

From: Maloney, Mike
Sent: Wednesday, December 11, 2019 12:14 PM
To: _PLANCOM - Planning Commission
Subject: FW: Question & Answer (Green Qi Microbusiness, 925 Piner Road)

*****PLEASE DO NOT REPLY TO ALL*****

Chair Cisco and Commissioners;

Question: Does the state of CA have any restrictions/offer any guidelines on the location of a dispensary with onsite consumption?

Answer: The California Code of Regulations Title 16, Division 42. Bureau of Cannabis Control does not place any additional restrictions, nor do they offer any guidelines, on the location of dispensaries that offer onsite consumption vs. dispensaries that do.

Additional Information: Though the Bureau of Cannabis Control's Regulations do not mention any restriction of on-site cannabis consumption, the text of the Medicinal and Adult Use of Cannabis Regulation and Safety Act (MAUCRSA) does include restrictions and requires local authorization. MAUCRSA states that "a local jurisdiction may allow for the smoking, vaporizing, and ingesting of cannabis or cannabis products on the premises of a retailer or microbusiness ... if all of the following are met:

1. Access to the area where cannabis consumption is allowed is restricted to persons 21 years of age and older.
2. Cannabis consumption is not visible from any public place or non-age-restricted area.
3. Sale or consumption of alcohol or tobacco is not allowed on the premises."

(Section 26200 of Business and Professions Code)

This means that although MAUCRSA allows for on-site cannabis consumption, only adult consumers over the age of 21 are permitted to consume cannabis at a retail space. Additionally, the consumption by individuals 21 and older must not be visible by those who are under 21. Therefore, if an operator plans to both sell medicinal cannabis to individuals under 21 and to allow on-site consumption, the retail premises must be large enough to accommodate a private, age-restricted consumption space not visible to those under 21.

In the City of Santa Rosa, a cannabis retail operator may allow on-site consumption of cannabis by employees who are medicinal cannabis patients, and by customers for medicinal and adult use. Note, though, that per the City of Santa Rosa's Cannabis Ordinance (§ 20-46.080 (F)) and Chapter 9-20 of the City Code (Smoking Regulations), a cannabis retailer cannot permit smoking or vaping on-site; therefore, on-site consumption in Santa Rosa is limited to using cannabis in non-combustible forms, such as edibles or topicals, among others. Note also, the City code includes specific requirements for CUP applications and signage requirements for retail with on-site consumption by patients or customers.

Please let me know if you have any further questions.

Susie Murray | Senior Planner

Planning & Economic Development | 100 Santa Rosa Avenue | Santa Rosa, CA 95404

Tel. (707) 543-4348 | Fax (707) 543-3269 | smurray@srcity.org

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