

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE  
CITY OF LONG BEACH AMENDING THE LONG BEACH  
MUNICIPAL CODE BY ADDING CHAPTER 21.XX; AND BY  
REPEALING CHAPTER 5.89, ALL RELATING TO  
MEDICAL MARIJUANA

WHEREAS, the people of the State of California have enacted Proposition 215, the Compassionate Use Act of 1996 ("CUA") (codified in Health and Safety Code Section 11362.5, *et seq.*), which allows for the possession and cultivation of marijuana for medical use by certain qualified persons; and

WHEREAS, the CUA creates a limited exception from criminal liability for seriously ill persons who are in need of medical marijuana for specified medical purposes and who obtain and use medical marijuana under limited circumstances; and

WHEREAS, in 2004, the State of California enacted Senate Bill 420, the Medical Marijuana Program Act ("MMPA") (codified in California Health and Safety Code Section 11362.7 *et seq.*), which purports to clarify the scope of the CUA, and also which recognizes the right of cities and other governing bodies to adopt and enforce rules and regulations consistent with the MMPA; and

WHEREAS, notwithstanding the passage of the CUA and MMPA, the cultivation, possession, and distribution of marijuana is strictly prohibited by federal law and specifically by the Controlled Substances Act ("CSA") (codified in 21 U.S.C. Section 841); and Section 841 of the CSA makes it unlawful for a person to manufacture, distribute, dispense, or

possess with intent to manufacture, distribute, or dispense marijuana; and

WHEREAS, the regulations for medical marijuana uses are not adequate at the state level to address the impacts on the City of medical marijuana, making it appropriate for local regulation of the impacts of medical marijuana uses; and

WHEREAS, pursuant to the City's police powers authorized in Article XI, Section 7, of the California Constitution, the Long Beach Municipal Code, and other provisions of California law including, but not limited to California Government Code Section 38771, the City has the power through its City Council to determine, for purposes of the public health, safety, and welfare, the appropriate uses of land within a local jurisdiction's borders; and

WHEREAS, nothing in this Chapter is intended to promote or condone the production, distribution, or possession of marijuana in violation of any applicable law; and

WHEREAS, this Chapter is to be construed to protect the public over medical marijuana related interests; and

WHEREAS, operation of a medical marijuana dispensary is a revocable privilege and not a right in the City. There is no property right for an individual or entity to have a medical marijuana business in the City; and

WHEREAS, the City has a zero tolerance policy for violations of this Chapter; and

WHEREAS, the City Council wishes to repeal Chapter 5.89 of the Municipal Code ("Medical Marijuana Dispensary Ban") in its entirety and at the same time adopt regulations allowing for the limited existence of medical marijuana dispensaries in the City of Long Beach;

NOW, THEREFORE, the City Council of the City of Long Beach ordains as follows:

Section 1. Chapter 21.XX of the Long Beach Municipal Code is added to read as follows:

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2 //  
3 //  
4 //

Chapter 21.XX  
MEDICAL MARIJUANA

21.XX. 010 Purpose.

The primary purpose of this Chapter is to protect the public health, safety, and welfare of the residents and patients of the City by prescribing the manner in which medical marijuana dispensaries can operate in the City.

This Chapter regulates the use, acquisition, cultivation, production, and distribution of medical marijuana in a manner that is consistent with California Health and Safety Code sections 11357 through 11362.9, also referred to as the Compassionate Use Act ("CUA") and the Medical Marijuana Program Act ("MMPA"). The CUA and MMPA do not provide a legal manner for patients to obtain medical marijuana unless the patient grows the marijuana or the marijuana is grown by the patient's primary caregiver, or the marijuana is grown collectively by patients. The following regulations are intended to apply to all medical marijuana business operations in the City whether by a patient or primary caregiver, or a collective of patients, or any medical marijuana related entity allowed under the state law. Medical marijuana cultivation and production can have an impact on health, safety and community resources, and this Chapter is intended to allow medical marijuana distribution and cultivation only where it will have a minimal impact. To do so, the following regulations:

Provide for a means for cultivation, production, and distribution

1 of marijuana to patients who qualify to obtain, possess, and use marijuana for  
2 medical purposes under the CUA and MMPA;

3 Protect public health and safety through reasonable limitations  
4 on medical marijuana business operations as they relate to noise, air, and  
5 water quality, food safety, neighborhood and patient safety, security for the  
6 dispensary location and its personnel, and other health and safety concerns;

7 Promote lively street life and high quality neighborhoods by  
8 limiting the concentration of any medical marijuana businesses in the City;

9 Impose fees to cover the cost to the City of regulating medical  
10 marijuana related operations in an amount sufficient for the City to recover its  
11 related costs;

12 Adopt a mechanism for monitoring compliance with the  
13 provisions of this Chapter;

14 Create regulations that address the particular needs of the  
15 residents and patients of the City and coordinate with laws that may be  
16 enacted by the State regarding the same;

17 Facilitate the implementation of the CUA and MMPA without  
18 going beyond the authority granted by it;

19 Allow medical marijuana related operations only by individuals  
20 and entities that have demonstrated an intent and ability to comply with this  
21 Chapter;

22 Protect public safety and residential areas by limiting the areas  
23 of the City where medical marijuana businesses may operate;

24 The provisions in this Chapter that are different from State law  
25 are consistent with the City's responsibility to protect the public health, safety,  
26 and welfare as authorized by the inherent local police power authority granted  
27 to the City by Article XI, § 7 of the California Constitution. The City intends  
28 that both State law and this Chapter apply within the City.

21.XX.020 Definitions.

A. "Advertise" means the act of drawing the public's attention, whether in print or on the television, internet, cellular network, or radio, to a medical marijuana business in order to promote the sale of medical marijuana by the business.

B. "Business Manager" means the individual designated by the owner of the medical marijuana business as the person responsible for all operations of the business in the absence of the owner from the business property. Business manager shall include any person with managerial authority in the business, and any person that has access to lock or unlock the safe, to unlock or lock the business, or set or disarm the alarm.

C. "Cultivation" or "Cultivate" means:

- i. All phases of growth of marijuana from seed to harvest; or
- ii. Preparing, packaging or repackaging, labeling or relabeling of a usable form of marijuana.

D. "Cultivation Facility" means a permitted medical marijuana business that is authorized to cultivate, produce, and harvest marijuana plants for a medical use for distribution by such medical marijuana business.

E. "Distribute" or "Distribution" means the actual, constructive or attempted transfer, delivery, sale, or dispensing to another, with or without remuneration.

F. "Financier" means any person or entity who lends money, grants, donates, or otherwise provides assets to any person applying for a permit or who has been issued a permit under this Chapter. Financier shall not include a bank, savings and loan association, credit union, or industrial bank supervised and regulated by an agency of the State or federal government.

1                   G.     “Marijuana” means the same as the term "marijuana" as set  
2     forth in California Health and Safety Code section 11018 which defines  
3     “marijuana” as all parts of the plant Cannabis sativa L., whether growing or not; the  
4     seeds thereof; the resin extracted from any part of the plant; and every compound,  
5     manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or  
6     resin. It does not include the mature stalks of the plant, fiber produced from the  
7     stalks, oil or cake made from the seeds of the plant, any other compound,  
8     manufacture, salt, derivative, mixture, or preparation of the mature stalks (except  
9     the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant  
10    which is incapable of germination.

11                  H.     “Medical Marijuana” means marijuana used for medical  
12    purposes in accordance with California Health and Safety Code Sections 11362.5,  
13    *et seq.*

14                  I.     “Medical Marijuana Business” means:

15                   i.     Any association of four (4) or more individuals that  
16    cultivates, produces, sells, distributes, possesses, transports or makes  
17    available medical marijuana to qualified patients and their designated  
18    primary caregivers who associate at a particular location or Property within  
19    the boundaries of the City of Long Beach to collectively cultivate or  
20    distribute medical marijuana in accordance with California Health and  
21    Safety Code Sections 11362.5, *et seq.* For purposes of this Chapter, the  
22    term medical marijuana cooperative, collective, or dispensary shall have  
23    the same meaning as medical marijuana business. Medical marijuana  
24    business includes, but is not limited to, dispensary storefront locations,  
25    cultivation facilities, and medical marijuana-infused product manufacturers.

26                   ii.    Any person that cultivates, produces, sells, distributes,  
27    possesses, transports more than six mature marijuana plants or twelve  
28    (12) immature marijuana plants, or eight (8) ounces of a useable form of

marijuana for medical use, pursuant to California Health and Safety Code section 11362.5, *et seq.*

iii. The term medical marijuana business shall not include the private possession, production, or medical use of no more than six (6) mature marijuana plants or twelve (12) immature marijuana plants, or eight (8) ounces of a useable form of marijuana by a patient or caregiver in the residence of the patient.

J. “Medical Marijuana-Infused Product” means a marijuana-infused, edible, ingestible, or inhalable product, including but not limited to topical solutions and vaporizers.

K. “Medical Marijuana-Infused Product Manufacturer” means a licensed and permitted marijuana-infused product manufacturer.

L. “Medical Marijuana Plant” means a marijuana seed that is germinated and all parts of the growth therefrom including, without limitation, roots, stalks and leaves. For purposes of this Chapter, the portion of a medical marijuana plant harvested from the plant or converted to a usable form of medical marijuana for medical use is not considered part of the plant upon harvesting.

M. “Permittee” means the medical marijuana business named on the conditional use permit and business license, and all individuals named in the conditional use permit application or later reported to the City, including without limitation, owners, business managers, financiers, and individuals owning any part of an entity that holds a financial or ownership interest in a medical marijuana business.

N. “Place Open To The General Public” means any property owned, leased, or used by a public entity, and any place on private property open to the public, common areas of buildings, private clubs, vehicles, those portions of any private property upon which the public has an express or implied license to enter or remain, and any place visible from such places. “Place open to the

1 general public” shall not include any fenced area of a private residence regardless  
2 of whether it can be seen from a place open to the public.

3 O. “Possess” or “Possession” means having physical control of  
4 an object, or control of the property in which an object is located, or having the  
5 power and intent to control an object, without regard to whether the one in  
6 possession has ownership of the object. Possession may be held by more than  
7 one (1) person at a time. Use of the object is not required for possession. The  
8 owner of a medical marijuana business shall be considered in possession of the  
9 medical marijuana business at all times. The business manager of a medical  
10 marijuana business shall be considered in possession of the medical marijuana  
11 business at all times that the business manager is on the property of the business  
12 or has been designated by the owner as the business manager in the absence of  
13 the owner in accordance with this Chapter.

14 P. “Property” means a distinct and definite location, which may  
15 include a building, a part of a building, a room or any other defined contiguous  
16 area.

17 Q. “Primary Caregiver” means the same as that term in California  
18 Health and Safety Code Sections 11362.5 and 11362.7 which define “primary  
19 caregiver” as an individual, designated by a qualified patient, who has consistently  
20 assumed responsibility for the housing, health, or safety of that qualified patient.

21 R. “Produce” or “Production” means:

22 i. Preparing, compounding, processing, encapsulating,  
23 packaging or repackaging, labeling or relabeling of marijuana or its  
24 derivatives, whether alone or mixed with any amount of any other  
25 substance; or

26 ii. Combining marijuana with any other substance for  
27 distribution, including storage and packaging for resale.

28 S. “Responsible person” means any individual who is the owner,



1 partial owner, or occupant of real property, last registered owner and/or legal  
2 owner of a vehicle, the holder, business manager, or the agent of the holder of  
3 any permit, or the party or agent of a party to any agreement covered by this  
4 Chapter; or the owner or authorized agent of any business, company or entity  
5 subject to this Chapter.

6 T. "Restricted Area" means the portion of a medical marijuana  
7 business location within which the licensee defines on its application it intends to  
8 cultivate, distribute, possess or produce medical marijuana and which area is  
9 clearly identified as the restricted area on the floor plan submitted with the medical  
10 marijuana business CUP application for the business.

11 U. "Violation of Any Law" means a plea or finding of a violation of  
12 any law in a criminal, civil, or administrative proceeding, whether part of a plea  
13 agreement, settlement agreement, or determination by an arbitrator, hearing  
14 officer, court, or jury.

15  
16 21.XX.030 Permit required.

17 A. It shall be unlawful for any person or entity to operate, in or  
18 upon any property, a medical marijuana business without obtaining a conditional  
19 use permit pursuant to the requirements of this Chapter and Chapter 21.25.

20 The permit requirement set forth in this Chapter shall be in  
21 addition to, and not in lieu of, a Long Beach business license and any other  
22 licensing and permitting requirements imposed by any other federal, state or  
23 local law, including, but not limited to, a California seller's permit and building  
24 and occupancy permits.

25 B. The issuance of any permit pursuant to this Chapter does not  
26 create an exception, defense, or immunity to any person or entity from criminal  
27 liability for the cultivation, production, distribution, transportation, or possession of  
28 marijuana.

1 A single conditional use permit shall be required for each  
2 property or combination of properties from which a medical marijuana  
3 business operates.

4 C. A conditional use permit issued pursuant to this Chapter shall  
5 become null and void upon the closure of the business for more than five (5) days,  
6 and/or the relocation of the business to a different location, and/or a change in  
7 ownership of the business

8 i. The following shall be deemed a change in location:

9 (a) Any relocation or expansion that includes a  
10 separate piece of property, building suite, or parcel of land from the  
11 initially permitted Property;

12 (b) Any expansion of the initially permitted  
13 Property which represents a greater than fifty percent (50%)  
14 increase in the square footage of space devoted to the medical  
15 marijuana business operations, including the restricted areas;

16 (c) The lawful conduct of activity regulated by  
17 this Chapter by a Permittee shall be limited to those activities  
18 expressly indicated on the Medical Marijuana Collective Permit  
19 application.

20 The Permittees of a medical marijuana business are only those  
21 persons disclosed in the application or subsequently disclosed to the City in  
22 accordance with this Chapter. A transfer of a conditional use permit is  
23 prohibited unless the incoming medical marijuana business and its owners,  
24 business managers, financiers, and any individuals owning any part of an  
25 entity that holds a financial or ownership interest in the medical marijuana  
26 business submit the application information required by section 21.XX.050 of  
27 this Chapter.  
28

21.XX.040 General permit provisions.

A. The general procedures and requirements of conditional use permits, as more fully set forth in Chapter 21.25, "Conditional Use Permits," shall apply to conditional use permits. To the extent there is any conflict between the provisions of this Chapter and Chapter 21.25, the provisions of this Chapter shall control for conditional use permits related to medical marijuana businesses.

i. Insurance required. A medical marijuana business must at all times maintain workers' compensation insurance, public liability insurance with minimum limits of One Hundred Fifty Thousand Dollars (\$150,000) for any one person and Six Hundred Thousand Dollars (\$600,000) for any one accident, and public property damage insurance with a minimum limit of One Hundred Thousand Dollars (\$100,000) for any one accident.

ii. Costs of inspection, enforcement, and abatement.

B. In the event the City incurs costs in the inspection, enforcement, abatement, surrender, or any other requirements to remove medical marijuana or related equipment or property from any medical marijuana business, or any person cultivating, producing, distributing or possessing marijuana, the business and responsible persons shall reimburse the City all actual costs incurred by the City for such inspection, enforcement, or abatement.

All actual costs required by this section shall constitute a lien upon the property upon which the medical marijuana business is situated. The lien for any inspection, enforcement, or abatement costs shall attach thirty (30) days after the responsible parties are notified of the costs, and shall remain until the fee is paid or the property sold in payment thereof.

C. Landlord duty.

D. It shall be unlawful for the owner of a building to lease space or allow the use of any portion of the building by a medical marijuana business

1 unless the tenant has a valid conditional use permit and a valid business license or  
2 has applied for and not been denied a conditional use permit and/or business  
3 license and no marijuana is located on the property until a permit has been issued  
4 by the City.

5  
6 21.XX.050 Conditional use permit application.

7 A. Application requirements.

8 i. In addition to the general conditional use permit  
9 application requirements of Chapter 21.25, an application for a conditional  
10 use permit shall include completed forms provided by the City for that  
11 purpose. The applicant shall use the application to demonstrate its  
12 compliance with this Chapter and any other applicable law, rule, or  
13 regulation. The application shall include the following information:

14 ii. Name and address of the owner or owners of the  
15 medical marijuana business in whose name the permit is proposed to  
16 be issued.

17 iii. If an owner is a corporation, the name and  
18 address of all officers or directors of the corporation and of any person  
19 holding issued and outstanding capital stock of the corporation.

20 iv. If an owner is a partnership, association, or  
21 company, the name and address of any person holding an interest  
22 therein and the managing members. If a managing member is an  
23 entity rather than an individual, the same disclosure shall be required  
24 for each entity with an ownership interest until a managing member  
25 that is a natural person is identified.

26 v. If an owner is not a natural person, the  
27 organizational documents for all entities identified in the application,  
28 identification of the natural person that is authorized to speak for the

entity and contact information for that person.

vi. Name and address of:

(a) Any business managers of the medical marijuana business, if the business manager is proposed to be someone other than the owner;

(b) All financiers of the medical marijuana business; and

(c) All agents of the medical marijuana business who either:

(1) act with managerial authority,

(2) provide advice to the medical marijuana business for compensation, or

(3) receive periodic compensation totaling \$1,000.00 or more in a single year for services related to the medical marijuana business.

vii. A statement indicating whether any of the named owners, members, business managers, financiers, primary caregivers, or persons named on the application have been:

(a) Denied an application for a conditional use permit pursuant to this Chapter, or any similar state or local licensing or permitting law, rule, or regulation, or had such a license or permit suspended or revoked.

(b) Convicted of violating any law, other than a traffic violation infraction, or completed any portion of a sentence due to a violation of any law.

(c) Convicted of driving or operating other machinery under the influence of alcohol, drugs, or medication, driving while impaired, or any comparable law, or a

1                   misdemeanor related to abuse of alcohol or a controlled  
2                   substance.

3                   (d)     Owners, members, business managers, or  
4                   financiers of any other medical marijuana business in any location,  
5                   Long Beach or otherwise, at any time, and the status of the other  
6                   business(es) as of the date the application is submitted.

7                   viii.    Proof of ownership or legal possession of the  
8                   Property at which the medical marijuana business will be located. If  
9                   the medical marijuana business is not the owner of the property of the  
10                  business, the applicant shall provide written authorization to the City  
11                  from the property owner to enter the property for inspection of the  
12                  property on a form approved by the City.

13                  ix.     A certificate for proof of insurance signed by a  
14                  qualified agent of an insurance company evidencing the existence of  
15                  valid and effective policies of workers' compensation and public  
16                  liability and property damage insurance naming the City and its  
17                  officers and employees as an additional named insured on the liability  
18                  policy at least to the limits required by section 21.XX.040(A) of this  
19                  Chapter, the limits of each policy, the policy number(s), the name of  
20                  the insurer, the effective date, and expiration date of each policy, and  
21                  a copy of an endorsement placed on each policy requiring ten days'  
22                  notice by mail owner or business manager before the insurer may  
23                  cancel the policy for any reason.

24                  x.     An operating plan for the proposed medical  
25                  marijuana business, including the following information:

26                         (a)    A description of all the products and services to  
27                         be provided by the medical marijuana business.

28                         (b)    A schedule depicting the hours of operation.

1 (c) A description of the procedures for cash  
2 handling and audits.

3 (d) A dimensioned floor plan, clearly labeled,  
4 showing:

5 (1) The layout of the facility and the floor plan  
6 in which the medical marijuana business is to be located;

7 (2) The principal uses of the floor area  
8 depicted on the floor plan, including but not limited to the  
9 areas where non-patients will be permitted, private  
10 consulting areas, storage areas, retail areas, areas for  
11 cash handling and storage, and restricted areas where  
12 medical marijuana will be located; and

13 (3) Electrical, mechanical, plumbing,  
14 disabled access compliance pursuant to Title 24 of the  
15 State of California Code of Regulations and the federally  
16 mandated Americans with Disabilities Act;

17 (4) The separation of the areas that are  
18 open to persons who are not patients from those areas  
19 open to patients; and

20 (5) Any other information required by the City  
21 in its review of the application.

22 (6) d. A neighborhood safety and  
23 responsibility plan that demonstrates how the applicant will  
24 comply with the requirements of this Chapter and abate  
25 associated crime and nuisance conditions in the immediate  
26 vicinity of the marijuana business, and how the business will  
27 fulfill its responsibilities to the neighborhood including  
28 outreach and dispute resolution.

(e) For cultivation facilities, and medical marijuana businesses that produce medical marijuana-infused products, a plan that specifies:

(1) The methods to be used to prevent the growth of harmful mold and compliance with limitations on discharge into the wastewater system of the city as set forth in Long Beach Municipal Code Chapter 15.16, "Industrial Waste and Wastewater."

(2) A minimum of a one-hour fire separation wall between the cultivation facility and any adjacent business.

(3) All ventilation systems used to control the environment for the plants that describes how such systems operate with the systems preventing any odor leaving the property. Such plan shall also include all ventilation systems used to mitigate noxious gases or other fumes used or created as part of the production process.

B. Additional requirements.

i. A lighting plan showing the lighting outside of the marijuana business and compliance with applicable City requirements.

ii. Color images and a site plan indicating locations of proposed signage.

iii. A fully legible copy of one valid government issued form of photo identification, such as a State Driver's License or Identification Card and Livescan fingerprinting completed at the Long Beach Police Department. This requirement shall apply to all owners, business managers, financiers, and caregivers employed by or under contract to provide services to the medical marijuana business,



1 including all individuals who have an interest as described herein of  
2 any portion of the medical marijuana business, directly or as an agent,  
3 or a member, partner or officer of a corporation, partnership,  
4 association or company.

5 iv. A plan for disposal of any medical marijuana or  
6 medical marijuana-infused product that is not sold to a patient or  
7 primary caregiver in a manner that protects any portion thereof from  
8 being possessed or ingested by any person or animal.

9 v. A plan for ventilation of the medical marijuana  
10 business that describes the ventilation systems that will be used to  
11 prevent any odor of medical marijuana off the property of the  
12 business.

13 vi. A description of all toxic, flammable, or other  
14 materials regulated by a federal, state, or local government that would  
15 have authority over the business if it was not a marijuana business,  
16 that will be used or kept at the medical marijuana business, the  
17 location of such materials, and how such materials will be stored,  
18 subject to review and approval by the Fire Marshall.

19 vii. A statement of the amount of the projected daily  
20 average and peak electric load anticipated to be used by the business  
21 and certification from the landlord and utility provider that the property  
22 is equipped to provide the required electric load, or necessary  
23 upgrades that will be performed prior to final inspection of the  
24 property.

25 viii. A statement signed under penalty of perjury by  
26 each owner or business manager that they have read, understand,  
27 and shall ensure compliance with the terms of this Chapter.

28 ix. Fee required.

Any application for a conditional use permit shall be accompanied by the conditional use permit application fee, criminal background check fee, and any other applicable fees.

x. Investigation.

For purposes of this Chapter, the investigation of the application by the City is not complete until the Department of Development Services has:

- (a) Determined the application is complete,
- (b) Determined the medical marijuana business is prepared and able to operate in compliance with all applicable laws,
- (c) Obtained all other information the City Manager determines necessary to make a recommendation whether to approve the permit application with conditions or deny the permit application, and
- (d) Prepared the documentation necessary to support the recommended action to the City's Planning Commission.

xi. Approval requirements.

Once the Department of Development Services deems an application complete, the matter will be set for hearing in accordance with Chapter 21.21 of the Long Beach Municipal Code.

The City Manager or his designee will deny any application that does not meet the requirements of this Chapter or any other applicable law, rule, or regulation or that contains any false or incomplete information.

The conditions of an approval of a conditional use permit shall include, at a minimum, operation of the business in compliance with all of the plans and information made part of the application.

21.XX.060 Persons prohibited as permittees and business managers.

1                   A.     It shall be unlawful for any of the following persons to have an  
2 ownership or a financial interest in a medical marijuana business, and no permit  
3 provided by this Chapter shall be issued to or held by, and no medical marijuana  
4 business shall be managed by:

5                           i.     Any person until the annual inspection fee has  
6 been paid;

7                           ii.    Any person who has been convicted within the  
8 previous ten (10) years of a felony or a crime of moral turpitude, or  
9 who is currently on parole or probation for the sale or distribution of a  
10 controlled substance;

11                          iii.   Any natural person who is under twenty-one (21)  
12 years of age; or

13                          iv.    Any person who operates or manages or has  
14 operated or managed a medical marijuana business contrary to the  
15 provisions of this Chapter, any other applicable law, rule or regulation  
16 or conditions imposed on land use or license approvals, or contrary to  
17 the terms of the plans submitted with the permit application, or  
18 amended as permitted by this Chapter, or has operated a business in  
19 violation of any law.

20                          v.     A licensed physician making patient  
21 recommendations;

22                          vi.    A person permitted to operate pursuant to this  
23 Chapter who, while lawfully operating, or who, at the time of  
24 application, has failed to remedy an outstanding delinquency for taxes  
25 owed, or an outstanding delinquency for judgments owed to a  
26 government;

27                          vii.   A sheriff, deputy, police officer, or prosecuting  
28 officer, or an officer or employee of the state or local governing

authority;

viii. Any person applying for a conditional use permit to operate a medical marijuana business who has been permitted to operate another medical marijuana business in the City pursuant to this Chapter.

21.XX.070 Location of medical marijuana businesses.

A. Fixed location required.

i. It shall be unlawful to operate a medical marijuana business or to grow medical marijuana outside of an enclosed building. All conditional use permits shall be issued for a specific fixed location within an enclosed building.

B. Location – permitted use in zoning district.

C. A conditional use permit may be issued only if the medical marijuana business is located in an area zoned for the following:

i. As "Community Automobile-Oriented District ("CCA"), Regional Highway District ("CHW"), or "Industrial" for a medical marijuana business dispensary only;

ii. As "industrial" for a medical marijuana business cultivation site only;

(a) As "industrial" for a medical marijuana business dispensary and cultivation site; or

(b) As "industrial" for a medical marijuana-infused product manufacturer.

D. Location – total per council district.

No more than one (1) medical marijuana business dispensary and four (4) medical marijuana business shared dispensary and cultivation sites or stand-alone medical marijuana business cultivation sites may operate

1 in any council district. No more than eighteen (18) medical marijuana  
2 business conditional use permits may operate within the City.

3 E. Priority of medical marijuana business location.

4 i. Based on the zoning restrictions and limitations on  
5 concentration of medical marijuana businesses in the City, to determine  
6 the priority of a medical marijuana business application and the proximity  
7 of applicants' properties, applicants meeting all application requirements  
8 shall have priority based on the accumulation of points based on the  
9 following criteria:

10 (a) Suitability of the proposed property:

11 (1) Applicant demonstrates proposed  
12 location exceeds all buffer zones established in subsection (F)  
13 by at least five hundred (500) feet (1 point);

14 (2) Proposed property possesses air  
15 scrubbers or a filtration system capable of eliminating  
16 odors from escaping the building or commitment to do so  
17 before operating (1 point);

18 (3) Proposed property is located within  
19 1000 feet of a public transportation hub, stop, or station;

20 (b) Suitability of security plan:

21 (1) The applicant's security plan includes the  
22 presence of security personnel on premises twenty-four (24)  
23 hours per day (1 point);

24 (2) The applicant's security plan  
25 demonstrates a method to track and monitor inventory so as  
26 to prevent theft and diversion of marijuana (1 point);

27 (3) The applicant's security plan  
28 describes the enclosed, locked facility that will be used to

secure or store marijuana when the location is both open and closed for business, and the steps taken to ensure marijuana is not visible to the public (1 point);

(4) The applicant's security plan includes measures to prevent the diversion of marijuana to persons under the age of twenty-one (21) (1 point);

(5) Applicant demonstrates security measures exceeding the requirements of this Chapter, including but not limited to brick or concrete construction or additional fire and/or security alarms (1 point);

(c) Suitability of business plan and financial record keeping:

(1) The applicant describes a staffing plan that will provide and ensure safe dispensing, adequate security, theft prevention, and the maintenance of confidential information (1 point);

(2) Applicant provides an operations manual that demonstrates compliance with this Chapter (1 point);

(d) Criminal history:

(1) Applicants without any felony conviction(s) (1 point);

(2) Applicants without any misdemeanor conviction(s) (1 point);

(3) Applicants without any pending criminal complaint(s) (1 point);

(4) Applicants certify as a condition of maintaining the revocable conditional use permit that they will not employ any person with any type of felony

conviction (1 point);

(5) Applicants certify as a condition of maintaining the revocable conditional use permit that they will not employ as managers or employees any person with any narcotics related misdemeanor conviction (1 point).

(e) Regulatory compliance history:

(f) Applicants and financiers have not had a permit or license revoked by the City of Long Beach (1 point);

(1) Applicants have not had administrative penalties assessed against their business or the location of their business (1 point);

(2) Applicants have not operated a medical marijuana business in violation of any provision of the Long Beach Municipal Code within five (5) years (1 point);

(3) Applicants operated a medical marijuana business in violation of any provision of the Long Beach Municipal Code within five (5) years (-5 points).

(g) Community service:

(1) Applicants demonstrate involvement in the community, other non-profit association, or neighborhood association (1 point).

ii. In the event review of the applications of two (2) or more eligible medical marijuana business applicants within the same district results in the same total number of points assigned, the City will utilize a lottery to determine which applicant receives priority.

F. No medical marijuana business may be located in residential

1 zoning districts.

2 G. It shall be unlawful to operate a medical marijuana business in  
3 a building which contains a residence, within a dwelling unit within any zoning  
4 district, or within a residential zoning district or within a mixed-use development  
5 that includes a residence.

6 H. Separation from schools, parks, and other medical marijuana  
7 uses.

8 The property identified in the conditional use permit application  
9 must be located in accordance with the following:

10 i. The medical marijuana business is not located within  
11 one thousand five hundred (1,500) feet of a public or private high school or  
12 Educational Partnership High School ("EPHS") or within one thousand  
13 (1,000) feet of a public park or a public or private kindergarten, elementary,  
14 middle, or junior high school.

15 ii. The medical marijuana business is not located within  
16 one thousand (1,000) feet of any other medical marijuana business.

17 iii. The distances specified in this subsection shall be  
18 determined by the horizontal distance measured in a straight line from the  
19 property line of the school, park, or other medical marijuana business to  
20 the closest property line of the lot on which the medical marijuana business  
21 is located, without regard to intervening structures.

22 I. Limitations on medical marijuana businesses.

23 J. The following shall be the minimum requirements for a  
24 medical marijuana business:

25 i. The area of a medical marijuana business dispensary  
26 is two thousand (2,000) square feet or less and at least five hundred (500)  
27 square feet are dedicated to a lobby and/or waiting area;

28 ii. The area of a medical marijuana business



1 cultivation site is five thousand (5,000) square feet or less;

2 iii. The business distributes medical marijuana only  
3 in accordance with this Chapter and California law; and

4 iv. The business includes a secured and locked  
5 medical marijuana dispensary room, one or more private rooms for  
6 consultation on the medical use of marijuana, and a separate  
7 reception area for screening of patients and waiting for non-patients.

8  
9 21.XX.080 Requirements related to operation of medical marijuana  
10 businesses.

11 K. Onsite use prohibited.

12 i. No marijuana shall be smoked, eaten, or otherwise  
13 consumed or ingested within the medical marijuana business.

14 L. Restriction on access to restricted area.

15 i. No person, other than a patient, licensee, employee,  
16 or a contractor shall be in the medical marijuana dispensary room. No  
17 patient shall be allowed entry into the medical marijuana dispensary room  
18 without showing their valid picture ID.

19 M. Display of permits required.

20 i. The name and contact information for the owner or  
21 owners and any business manager of the medical marijuana business, the  
22 conditional use permit, the business license, and the sales tax seller's  
23 permit shall be conspicuously posted in the business.

24 N. Business conducted within building.

25 i. Any and all cultivation, production, distribution,  
26 possession, storage, display, sales or other distribution of marijuana  
27 shall occur only within an enclosed area of a medical marijuana  
28 business and shall not be visible from the exterior of the business.

1                               ii.       Consultations by medical professionals shall not  
2                               be permitted at a medical marijuana business nor as a permitted  
3                               accessory use at a medical marijuana business.

4                               iii.       Owner or business manager required on property.

5                               O.       No medical marijuana business shall be managed by any  
6                               person other than the Permittee or the business manager listed on the application  
7                               for the permit or a renewal thereof. Such Permittee or business manager shall be  
8                               on the property and responsible for all activities within the licensed business  
9                               during all times when the business is open.

10                              P.       Hours of operation.

11                             i.       A medical marijuana business shall be closed to the  
12                             public, and no sale or other distribution of marijuana shall occur upon the  
13                             property between the hours of seven o'clock (7:00) p.m. and eight o'clock  
14                             (8:00) a.m.

15                             Q.       Use of pesticides.

16                             R.       No pesticides or insecticides which are prohibited by federal,  
17                             state, or local law for fertilization or production of edible produce shall be used on  
18                             any marijuana cultivated, produced or distributed by a medical marijuana  
19                             business. A medical marijuana business shall comply with all applicable federal,  
20                             state, and local law regarding use and disposal of pesticides.

21                             i.       Ventilation required.

22                             S.       A medical marijuana business shall be ventilated so that the  
23                             odor of marijuana cannot be detected at the exterior of the medical marijuana  
24                             business or at any adjoining use or property.

25                             i.       Use of carbon dioxide generators prohibited.

26                             The medical marijuana business shall not use carbon dioxide  
27                             generators, burners, or converters of any kind. Medical marijuana businesses  
28                             are prohibited from altering normal air composition in any manner.

1                                   ii.       Limitations on inventory.

2                   T.       The medical marijuana business shall not maintain any more  
3 marijuana within the property than is permitted under applicable state law. The  
4 medical marijuana business shall not maintain any more marijuana than the  
5 amount stated on the business' permit application to the City. The medical  
6 marijuana business shall maintain current records evidencing the status and  
7 number of patients for whom they cultivate or dispense medical marijuana. The  
8 medical marijuana business shall maintain current records evidencing the strains  
9 of marijuana cultivated and sold.

10                           i.       City residency requirement.

11                   Patients obtaining medical marijuana from medical marijuana  
12 businesses must bona fide residents of the City of Long Beach. Patients  
13 must provide proof of City residency upon joining the membership of a  
14 medical marijuana business. Medical marijuana businesses must verify and  
15 maintain patient proof of residency.

16                           ii.       Reporting requirements.

17                           (a)     A medical marijuana business shall report to the  
18 City Manager or his designee each of the following within the time  
19 specified. If no time is specified, the report shall be provided within  
20 seventy-two hours of the event.

21                                   (b)     Transfer or change of financial interest, business  
22 manager, financier, or primary caregiver in the permit application at  
23 least thirty days before the transfer or change.

24                                   (c)     Sales and taxable transactions and file sales  
25 and use tax reports to the City monthly.

26                                   (d)     A violation of any law by any Permittee or  
27 applicant of a medical marijuana business.

28                                   (e)     Reports of all criminal activity or attempts of

violation of any law at the medical marijuana business or related thereto shall be reported to the Long Beach Police Department within twelve hours of occurrence.

iii. Cultivation within the City required.

(a) All medical marijuana distributed from a medical marijuana business must be cultivated within the City of Long Beach.

(b) Medical marijuana cultivated within in the City boundaries may not be transported or disseminated out of the City of Long Beach.

(c) Medical marijuana cultivation shall be limited to single level growing areas, all stacks or multi-story growing methods are prohibited.

iv. Delivery between medical marijuana businesses.

U. It shall be unlawful for any person to transport medical marijuana, except as specifically allowed by applicable law, unless the medical marijuana being transported meets the following requirements:

i. All medical marijuana-infused products are hand-packaged, sealed and labeled as provided in this Chapter and the products stored in closed containers that are labeled as provided in this section.

ii. All medical marijuana in a usable form for medicinal use is packaged and stored in closed containers that are labeled as provided in this section.

iii. Each container used to transport medical marijuana is labeled with the amount of medical marijuana or medical marijuana-infused products, or the number and size of the plants, in the container. The label shall include the name and address of the medical marijuana business that the medical marijuana is being

1 transported from and the name and address of the medical marijuana  
2 business that the medical marijuana is being transported to. The label  
3 shall be shown to any law enforcement officer who requests to see  
4 the label.

5 iv. Unless otherwise specifically allowed by  
6 applicable law, medical marijuana may be transported only:

7 (a) From a medical marijuana cultivation facility  
8 to a medical marijuana business; and

9 (b) Which medical marijuana business is  
10 owned by the same person as owns the cultivation facility; and

11 (c) When determining and reporting the route  
12 to take, Permittees should select the most direct route that  
13 provides safety and efficiency.

14 v. Disposal of medical marijuana and marijuana  
15 byproducts.

16 V. All medical marijuana and any product containing a usable  
17 form of marijuana must be made unusable and unrecognizable prior to removal  
18 from the business in compliance with all applicable laws. This provision shall not  
19 apply to licensed law enforcement acting in the course of their duties.

20 W. Possession of mature flowering plants.

21 X. No more than one-half of the medical marijuana plants within  
22 a medical marijuana business may be mature, flowering plants producing a usable  
23 form of marijuana.

24 Y. Advertisement.

25 Z. A medical marijuana business may not advertise in a manner  
26 that is inconsistent with the medicinal use of medical marijuana. A medical  
27 marijuana business may not advertise in a manner that is misleading, deceptive,  
28 false, or is designed to appeal to minors. Advertisement that promotes medical

marijuana for recreational or any use other than for medicinal purposes shall be a violation of this Chapter. The following conditions shall apply:

i. Except as otherwise provided in this paragraph, it shall be unlawful for any person permitted under this Chapter or any other person to advertise any medical marijuana or medical marijuana-infused product anywhere in the city where the advertisement is in plain view of or in a place open to the general public, including advertising utilizing any of the following media: illuminated signs, signs incorporating green crosses or other marijuana related symbol, any billboard or other outdoor general advertising device as defined by the zoning regulations of the City; any sign mounted on a vehicle; any hand-held or other portable sign; or any handbill, leaflet or flier directly handed to any person in a public place, left upon a motor vehicle, or posted upon any public or private property. The prohibition set forth in this paragraph shall not apply to:

(a) Any sign located on the same lot as a medical marijuana business which exists solely for the purpose of identifying the location of the medical marijuana business and which otherwise complies with this Chapter and any other applicable city laws and regulations;

(b) Any advertisement contained within a newspaper, magazine, or other periodical of general circulation within the City or on the Internet; or

(c) Advertising which is purely incidental to sponsorship of a charitable event by a medical marijuana business or a medical marijuana-infused products manufacturer.

(d) No medical marijuana business shall distribute or allow the distribution of any marijuana without

1 charge within a marijuana business or any place open to the  
2 public for the purpose of promotion or advertising.

3 (e) No medical marijuana business shall  
4 distribute or allow the distribution of any coupon or similar  
5 writing, electronically or on paper, which purports to allow the  
6 bearer to exchange the same for any marijuana product, either  
7 free or at a discount.

8 (f) No medical marijuana business shall sell,  
9 distribute, or provide, or allow the sale, distribution, or provision  
10 of, products marked with its name or logo, other than packaging  
11 in which medical marijuana is sold or on medical marijuana  
12 products. This prohibition shall not prevent employees of the  
13 business from wearing uniforms with the name or logo of the  
14 medical marijuana business while working for the business on  
15 the business property.

16 The owner or manager is required to respond by phone or email  
17 within twenty-four hours of contact by a city official concerning their medical  
18 marijuana business at the phone number or email address provided to the  
19 City as the contact for the business. Each twenty-four (24) hour period during  
20 which an owner or manager does not respond to the city official shall be  
21 considered a separate violation.

22 AA. Additional requirements for production of medical marijuana.

23 i. No medical marijuana business may produce or  
24 distribute concentrated or any form of synthetic cannabis.

25 ii. No medical marijuana business may use metals,  
26 butane, propane or other flammable product, or produce flammable  
27 vapors to process marijuana. No medical marijuana business may  
28 utilize an extraction method of any kind.

iii. Packaging at a medical marijuana business.

All dispensed medical marijuana must be packaged in a manner which clearly shows the name of the dispensary providing the medical marijuana, name of the patient receiving the medical marijuana, date the marijuana is dispensed, amount of marijuana dispensed, and amount paid by the patient to obtain the marijuana.

iv. No medical marijuana business shall operate for profit.

BB. Cash and in-kind contributions, reimbursements, and reasonable compensation provided by patients toward the medical marijuana business' actual expense to grow, cultivate, and provide medical marijuana shall be allowed provided that they are in strict compliance with State Law. All such cash and in-kind amounts and items shall be fully documented in accordance with Section \_\_\_\_\_ of this Chapter.

21.XX.090 Lab testing of medical marijuana required.

A. A medical marijuana business must ensure that usable marijuana and plants are tested for pesticides, mold and mildew, and THC percentages in accordance with this section prior to the transfer of marijuana to a consumer.

B. As part of the cultivation process, medical marijuana businesses must ensure marijuana is segregated into batches, that each batch is placed in an individual container or bag, and that a label is attached to the container or bag that includes at least the following information:

i. A unique identifier;

ii. The name of the person who transferred it; and

iii. The dates the marijuana batch was cultivated and made available for sale at the dispensary storefront.

iv. Sampling. The medical marijuana business must



1 ensure that random samples from each batch are separated in an amount  
2 necessary to conduct the applicable test, that the samples are labeled with  
3 the batch's unique  
4 identifier, and are properly submitted for testing.

5 v. Testing. The medical marijuana business must ensure  
6 that each sample  
7 is tested for pesticides, mold, and mildew and for an analysis of the levels of  
8 tetrahydrocannabinol (THC) and Cannabidiol (CBD).

9 (a) Immature Plants. An immature plant may be  
10 tested for pesticides, mold, or mildew by conducting a macroscopic  
11 or microscopic screening to determine if the plant has visible  
12 pesticide residue, mold, or mildew.

13 (b) Flowers or other usable marijuana plant  
14 material. Medical marijuana in the form of flowers or other plant  
15 material must be:

16 (1) Tested for pesticides, mold, and mildew  
17 using valid testing methodologies and macroscopic or  
18 microscopic screening may not be used;

19 (2) Tested for pesticides by testing for the  
20 following analytes:

- 21 1) (i) Chlorinated Hydrocarbons;
- 22 2) (ii) Organophosphates;
- 23 3) (iii) Carbamates; and
- 24 4) (iv) Pyrethroids; and

25 (3) Analyzed, using valid testing  
26 methodologies, to determine the levels of THC and CBD.

27 C. Edibles and liquids. If medical marijuana used in the edible or  
28 liquid has been tested in accordance with this section and tested negative for

pesticides, mold, or mildew, the edible or liquid does not need to be tested for pesticides, mold, and mildew but does need to be tested for an analysis of the levels of THC and CBD. If the medical marijuana used in the edible or liquid was not tested in accordance with this section, the edible or liquid must be tested for pesticides, mold or mildew in accordance with this section.

D. Laboratory Requirements. A medical marijuana business must ensure that all testing, except for testing of immature plants, is done by a third party or laboratory that:

- i. Uses valid testing methodologies; and
- ii. Has a Quality System for testing of pesticides, mold, and mildew that is compliant with the:
  - (a) 2005 International Organization for Standardization 17025 Standard; or
  - (b) 2009 National Environmental Laboratory Accreditation Conference Institute TNI Standards.
  - (c) Macroscopic or microscopic screening of immature plants must be conducted by a person who has a minimum of a bachelor's degree in horticulture, botany, plant pathology, microbiology, or an equivalent degree but is not required to be done by a laboratory.

E. Testing Results. A laboratory must provide testing results to the medical marijuana business signed by an official of the laboratory who can attest to the accuracy of the results, and that includes the levels of pesticides, mold, or mildew detected and the levels of THC and CBD.

- i. if an immature plant has visible pesticide residue, mold, or mildew it must be deemed to test positive and must be destroyed.
- ii. A sample of marijuana shall be deemed to test positive for mold and mildew if the sample has levels that exceed the

maximum acceptable counts in the Pharmacopeia, Section 1111 (May 1, 2009), incorporated by reference Appendix A.

(a) A sample of usable marijuana shall be deemed to test positive for pesticides with a detection of more than 0.1 parts per million of any pesticide.

(b) If an immature plant or sample of marijuana tests positive for pesticides, mold, or mildew based on the standards in this section, the medical marijuana business must ensure the entire batch from which the sample was taken is destroyed and must document how many or how much was destroyed, and the date of destruction.

iii. In-house testing. A medical marijuana business may perform its own testing as long as the testing complies with this section.

F. The medical marijuana business may permit laboratory personnel or other persons authorized to test access to secure or restricted access areas of the facility where marijuana or immature plants are stored. The medical marijuana business must log the date and time in and out of all such persons.

21.XX.100 Right of entry – records to be maintained.

A. Records to be maintained.

Each Permittee shall keep a complete set of books of account, invoices, copies of orders and sales, shipping instructions, bills of lading, weigh bills, correspondence, bank statements including cancelled checks and deposit slips and all other records necessary to show fully the business transactions of such Permittee Receipts shall be maintained in a computer program or by pre-numbered receipts and used for each sale. The records of the business shall clearly track medical marijuana product inventory

1 purchased and/or grown and sales and disposal thereof to clearly track  
2 revenue from sales of any medical marijuana from other paraphernalia or  
3 services offered by the medical marijuana business. The Permittee shall also  
4 keep and maintain records documenting proof of Long Beach residency for  
5 each patient procuring medical marijuana at a medical marijuana business.  
6 The Permittee shall also maintain inventory records evidencing that no more  
7 medical marijuana was within the medical marijuana business than allowed  
8 by applicable law for the number of patients who designated the medical  
9 marijuana business owners as their primary caregiver. All such records shall  
10 be open at all times during business hours for the inspection and examination  
11 of the City or its duly authorized representatives. The City may require any  
12 Permittee to furnish such information as it considers necessary for the proper  
13 administration of this Chapter. The records shall clearly show the source,  
14 amount, price and dates of all marijuana received or purchased, and the  
15 amount, price, dates and patient or caregiver for all medical marijuana sold.

16 B. Separate bank accounts.

17 i. The revenues and expenses of the medical marijuana  
18 business shall not be commingled in a checking account or any other bank  
19 account with any other business or individual person's deposits or  
20 disbursements.

21 ii. Disclosure of records.

22 C. By applying for a conditional use permit, the Permittee  
23 provides consent to disclose the information required by this Chapter, including  
24 information about patients and caregivers. Any records provided by the Permittee  
25 that include patient or caregiver confidential information may be submitted in a  
26 manner that maintains the confidentiality of the documents. Any document that  
27 the applicant considers eligible for protection shall be clearly marked as  
28 confidential, and the reasons for such confidentiality shall be stated on the

document. In the event that the licensee does appropriately submit documents so as not to be disclosed, the City shall not disclose it to other parties who are not agents of the City, except law enforcement agencies. If the City finds that such documents are subject to inspection, it will provide at least twenty-four (24) hour notice to the applicant prior to such disclosure.

D. Audits.

i. The City may require an audit of the books of account and records of a medical marijuana business on such occasions as it may consider necessary, including but not limited to ensuring compliance with LBMC section 3.80.261(H). Such audit may be made by an auditor selected by the City Manager that shall likewise have access to all books and records of the medical marijuana business. The expense of any audit determined necessary by the City shall be paid by the medical marijuana business.

E. Consent to Inspection.

Application for a conditional use permit or operation of a medical marijuana business, or leasing property to a medical marijuana business, constitutes consent by the applicant, and all owners, managers and employees of the business and the owner of the property to permit the City Manager to conduct routine inspections of the medical marijuana business to ensure compliance with this Chapter or any other applicable law, rule or regulation.

F. The owner or business manager on duty shall retrieve and provide the records of the business pertaining to the inspection. For purposes of this Chapter, inspections of medical marijuana businesses and recordings from security cameras in such businesses are required to be produced as part of the routine policy of inspection and enforcement of this Chapter for the purpose of protecting the public safety, individuals operating and using the services of the

1 medical marijuana business, and the adjoining properties and neighborhood.

2 G. Application for a conditional use permit constitutes consent to  
3 inspection of the business as a public property without a search warrant, and  
4 consent to seizure of any surveillance records, camera recordings, reports or other  
5 materials required as a condition of a medical marijuana permit without a search  
6 warrant. Should the owner or business manager refuse to comply with this  
7 section, the City will obtain an administrative search warrant.

8 i. Reporting of source, quantity and sales.

9 H. The records to be maintained by each medical marijuana  
10 business shall include the source and quantity of any marijuana distributed,  
11 produced or possessed within the property. Such reports shall include, without  
12 limitation, for both cultivation, acquisitions from wholesalers and transactions to  
13 patients or caregivers, the following:

14 i. Name and address of grower, seller and  
15 purchaser;

16 ii. Date, weight, type of marijuana and dollar amount  
17 or other consideration of transaction; and

18 iii. For wholesale transactions, the state and City, if  
19 any, sales and use tax license number of the seller.

20  
21 21.XX.110 Requirements related to monitoring and security of medical  
22 marijuana businesses.

23 All components of the security plan submitted with the application, as it  
24 may be amended, shall be in good working order, monitored and secured  
25 twenty-four hours per day. A separate security system is required for each  
26 business. The security plan must include, at a minimum, the following security  
27 measures:

28 i. Video cameras.

I. A medical marijuana business shall install and maintain a video surveillance system that monitors no less than the front and rear of the Property, and all points of ingress and egress at the business. The surveillance system shall:

i. Capture a full view of the public right-of-ways and any parking lot under the control of the medical marijuana business;

ii. Be of adequate quality, color rendition and resolution to allow the ready identification of any individual committing a crime anywhere on or adjacent to the exterior of the property;

iii. Record and maintain video for a minimum of thirty (30) days and be accessible via the Internet by the Long Beach Police Department. A Public Internet Protocol (IP) address and user name/password is also required to allow the Long Beach Police Department to view live and recorded video from these cameras over the Internet. Consent is given by the Medical Marijuana Collective under this subsection to the provision of said recordings or live video feed to the Police Department without requirement for a search warrant, subpoena or court order;

iv. Use of safe for storage.

J. The medical marijuana business shall install and use a safe for storage of any processed marijuana and cash on the property when the business is closed to the public. The safe shall be incorporated into the building structure or securely attached thereto. For medical marijuana-infused products that must be kept refrigerated or frozen, the business shall lock the refrigerated container or freezer in place of use of a safe so long as the container is affixed to the building structure.

i. Alarm system.

K. The medical marijuana business shall install and use a fire

1 and burglar alarm system that is monitored by a company that is staffed twenty-  
2 four hours a day, seven days a week. The security plan submitted to the City shall  
3 identify the company monitoring the alarm, including contact information, and the  
4 City shall be updated within seventy-two (72) hours of any change of monitoring  
5 company.

6 i. Security guard.

7 The medical marijuana business shall hire and maintain an  
8 armed guard, licensed by the State of California, generally located at an  
9 indoor guard station, during all hours of operation. The security guard should  
10 only be engaged in activities related to providing security for the facility.

11  
12 21.XX.120 Requirements for public health and labeling.

13 i. Medical marijuana-infused products.

14 L. The production of any medical marijuana-infused product shall  
15 be at a medical marijuana-infused product manufacturer that meets all  
16 requirements of a retail food establishment as set forth in Chapter 8.45 of this  
17 Code. The Permittee shall comply with all applicable state and local health  
18 regulations related to the production, preparation, labeling, and sale of prepared  
19 food items.

20 i. Labeling and packaging requirements.

21 M. All medical marijuana sold or otherwise distributed by the  
22 Permittee shall be packaged and labeled in a manner that advises the purchaser  
23 that it contains marijuana and specifies the amount of marijuana in the product,  
24 that the marijuana is intended for medical use solely by the patient to whom it is  
25 sold, and that any resale or redistribution of the medical marijuana to a third  
26 person is prohibited. In addition, the label shall be in print large enough to be  
27 readable and shall include:

28 i. Potential food allergy ingredients, including but



not limited to milk, eggs, fish, shellfish, tree nuts, peanuts, wheat, and soybeans.

ii. All additives used to extract THC, including, without limitation, pesticides, herbicides and fertilizers that were used in the cultivation of the medical marijuana used in the product.

(a) The following warning:

THIS PRODUCT CONTAINS MARIJUANA. THIS PRODUCT IS MANUFACTURED WITHOUT ANY REGULATORY OVERSIGHT FOR HEALTH, SAFETY OR EFFICACY. THERE MAY BE HEALTH RISKS ASSOCIATED WITH THE INGESTION OR USE OF THIS PRODUCT.

N. The product shall be packaged in a sealed container that cannot be opened without obvious damage to the packaging.

21.XX.130 Medical marijuana business permit application process.

i. Any medical marijuana business desiring a conditional use permit required by this Chapter shall, prior to initiating operations, complete and file an application on a form supplied by the City, and shall submit the completed application to the Department of Development Services with payment of a nonrefundable processing and notification fee, as established by the City Council by resolution.

(B)

21.XX.140 Compliance with other applicable law.

i. Application of state and federal law.

O. Except as may be provided otherwise in this Chapter, or rules adopted pursuant to this Chapter or interpretations by the City, any law or regulation adopted by the state governing the cultivation, production, possession or distribution of marijuana for medical use shall also apply to medical marijuana

businesses in the City. Provided however, if a state law or regulation permits what this Chapter prohibits, this Chapter shall prevail. Compliance with any applicable state law or regulation that does not permit what this Chapter prohibits shall be deemed an additional requirement for issuance or denial of any license under this Chapter, and noncompliance with any applicable state law or regulation is unlawful and shall be grounds for revocation or suspension of any license issued under this Chapter. No medical marijuana business shall continue operations in violation of an additional state law or regulation, which does not permit what this Chapter prohibits, applicable within the City after the effective date of the state law or regulation.

i. Revocation of permit upon applicable state or federal prohibition.

P. If the state prohibits the cultivation, production, possession or other distribution of marijuana through a medical marijuana businesses, or if a court of competent jurisdiction determines that the federal government's prohibition of the cultivation, production, possession or other distribution of marijuana through medical marijuana businesses supersedes state law, any permit issued pursuant to this Chapter shall be deemed to be immediately revoked by operation of law, with no ground for appeal or other redress on behalf of the Permittee.

i. Revocable privilege.

Q. A conditional use permit is a revocable privilege, and no applicant therefor or holder thereof shall be deemed to have acquired any property interest therein.

#### 21.XX.140 Prohibited acts.

It shall be unlawful for any person to:

i. Cultivate, distribute, possess, or produce marijuana in plain view of, or in a place open to the general public.

1                                   ii.       Smoke, use or ingest on the property of the  
2       medical marijuana business:

3                                   (a)     Marijuana,

4                                   (b)     Alcoholic beverage, or

5                                   (c)     A controlled substance, except in  
6       compliance with the directions of a legal prescription for the  
7       person from a doctor with prescription writing privileges.

8                                   (d)     Operate or be in physical control of any  
9       medical marijuana business, liquor establishment, vehicle,  
10      aircraft, or motorboat while under the influence of alcohol,  
11      medical marijuana, or other intoxicant.

12                                  (e)     Possess medical marijuana that is not in a  
13      sealed package in a location where the possessor is not  
14      authorized to possess or consume medical marijuana.

15                                  (f)     Possess more than six (6) mature  
16      marijuana plants or twelve (12) immature marijuana plants, or  
17      two (2) ounces of marijuana without a conditional use permit. It  
18      shall be an affirmative defense to this charge if a legitimate  
19      recommendation from a qualified physician of the patient for  
20      whom the marijuana is being grown includes a recommendation  
21      for an increased amount of marijuana as medically necessary to  
22      address the patient's debilitating medical condition.

23                                  (g)     Obtain marijuana from a person who is not  
24      permitted as a medical marijuana business.

25                                  (h)     Possess or operate a medical marijuana  
26      business in violation of this Chapter.

27                                  (i)     Distribute medical marijuana without a  
28      conditional use permit or outside of the restricted area of the

1 medical marijuana business.

2 (j) Deliver or transport medical marijuana to a  
3 patient.

4 (k) Permit any other person to violate any  
5 provision of this Chapter or any condition of an approval granted  
6 pursuant to this Chapter, or any law, rule or regulation  
7 applicable to the use of medical marijuana or the operation of a  
8 medical marijuana business.

9 (l) Lease any property to a medical marijuana  
10 business that has marijuana on the property without a  
11 conditional use permit from the City.

12  
13 21.XX.150 Suspension or revocation of permit.

14 i. A conditional use permit may be suspended or  
15 revoked for any violation of this Chapter in accordance with the procedures  
16 provided in Long Beach Municipal Code Chapter 21.21.

17 R. If the City revokes or suspends a permit, the business may  
18 not move any marijuana from the property except under the supervision of the  
19 Long Beach Police Department.

20  
21 21.XX.160 Term of permit – renewals – expiration of permit.

22 i. Term of permit.

23 S. A conditional use permit shall be valid for five (5) years. The  
24 permit shall expire on the last day of the month in which the permit is issued of the  
25 year following issuance or renewal of the permit.

26 T. Renewal of permit.

27 U. The Permittee shall apply for renewal of the conditional use  
28 permit at least forty-five days before the expiration of the permit. The Permittee

1 shall apply for renewal using forms provided by the City. If the applicant fails to  
2 apply for renewal at least forty-five days before the expiration of the permit but  
3 does apply for renewal prior to expiration of the permit, the City may process the  
4 renewal application if the applicant submits a late filing fee of Five Thousand  
5 Dollars (\$5,000) at the time of submittal of the renewal application.

6 i. The renewal permit fee, and late fee if applicable,  
7 shall accompany the renewal application. Such fee is nonrefundable.

8 ii. In the event there has been a change to any of  
9 the plans identified in the permit application which were submitted to  
10 and approved by the City with the application or an earlier renewal,  
11 the renewal application shall include specifics of the changes or  
12 proposed changes in any of such plans.

13 iii. In the event any person who has an interest as  
14 described in the disclosures made to the City pursuant to this  
15 Chapter, or any business manager, financier, agent as defined herein  
16 or employee has been charged with or accused of violations of any  
17 law since such disclosure, the renewal application shall include the  
18 name of the violator, the date of the violation, the court and case  
19 number where the violation was filed and the disposition of the  
20 violation with the renewal application.

21 iv. In the event the business permit has been  
22 suspended or revoked or a Permittee has received any notice of  
23 violation of any law, the renewal application shall include a copy of the  
24 notice, suspension or revocation.

25 v. The renewal application shall include proof of  
26 payment of all applicable taxes required by the LBMC and verification  
27 that the business has a valid state seller's permit in good standing.

28 vi. The renewal application shall include a summary

1 report for the previous twelve (12) months showing the amount of  
2 marijuana purchased, the amount of marijuana sold, the forms in  
3 which marijuana was sold, the number of patients and the number of  
4 primary caregivers who received marijuana, the police report numbers  
5 or case numbers of all police calls to the medical marijuana business  
6 and for calls resulting in a charge of a violation of any law, the charge,  
7 case number and disposition of any of the charges.

8 vii. The City shall not accept renewal applications  
9 after the expiration of the permit, but instead shall require the  
10 applicant to file a new permit application.

11 viii. In the event there have been allegations of  
12 violations of this Chapter by any of the Permittees or the business  
13 submitting a renewal application, the City may hold a hearing prior to  
14 approving the renewal application. The hearing shall be to determine  
15 whether the application and proposed Permittees comply with this  
16 Chapter and whether the operation of the business has been in  
17 compliance with this Code.

18 V. Nonpayment of tax.

19 W. In the event a medical marijuana business that has been open  
20 and operating and submitting monthly sales and use tax returns to the City ceases  
21 providing sales and use tax returns to the City for a period of three (3) months or  
22 longer, the conditional use permit shall be deemed to have expired and a new  
23 permit shall be required prior to reopening at the property.

24  
25 21.XX.170 City manager authorized to issue rules.

26 The City Manager or his designee may adopt rules and regulations that  
27 the City Manager determines are reasonably necessary to implement the  
28 requirements of this Chapter.

21.XX.180 Violation and enforcement.

i. Any person violating any provision of this Chapter or knowingly or intentionally misrepresenting any material fact in procuring a conditional use permit, shall be deemed guilty of a misdemeanor punishable by a fine of not more than one thousand dollars (\$1,000) or by imprisonment for not more than twelve (12) months, or by both such fine and imprisonment.

Any person who engages in any medical marijuana business operations without a conditional use permit, or after a conditional use permit application has been denied, or a medical marijuana permit has been suspended or revoked, shall be guilty of a misdemeanor.

As a nuisance per se, any violation of this Chapter shall be subject to injunctive relief, revocation of the certificate of occupancy for the property, disgorgement and payment to the City of any and all monies unlawfully obtained, costs of abatement, costs of investigation, attorney fees, and any other relief or remedy available at law or equity. The City may also pursue any and all remedies and actions available and applicable under local and state law for any violations related to the operation of a medical marijuana business.

Any violation of the terms and conditions of the conditional use permit, of this Chapter, or of applicable local or state regulations and laws shall be grounds for permit suspension or revocation.

21.XX.190 Establishment of a Medical Marijuana Task Force.

i. A Long Beach Medical Marijuana Task Force is established. The Task Force shall consist of seven (7) members.

Appointments to the Task Force shall be made and vacancies on the Task

Force shall be filled by the Mayor and City Council in accordance with the provisions in Chapter 2.18 of this Code. Services of the members of the Task Force shall be voluntary and members will serve without compensation.

ii. All members of the Task Force shall be residents of the City. The Task Force shall be comprised of the following members:

iii. Three Task Force members shall be representatives from three separate medical marijuana businesses operating in the City;

iv. Three Task Force members shall be representatives of recognized neighborhood organizations which have at least one medical marijuana business operating within its boundaries; and

v. One Task Force member shall be a representative of a local patient advocacy organization with a background in working to protect the interests of medical marijuana patients.

vi. The Medical Marijuana Task Force shall have the power and duty to:

(a) Recommend to the City operational and safety standards for medical marijuana businesses operating in the City;

(b) Develop and make recommendations for a mediation process to be used by operators of medical dispensaries, patients, and neighbors of dispensaries to address community concerns and nuisance issues and resolve conflicts and disputes.

vii. Sunset provision.

The Medical Marijuana Task Force shall terminate by operation of law on December 31, 2017, and after that date, the City Attorney shall



1 cause this section to be removed from the Code.

2  
3 21.XX.200 SEverability.

4 If any provision of this Chapter, or the application thereof to any person  
5 or circumstance, is held invalid, that invalidity shall not affect any other  
6 provision or application of this Chapter that can be given effect without the  
7 invalid provision or application; and to this end, the provisions or applications  
8 of this Chapter are severable.

9  
10 21.XX.210 Review of regulations.

11 On or before the first anniversary of the effective date of this Chapter,  
12 the City Council shall review the effectiveness of these regulations, and shall  
13 enact modifications, if necessary.

14  
15 Section 2. Chapter 5.89 of the Long Beach Municipal Code is  
16 hereby repealed.

17  
18 Section 3. The City Clerk shall certify to the passage of this ordinance by  
19 the City Council and cause it to be posted in three (3) conspicuous places in the City of  
20 Long Beach, and it shall take effect on the thirty-first (31st) day after it is approved by the  
21 Mayor.

22 I hereby certify that the foregoing ordinance was adopted by the City  
23 Council of the City of Long Beach at its meeting of \_\_\_\_\_, 20\_\_\_\_, by the  
24 following vote:

25 Ayes: Councilmembers: \_\_\_\_\_  
26 \_\_\_\_\_  
27 \_\_\_\_\_  
28 \_\_\_\_\_

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Noes: Councilmembers: \_\_\_\_\_

\_\_\_\_\_

Absent: Councilmembers: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
City Clerk

Approved: \_\_\_\_\_  
(Date)

\_\_\_\_\_  
Mayor