products, and other waste material shall be disposed of in a safe, sanitary and secure manner, in a location and manner in accordance with the County Solid Waste Ordinance, Chapter 9A.04. Any portion of the medical cannabis remnants, products or bi-products being disposed of will be rendered unusable before disposal, will be protected from being possessed or ingested by any person or animal, and shall not be placed within the

facility's exterior refuse containers. Prior to issuance of a medical cannabis facility permit and/or business license, plans for the disposal of waste must be submitted to the Solid Waste Division for approval, and if applicable a permit under the Solid Waste Ordinance, Chapter 9A.04.

(K) Medical cannabis facilities shall implement the following security measures:

1. Sufficient security measures to both deter and prevent unauthorized entrance into areas containing medical cannabis or medical cannabis products and theft of medical cannabis or medical cannabis products.
2. Security measures to prevent individuals from remaining on the premises of the facility if they are not engaging in activity expressly related to the operations of the facility.
3. Establishing limited access areas accessible only to authorized personnel.
4. Storing all medical cannabis and medical cannabis product in a secured and locked room, safe, or vault and in a manner as to prevent diversion, theft, and loss.
5. Diversion, theft, loss or any criminal activity involving the facility or any other breach of security must be reported to law enforcement.

20.243.040 Permit Types and Zoning Districts.

All medical cannabis facilities may be permitted in accordance with this Section. All new medical cannabis facilities shall obtain approval from other State and Local agencies with permitting jurisdiction. Medical cannabis facilities may be allowed with an approved Zoning Clearance, Administrative Permit, Minor Use Permit, or Major Use Permit as required for the zoning district in which the medical cannabis facility is located and listed in Table 1.

Table 1										
Zoning Permit Requirements for Dispensing, Distribution, Processing, Testing, Manufacturing, Delivery and Transportation										
by Zoning District and Medical Cannabis Facilities Code Permit Type										
		5	6	7	8	9	10	11	12	13
Permit Type		Processing	Manufacturing (Non-volatile)	Manufacturing (Volatile)	Testing	Delivery	Dispensing	Distribution	Transportation	Business Offices
Zoning District	RR 2	—	—	—	—	—	—	—	—	—
	RR 5	—	—	—	—	—	—	—	—	—
	RR 10	—	—	—	—	—	—	—	—	—
	R3	—	—	—	—	—	—	—	—	AP
	RC	MUP	MUP	—	MUP	—	UP	UP	—	—
	SR	—	—	—	—	—	—	—	—	UP
	AG	UP	—	—	—	—	—	—	—	—
	UR	—	—	—	—	—	—	—	—	—
	RL	—	—	—	—	—	—	—	—	—
	FL	—	—	—	—	—	—	—	—	—
	TPZ	—	—	—	—	—	—	—	—	—
	C1	—	—	—	—	AP	AP	—	AP	AP
	C2	UP	UP	—	AP	AP	AP	UP	AP	AP
	I1	AP	AP	MUP	AP	AP	UP	AP	AP	—
	I2	AP	AP	MUP	AP	AP	UP	AP	AP	—
	PI	AP	UP	MUP	MUP	MUP	MUP	AP	MUP	—
—=Not Allowed, ZC = Zoning Clearance, AP = Administrative Permit, UP = Minor Use Permit, MUP = Major Use Permit										

20.243.045 Planning Approval Required to Process, Manufacture, Test, Dispense, Distribute, Deliver and Transport Cannabis for Medical Use.

(A) Planning Approval Procedure. Each medical cannabis facility site is subject to one of the following planning approvals that correspond to the applicable zoning district, as specified by Table 1 of this Chapter. Planning and Building shall review the application in accordance with the applicable planning approval process. Planning and Building shall complete Zoning Clearance determinations within two-weeks of the referral date. If the permit application is incomplete or it requires an Administrative permit or Minor or Major Use Permit, Planning and Building shall notify the Applicant.

(B) Administrative Permits. In accordance with the Administrative Permit review procedure listed in Chapter 20.192, the Zoning Administrator shall approve, conditionally approve or deny an Administrative Permit a medical cannabis facility based on the following special findings.

- 1) The medical cannabis facility site is allowed in the zoning district and it is in compliance with the provisions of this Chapter and Chapter 10A.17, as applicable.
- 2) The medical cannabis facility will avoid or minimize odor and light impact on residential uses.

(C) Minor Use Permits. In accordance with the Use Permit review procedure listed in Chapter 20.196, the Zoning Administrator or the Planning Commission shall approve, conditionally approve, or deny a Minor Use Permit for a medical cannabis facility based on findings in MCC Sections 20.196.020 and 20.196.030.

1) The medical cannabis facility site is allowed in the zoning district and it is in compliance with the provisions of this Chapter and Chapter 10A.17, as applicable.

2) The medical cannabis facility will avoid or minimize odor and light impact on residential uses.

(D) Major Use Permits. In accordance with the Use Permit review procedure listed in Chapter 20.196, the Zoning Administrator or the Planning Commission shall approve, conditionally approve, or deny a Major Use Permit for a medical cannabis cultivation site based on findings in MCC Sections 20.196.020 and 20.196.030.

1) The medical cannabis facility site is allowed in the zoning district and it is in compliance with the provisions of this Chapter and Chapter 10A.17, as applicable.

2) The medical cannabis facility will avoid or minimize odor and light impact on residential uses.

(E) The County shall notify any State license authority, as defined by the MCRSA, whenever the County Zoning Clearance, Administrative Permit or Minor or Major Use Permit has been revoked or terminated.

20.243.050 Permit Application and Zoning Review for Medical Cannabis Facilities.

Any person or entity that wishes to engage in the processing, manufacturing, testing, dispensing, distributing, delivering and transportation of cannabis for medical use shall submit an application to Planning and Building. Applications for medical cannabis facilities shall be made upon such forms and accompanied by such plans and documents as may be prescribed by Planning and Building so as to assure the fullest practical presentation of facts for the review of the application. An application fee will be due at the time the application is submitted and is non-refundable.

Applicants for a permit for a medical cannabis facility shall provide the following information on, or as an attachment to, the application:

(A) The name, business and residential address, and phone number(s) of the applicant.

(B) If the applicant is not the record title owner of the legal parcel, written consent from the owner allowing the processing, manufacturing, testing, dispensing, distributing, delivering and transportation of medical cannabis on their property by the applicant with original signature of the record title owner.

(C) Written evidence that each person applying for the permit and any other person who will be engaged in the management of the medical cannabis facility is at least twenty-one (21) years of age;

(D) A site plan showing the entire legal parcel, including easements, streams, springs, ponds and other surface water features, dimensions of the medical cannabis facility, circulation and parking plan, and setbacks from property lines. The site plan shall include dimensions showing that the distance from any school, youth oriented facility, church, public park, or residential treatment facility to the nearest point of the cultivation area is at least 1,000 feet.

(E) Existing and proposed floor plans showing all proposed building and site improvements, including site plans, floor plans, mechanical, plumbing (including details showing all sewers, floor drains) and electrical plans. The plans shall clearly label and distinguish between the existing and proposed improvements and show all exterior building, interior building and site modifications. At a minimum, plans shall:

- (1) Show all fixtures, equipment and building improvements to be utilized for the cultivation, production and processing of medical marijuana;
- (2) Meet California Code of Regulations Title 24 requirements; and
- (3) Be reviewed and stamped by an engineer with the appropriate trades (mechanical, plumbing, electrical, etc.).

For all indoor cultivation facilities associated with dispensaries and manufacturing facilities, applications for a Cultivation Permit shall additionally include plans detailing:

- (a) Water, electrical power, wastewater provider and plan for compliance with applicable Building Codes. Also, provide documentation that addresses the handling of waste discharge from the grow location of items including, but not limited to nutrients, spent growing media, unused containers and other associated hardware, supplies, and garbage;
- (b) A minimum one (1) hour firewall separating all separate lease spaces which are utilized for cultivation or manufacturing; and
- (c) A specific odor control system that will contain all associated odors. An applicant may be required to apply for and obtain a building permit to complete building and/or site improvements.

(E) An operations plan which provides a description of the proposed processing, manufacturing, testing, dispensing, distributing, delivering or transportation of medical cannabis activities including, but not limited to, permit type, size of facility or structure where business will be conducted, description of the nature of the activity, product type, average production amounts (including each product produced by type, amount, process, and rate), source of medical cannabis material product(s), estimated number of employees, hours of operation, visibility and anticipated number of deliveries and pickups. The operations plan for processing and/or manufacturing shall also include descriptions of employee safety practices, including toilet and handwashing facilities, plumbing and/or septic system and whether or not the system is capable of handling increased usage, source of drinking water for employees, description of increased road use resulting from processing and a plan to minimize that impact, description of on-site housing, if any.

(G) If the source of water is a well, a copy of the County well permit, if available, as applicable.

(H) A unique identifying number from a State of California Driver's License or Identification Card for each person applying for the permit and any other person who will be engaged in the management of the processing, manufacturing, testing, dispensing, distributing, delivering or transportation operation.

(I) Evidence that the applicant or any individual engaged in the management of, or employed by, the cannabis facility has not been convicted of a violent felony as defined in Penal Code section 667.5 (c) within the State of California, or a crime that would have constituted a violent felony as defined in Penal Code section 667.5 (c) if committed in the State of California and is not currently on parole or felony probation. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. This provision shall sunset consistent with MCRSA.

(J) A statement describing the proposed security measures for the facility that shall be sufficient to ensure the safety of members and employees and protect the premises from theft.

(K) If the applicant is organized as a non-profit corporation, the applicant shall set forth the name of the corporation exactly as shown in its Articles of Incorporation, and the names and residence addresses of each of the officers and/or directors. If the applicant is organized as a partnership, the application shall set forth the name and residence address of each of the partners, including the general partner and any limited partners. Copies of the Articles of Incorporation or Partnership Agreement shall be attached to the application.

(L) The applicant shall provide proof of either, a physician recommendation that the amount to be processed, manufactured, dispensed, delivered and transported of cannabis is consistent with the applicant's medical needs, the needs of the patients for whom the applicant is a caregiver, or a written agreement or agreements, that the applicant is authorized by one or more medical marijuana dispensing collectives or processors to produce medical marijuana for the use of the members of said collective(s) or processor(s).

(M) Planning and Building is hereby authorized to require in the permit application any other information reasonably related to the application including, but not limited to, any information necessary to discover the truth of the matters set forth in the application.

(N) Written consent for an onsite pre-permit inspection of the legal parcel by County officials at a prearranged date and time in consultation with the applicant prior to the approval of a permit to cultivate medical cannabis, and at least once annually thereafter.

(O) All other information specifically required for the medical cannabis facility type (processing, manufacturing, testing, dispensing, distributing, delivering and transportation) as described in the following sections.

20.243.055 Permit Review and Issuance.

Planning and Building shall issue a permit for the processing, manufacturing, testing, dispensing, distributing, delivering and transportation of cannabis for medical use pursuant to this Chapter only:

(A) Following the referral and clearance or permit approval pursuant to this Chapter; and

(B) After Planning and Building, and other County and State agency staff, as appropriate, have performed a pre-permit site inspection to confirm adherence to the requirements established in this Chapter and the application process to obtain a permit for a medical cannabis facility.

If, during the pre-permit site inspection, violations of any building or other health, safety or other state or county statute, ordinance, or regulation are discovered, the applicant shall be required to submit a written plan to remediate, abate, or cure the violations at the earliest feasible date, but in no event more than one (1) year after the date of issuance of the permit for a medical cannabis facility; said plan shall be signed by the applicant, approved by the relevant enforcement agency or agencies, and compliance with said plan shall be a condition of the Cultivation Permit.

20.243.065 Penalties and Enforcement.

(A) Submission and subsequent approval of an application of a zoning clearance or permit for a medical cannabis facility constitutes permission for entry to and reasonable inspection of the establishment by Planning and Building, Environmental Health, Public Health, Fire Marshall, Sheriff or their designees, with or without notice. Such inspection may require more than one visit to the establishment.

- (1) The County, may, upon receipt of a complaint against a medical cannabis facility, except for the complaint of cost of services, conduct an investigation, with or without notice, into the premises, facilities, and qualifications of personnel, methods of operation, policies, procedures and records of that establishment or any other establishment which may have information pertinent to the complaint.
- (2) Planning and Building, Environmental Health, Public Health, Fire Marshall, Sheriff or their designees, may enter and inspect any building or premises at any time, with or without notice to:
 - i. Secure compliance with any provision of this chapter.
 - ii. Prevent a violation of any provision of this chapter.
 - iii. Conduct an unannounced inspection of a facility in response to an allegation of noncompliance with this chapter.
- (3) Planning and Building, Environmental Health, Public Health, Fire Marshall, Sheriff or their designees, may enter and inspect at least annually with notice each building or the premises of a medical cannabis facility to ensure compliance with standards and regulations for business licenses safety, health and sanitation.

(B) All of the remedies provided for in this Chapter shall be cumulative and not exclusive for violations of this Chapter. Any violation of this Chapter, including, but not limited to failure to obtain and maintain in good standing any permit required by this Chapter, compliance with any required element on which a permit was issued pursuant to this Chapter, or any violation of the provisions of this Chapter where a permit is not required, shall be, and the same hereby is declared to be, a public nuisance and unlawful

and shall be subject to injunction, abatement or any other administrative or civil remedy available to the County under the applicable state and county laws, including but not limited to those set forth in Mendocino County Code and MCRSA.

The County may abate the violations of this Chapter in accordance with the provisions of County Code Section 8.75 or by the prosecution of a civil action, including an action for injunctive relief. The remedy of injunctive relief may take the form of a court order, enforceable through civil contempt proceedings, prohibiting the maintenance of the violation of this Chapter or requiring compliance with other terms. The County may also abate the violation of this Chapter through the abatement process established by Government Code Section 25845.

(C) Pursuant to Government Code Section 25845(c), in any action, administrative proceeding, or matter commenced by the County to abate a nuisance, or to collect the cost of abatement or any penalty or fee related thereto, the prevailing party shall recover its attorneys' fees. The recovery of attorneys' fees under this Section is limited to those actions, administrative proceedings, or matters in which the County chooses at the initiation of the action, administrative proceeding, or matter to seek the recovery of its own attorneys' fees. In no event shall an award of attorneys' fees under this Section exceed the reasonable amount of attorneys' fees incurred by the County in the action or proceeding.

20.243.070 Permit Revocation & Transfer.

A Use Permit shall be revoked or modified according to Mendocino County Code Section 20.196.055 (Revocation or Modification). Permit revocation or modification shall be sought for non-compliance with one or more of the requirements listed in this Code, for failure to comply with the requirements of the Mendocino County, Certified Unified Program Agency (CUPA), or for the grounds listed in MCC Section 20.196.055 and any successor provisions.

STANDARDS FOR CONSIDERATION

Processing Performance Standards.

(A) Processing facilities shall meet the Processing Performance Standards and Employee Safety Practices enumerated in Subsections B and C.

(B) Applicants engaged in processing shall comply with the following Processing Practices:

- 1) Processing operations must be maintained in a clean and sanitary condition including all work surfaces and equipment.
- 2) Processing operations must implement protocols which prevent processing contamination and mold and mildew growth on cannabis.
- 3) Employees handling cannabis in processing operations must have access to facemasks and gloves in good operable condition as applicable to their job function.
- 4) Employees must wash hands sufficiently when handling cannabis or use gloves.

(C) All persons hiring employees to engage in commercial cannabis cultivation and processing shall comply with the following Employee Safety Practices:

1. Processing operations must implement safety protocols and provide all employees with adequate safety training relevant to their specific job functions, which may include:
 - a. Emergency action response planning as necessary;
 - b. Employee accident reporting and investigation policies;
 - c. Fire prevention;
 - d. Hazard communication policies, including maintenance of material safety data sheets (MSDS);
 - e. Materials handling policies;
 - f. Job hazard analyses; and
 - g. Personal protective equipment policies, including respiratory protection.
2. Processing operations must visibly post and maintain an emergency contact list which includes at a minimum:
 1. Operation manager contacts;
 2. Emergency responder contacts;
 3. Poison control contacts.

(D) At all times, employees shall have access to safe drinking water and toilets and handwashing facilities that comply with applicable federal, State, and local laws and regulations. Plumbing facilities and water source must be capable of handling increased usage without adverse consequences to neighboring properties or the environment.

(E) On site-housing provided to employees shall comply with all applicable federal, State, and local laws and regulations.

Manufacturing Performance Standards.

All cannabis manufacturing sites must comply with State regulations, including, but not limited to regulations established by the California Department of Consumer Affairs and California Department of Public Health and are subject the conditions and limitations set forth in this Chapter.

(A) Manufacturing facilities shall meet the Manufacturing Performance Standards and Employee Safety Practices enumerated in Subsections B and C. Applicants shall comply with the following Manufacturing Practices:

1. Manufacturing operations must implement protocols which prevent processing contamination and mold and mildew growth on cannabis.
2. Employees handling cannabis in processing operations must have access to facemasks and gloves in good operable condition as applicable to their job function.
3. Employees must wash hands sufficiently when handling cannabis or use gloves.

(B) All persons hiring employees to engage in commercial cannabis cultivation and processing shall comply with the following Employee Safety Practices:

1. Manufacturing operations must implement safety protocols and provide all employees with adequate safety training relevant to their specific job functions, which may include:
 - a. Emergency action response planning as necessary;
 - b. Employee accident reporting and investigation policies;
 - c. Fire prevention;
 - d. Hazard communication policies, including maintenance of material safety data sheets (MSDS);
 - e. Materials handling policies;
 - f. Job hazard analyses; and
 - g. Personal protective equipment policies, including respiratory protection.
2. Manufacturing operations must visibly post and maintain an emergency contact list which includes at a minimum:
 - a. Operation manager contacts;
 - b. Emergency responder contacts;
 - c. Poison control contacts.

(C) At all times, employees shall have access to safe drinking water and toilets and handwashing facilities that comply with applicable federal, State, and local laws and regulations. Plumbing facilities and water source must be capable of handling increased usage without adverse consequences to neighboring properties or the environment.

(D) The use of the volatile solvent butane is prohibited.

(E) No Planning and Building or business license applications for manufacturing using volatile solvents or drinkable or edible medical cannabis products will be accepted prior to January 1, 2018.

Testing Laboratories, Business and Research Institutions.

(A) Medical cannabis testing laboratories shall be subject to all the regulations and standards applicable to medical laboratories and medical testing facilities in the Mendocino County Code and the MCRSA.

1. No business license applications for testing facilities will be accepted prior to January 1, 2018.

(B) A testing laboratory must comply with the following provisions:

1. A testing laboratory must comply with provisions set forth in this Chapter and MCRSA.
2. Is registered with Public Health and the State Department of Public Health.
3. The testing lab shall also comply with any other requirements specified by Public Health, Environmental Health and the State Department of Public Health.
4. A testing laboratory shall destroy the remains of the sample of medical cannabis or medical cannabis product upon completion of the analysis.
5. A testing laboratory shall not acquire or receive medical cannabis or medical cannabis product except from a licensed facility in accordance with this Chapter or MCRSA.
6. A testing laboratory shall not distribute, sell, deliver, transfer, transport or dispense medical cannabis or medical cannabis product, from which the medical cannabis products were acquired or received.
7. All samples received for testing must be entered into the County's designated Track and Trace program.

Dispensaries.

(A) This section applies to all medical cannabis dispensaries, as defined in Section 20.243.025 of this Chapter.

1. All medical cannabis dispensaries shall operate in compliance with this Code, the MCRSA, and all other applicable State and local laws.
2. On-site cultivation and processing proportional to the qualified patient load for medical cannabis dispensaries, but not exceed 1500 square feet of cultivation.
3. Medical cannabis dispensaries that dispense nursery stock or seeds must comply with the provisions of Mendocino County Code Chapter 10A.17 *Medical Cannabis Cultivation Ordinance*.
4. The fact that applicants possess other types of State or County or City permits, licenses or other entitlements does not exempt the applicant from the requirement of obtaining permits from Planning and Building to operate a dispensary within the jurisdiction of the County.
5. Dispensaries shall at all times be operated in such a way as to ensure the safety of patients and staff; to ensure the security of the medical cannabis; and to safeguard against the diversion of medical cannabis for non-medical purposes.

(B) All of the following terms and provisions must be met in order for Planning and Building to consider granting or renewing permits to operate a medical cannabis dispensary:

1. Preparation of a hazardous materials storage, handling, and disposal plan approved by the Division of Environmental Health, if applicable.
2. Planning and Building shall specifically regulate the location of medical cannabis dispensaries by considering the potential impacts and cumulative impacts of proposed medical cannabis dispensaries to the community area as a whole and specifically on the following existing uses located within a 1,000 foot radius of a proposed dispensary, regardless of whether those existing uses are located within the jurisdiction of the County. Planning and Building shall have the discretion to deny a use permit (as applicable) for any proposed medical cannabis dispensary within 1,000 feet of the following uses if Planning and Building determines that the impacts of a proposed dispensary have the potential to be significant on the following uses:
 - a. Residential neighborhoods and their inhabitants;
 - b. Church, as defined herein;
 - c. Playgrounds, public parks, libraries, licensed day care facilities, and places where children congregate, as defined herein;
 - d. Residential treatment facilities, as defined herein; and
 - e. The cumulative impacts resulting from the addition of another cannabis dispensary, delivery service or other distribution or transfer facility when there are others within a 1,000 foot radius of the proposed new facility.
3. No medical cannabis dispensaries, operators, establishments, or providers who possess, cultivate, or distribute medical cannabis shall be located within a 1,000 foot radius of a school [Health & Safety Code section 11362.768 (b)]. This distance shall be measured in a straight line from the property line of the school to the property line of the medical cannabis dispensing facility, operator, establishment, or provider.
4. Submission of an Operations Manual and compliance with the Operating Standards, pursuant to Section 20.243.075(C) of this Code.

(C) Notwithstanding any other regulations or requirements for submitting an application for a use permit (as applicable), medical cannabis dispensaries shall submit an Operations Manual to Planning and Building, which provides for the following:

1. Authorization for the County, its agents, and employees, to seek verification of the information contained within the conditional use permit application, the Operations Manual, and the Operating Standards at any time before or after the conditional use permit is issued; and
2. A description of the staff screening processes, which shall include a requirement for criminal background checks; and
3. The hours and days of the week when the Dispensary will be open; and
4. Text and graphic materials showing the site, floor plan and facilities. The material shall also show structures and land uses within a 1,000 foot radius; and
5. A description of the security measures located on the premises, including but not limited to, lighting, alarms, and automatic law enforcement notification, and how these will assure the safety of staff and clients and secure the medical cannabis against diversion for non-medical purposes; and

6. A description of the screening, registration and validation process and procedures for qualified patients and primary caregivers; and
7. Description of qualified patient records acquisition and retention procedures and policies; and
8. A description of the processes, procedures and inventory controls for tracking the disparate strains, the source of supply, and amounts of medical cannabis that come in and go out of the Dispensary; and
9. Description of measures taken to minimize or offset the carbon footprint from operational activities; and
10. Description of chemicals stored, used and any effluent discharged as a result of operational activities; and
11. The procedure, documentation, and notice process for assuring the quality and safety of all medical cannabis distributed; and
12. The procedure and documentation process for determining patient dosage, including any testing for the major active agents in medical cannabis offered to qualified patients, such as cannabinoids tetrahydrocannabinol (THC), Cannabidiol (CBD), and Cannabinol (CBN); and
13. Any other information as may be requested by the County, its employees, and/or by the Planning Commission; and
14. Dispensaries shall implement their policies and procedures as outlined in their Operations Manual as approved by Planning and Building. Any deviations from or changes in the Operations Manual must be conveyed to Planning and Building in writing within thirty (30) days of the change.

(D) Notwithstanding any other regulations or requirements, medical cannabis dispensaries shall comply with all of the following operating standards:

1. Public access to medical cannabis dispensaries is limited to the hours of operation not earlier than 10:00 A.M. and not later than 7:00 P.M. Hours of operation must be posted in a visible location that can be seen by persons entering the medical cannabis dispensary; and
2. Medical cannabis dispensaries may not be operated by any persons who have been convicted of a felony in the last five (5) years; and
3. No dispensing of medical cannabis to an individual qualified patient shall be permitted more than twice a day; and
4. Medical cannabis dispensaries shall only provide medical cannabis to an individual qualified patient who has a valid, verified physician's recommendation issued in the State of California. Dispensaries shall verify on an annual basis, or more frequently if required by the State of California, that the physician's recommendations of their clients are current and valid; and
5. Dispensaries shall display their client rules and/or regulations in a conspicuous place that is readily seen by all persons entering the dispensary. A copy of the client rules and/or regulations shall be provided to the qualified patient by a medical cannabis delivery service; and
6. Smoking, ingesting or otherwise consuming medical cannabis products on the premises of a medical cannabis dispensary is prohibited. Each building entrance to a medical cannabis dispensary shall be clearly and legibly posted with a notice indicating that smoking, ingesting or

consuming medical cannabis or medical cannabis edibles on the premises or in the vicinity of the dispensary is prohibited; and

7. Each building entrance to a medical cannabis dispensary shall be clearly and legibly posted with a notice indicating that persons under the age of eighteen (18) are precluded from entering the premises unless they are qualified patients and they are accompanied by their parent or legal guardian; and
8. No medical cannabis dispensary or delivery service shall provide medical cannabis to any qualified patient or holder of a medical cannabis recommendation who is under eighteen (18) unless their parent or guardian has previously given written permission that is on file with the delivery service and that same parent or guardian is present to accept the delivery of medical cannabis; and
9. All medical cannabis dispensaries shall display a copy of the inspection receipt issued by the Mendocino County Sealer of Weights and Measures for all weighing and measuring devices; and
10. All medical cannabis dispensed by dispensaries must be obtained in accordance with the MCRSA and other applicable State and County laws; and
11. All signs for medical cannabis dispensaries must comply with Section 20.184 of the County Zoning Regulations; and
12. An up-to-date inventory of all hazardous materials stored and used onsite shall be maintained on the premises of the Dispensary with a copy of this inventory provided to Environmental Health; and
13. Medical cannabis dispensaries shall maintain all necessary permits, and pay all required taxes and fees. Dispensaries shall also provide invoices to vendors to ensure vendor's tax liability responsibility; and
14. Medical cannabis dispensaries shall implement their policies and procedures as outlined in their Operations Manual as approved by Planning and Building or the Planning Commission. Any deviations from or changes in the Operations Manual or in the Operating Standards must be conveyed to Planning and Building in writing within thirty (30) days of the change; and
15. Medical cannabis dispensaries shall comply with any and all conditions of their zoning clearance or use permit.

(E) Prior to delivery or sale at a dispensary, medical cannabis products shall be labeled and in a tamper-evident package. Labels and packages of medical cannabis products shall meet the following requirements:

1. Medical cannabis packages and labels shall not be made to be attractive to children.
2. All medical cannabis product labels shall include the following information, prominently displayed and in a clear and legible font:
 - a. Manufacture date and source.
 - b. The statement "SCHEDULE I CONTROLLED SUBSTANCE."
 - c. The statement "KEEP OUT OF REACH OF CHILDREN AND ANIMALS" in bold print.
 - d. The statement "FOR MEDICAL USE ONLY."

- e. The statement "THE INTOXICATING EFFECTS OF THIS PRODUCT MAY BE DELAYED BY UP TO TWO HOURS."
- f. The statement "THIS PRODUCT MAY IMPAIR THE ABILITY TO DRIVE OR OPERATE MACHINERY. PLEASE USE EXTREME CAUTION."
- g. For packages containing only dried flower, the net weight of medical cannabis in the package.
- h. A warning if nuts or other known allergens are used.
- i. List of pharmacologically active ingredients, including, but not limited to, tetrahydrocannabinol (THC), cannabidiol (CBD), and other cannabinoid content, the THC and other cannabinoid amount in milligrams per serving, servings per package, and the THC and other cannabinoid amount in milligrams for the package total.
- j. If the product has not been tested for molds, mildew, microbial organisms, herbicides, pesticides, fungicides, and other harmful chemicals, the statement: "The cannabis contained in this product has not been tested for contaminants."
- k. Clear indication, in bold type, that the product contains medical cannabis.
- l. Identification of the source and date of cultivation and manufacture.
- m. Any other requirement set by the County and/or State.
- n. Information associated with the unique identifier issued by the Department of Food and Agriculture pursuant to Section 11362.777 of the Health and Safety Code.

(F) Only generic food names may be used to describe edible medical cannabis products.

(G) Medical cannabis dispensaries shall submit a "Performance Review Report" on an annual basis from their initial date of operation for review and approval by Planning and Building. Planning and Building may delegate review of the annual Performance Review Report to the Zoning Administrator or Planning Commission at the time of the initial submittal or at any time thereafter. This annual "Performance Review Report" is intended to identify the effectiveness of the approved Use Permit (as applicable), Operations Manual, Operating Standards, and conditions of approval, as well as the identification and implementation of additional procedures as deemed necessary. In the event Planning and Building identifies problems with specific Dispensary that could potentially lead to enforcement action and/or revocation of the associated Use Permit pursuant to Section 312-14 of the Mendocino County Code, Planning and Building may require the submittal of more frequent "Performance Review Reports".

(H) Medical cannabis dispensaries shall be inspected by the Mendocino County Sheriff or his/her designee, and/or employees of Planning and Building and/or the Code Enforcement Investigator on an annual basis, or more frequently to determine if the dispensary is in compliance with its Use Permit (as applicable), Operating Standards, and Operations Manual. After payment of the inspection fees as indicated in the following section, a copy of the results from this inspection shall be given to the Dispensary for inclusion in their "Performance Review Report" to Planning and Building (or the Zoning Administrator or Planning Commission).

(I) Inspection and review fees pursuant to the County's adopted schedule of fees and charges, as amended from time to time by the Board of Supervisors, shall be paid by medical cannabis Dispensaries

and accompany the "Performance Review Report" for costs associated with the inspection and the review of the report by County staff.

(J) Non-compliance by medical cannabis dispensaries in allowing the inspection by the above-mentioned County personnel, or refusal to pay the required fees, or noncompliance in submitting the annual "Performance Review Report" for review by the Planning Commission shall be deemed grounds for a revocation of the Use Permit (as applicable) and/ or subject the holder of the permit to the penalties outlined in this Code, above.

Delivery.

Dispensaries that function as medical cannabis delivery services shall not operate from an address of convenience located in a residential zone, as this category of business is not eligible for an address of convenience.

Upon approval by the County of Mendocino, a licensed dispensary that delivers medical cannabis or medical cannabis products shall comply with both of the following:

- (1) All employees of a dispensary delivering medical cannabis or medical cannabis products shall carry a copy of the dispensary's current license authorizing those services with them during deliveries and the employee's government-issued identification, and shall present that license and identification upon request to state and local law enforcement, employees of regulatory authorities, and other state and local agencies enforcing this chapter.
- (2) Dispensaries that engage in mobile deliveries shall keep complete and appropriate financial records enabling audit of all transactions accomplished via mobile delivery, and shall be able to distinguish between, and account for, sales between the categories of on-site sales versus mobile delivery sales for accounting purposes.
- (3) Dispensaries that engage in mobile deliveries are prohibited from having any advertisement of their business or services on their delivery vehicles.
- (4) During delivery, the licensee shall maintain a physical copy of the delivery request and shall make it available upon request of the County and law enforcement officers. The delivery request documentation shall comply with State and federal law regarding the protection of confidential medical information.
- (5) The qualified patient or primary caregiver requesting the delivery shall maintain a copy of the delivery request and shall make it available, upon request, to the County and law enforcement officers.

Transportation.

Transportation facilities for commercial cannabis for medical use shall be permitted subject to the conditions and limitations set forth in this Section.

(A) A licensee authorized to transport medical cannabis and medical cannabis products between licenses shall do so only as set forth in this Chapter. This Chapter shall not be construed to authorize or

permit a licensee to transport or cause to be transported cannabis or cannabis products outside the state, unless authorized by federal law.

(B) A licensee authorized to transport medical cannabis and medical cannabis products between licenses shall obtain a Motor Carrier License from the California Department of Motor Vehicles.

(C) Prior to transporting medical cannabis or medical cannabis products, a licensed transporter of medical cannabis or medical cannabis products shall do both of the following:

1. Complete an electronic shipping manifest as prescribed by the County Track and Trace Program. The shipping manifest must include the unique identifier, pursuant to Section 11362.777 of the Health and Safety Code, issued by the Department of Food and Agriculture for the original medical cannabis product.
2. Securely transmit the manifest to the County and the licensee that will receive the medical cannabis product.

(D) During transportation, the licensed transporter shall maintain a physical copy of the shipping manifest and make it available upon request to agents of the County, Department of Consumer Affairs and law enforcement officers.

1. The licensee receiving the shipment shall maintain each electronic shipping manifest and shall make it available upon request to the Department of Consumer Affairs and any law enforcement officers.
2. Upon receipt of the transported shipment, the licensee receiving the shipment shall submit to the licensing agency a record verifying receipt of the shipment and the details of the shipment.

Transporting, or arranging for or facilitating the transport of, medical cannabis or medical cannabis products in violation of this chapter is grounds for disciplinary action against the license.