

Lundegaard, Inge

From: Stephen DeLapp <sdelapp@comcast.net>
Sent: Sunday, October 01, 2017 6:07 PM
To: Lundegaard, Inge; Lai, Thomas; Sears, Kathrin
Cc: Hymel, Matthew; Parton, Maureen; markm@markmarinozzi.com; christopher.brand@evercore.com; 'Mae Delapp'
Subject: Comments on Revised Medicinal Cannabis Draft Ordinance

Follow Up Flag: Follow up
Flag Status: Completed

Dear Board of Supervisors, Ms. Lundegaard, and Mr. Lai:

Please accept and review the following comments on the Marin County Revised Medicinal Cannabis Draft Ordinance due to be reviewed at the Board of Supervisors' Study Session on October 10, 2017.

Overview

Why Is this Ordinance even being considered again? The Public's reaction to the original version of this Ordinance made it clear that there is overwhelming opposition to opening a medicinal cannabis dispensary in unincorporated Marin neighborhoods. In addition, all of the chartered towns and cities of Marin have specific ordinances banning such dispensaries (with the exception of Fairfax). I am surprised that the Supervisors have chosen to ignore the clear will of the public and continue the attempt to force neighborhoods to accept a dispensary in the middle of their residential neighborhoods. I do not believe that the revised Ordinance's change from a walk-in to a delivery only facility makes any difference to the concerns previously raised by the local public and in fact raises a new set of issues and problems.

If this were any other type of delivery or distribution business I cannot imagine that there would be any such attempt by County Government to legislate a neighborhood location nor can I imagine a distributor or delivery service would have any interest in such a neighborhood location. Amazon, UPS, FedEx, and other delivery businesses locate their distribution hubs in centralized commercial locations that feature easy links to main roadways and freeways and allow for easy access to as wide a geographic area as possible. Why should a cannabis delivery network be any different? Why should a delivery service not want a central location and instead lobby for the ability to have neighborhood locations? This desire for neighborhood locations becomes even more puzzling when contrasted against the desire by putative medicinal cannabis delivery operators to provide delivery services to as wide a geographic area as possible. I can only speculate on the answer but feel certain it is related to future unstated business plans related to the further regulation of the legal (in California) cannabis industry. I urge the Board to acknowledge this possibility and recognize the will of the public as already expressed by ending this attempt to force local neighborhoods to accept unwanted dispensaries.

Specific Comments on the draft legislation

I have organized my comments to match the layout of the draft Ordinance. Each of my comments will reference the specific section of the Ordinance as presented. In certain sections I will reference the requests and lobbying efforts of the cannabis industry (the Industry). These refer specifically to the requests made by various industry representatives during the September 19, 2017 public meeting sponsored by the County's Cannabis Program Manager. This meeting was attended by both members of the general public and representatives and members of the cannabis industry. Although I refer to "local" and "neighborhood" throughout my comments and they are intended to refer broadly to all of unincorporated areas of Marin, I am most knowledgeable about the specific conditions of my own neighborhood – Tamalpais Valley.

- Section I: Findings
 - This Ordinance fails to recognize that external outside delivery services are already delivering to residents of unincorporated Marin as well as its individual towns and cities. This Ordinance would have no impact on these services' business practices and procedures. One obvious outcome is that while this ordinance attempts to regulate hours of operation, outside services would remain free to deliver at any time of the day or night seven days a week. At a minimum, the Ordinance should regulate delivery times for all services delivering in the jurisdiction covered by the Ordinance and not just those located in unincorporated Marin.

- Section 6.86.020 Definitions (k)
 - Defines Customer as at least 18 years of age. Industry is seeking to allow any age to receive delivery including those under 18. It doesn't take much to imagine the incredible levels of abuse this could cause. If there is concern now over high school drinking parties when parents are out of town, the possibility of parties featuring a direct door to door delivery of cannabis products requiring only an easily obtained medical needs card would make those seem rather quaint in comparison. I would urge the Board to set a minimum age of 21 for delivery.

- Section 6.86.020 Definitions (l)
 - The definition of Day Care Center is very narrowly drawn and specifically excludes family day care homes. These homes should be included. These facilities are tightly regulated, can have up to a dozen children or more in them, and are easily identified. A quick search reveals several (e.g. Nana's and Rita's) located close to areas being considered as eligible for a cannabis facility in Tamalpais Valley.

- Section 6.86.020 Definitions (ee)
 - This section seems to allow sales to kids of any age – see comments above re. Customer.

- Section 6.86.020 Definitions (ff)
 - The wording of this section is intended to restrict cannabis facilities to a delivery only model. However, throughout the definition the word "may" is used in setting up these restrictions. I suggest replacing "may" with "shall" to allow no room for interpretation when stating that these facilities are not open to the public and feature a delivery only distribution model.

- Section 6.86.020 Definitions (gg)
 - The definition of School should be expanded to include the routes designated as travel routes intended for use by children in reaching these Schools. These routes are most easily identified via the Safe Routes to School designation. These are easily determined and located at both the local and State level:
 - <http://www.dot.ca.gov/hq/LocalPrograms/saferoutes/sr2s.htm>
 - <https://www.mvschools.org/domain/738>

- Section 6.86.020 Definitions (hh)
 - Youth Center is drawn as a very narrow definition that would exclude many businesses that are primarily youth oriented in services and clientele. In Tamalpais Valley such facilities that may not meet the narrow definition as written in this section include: Mojo Dojo, Mathnasium, and Pookie Nook. A broader, more expansive definition would recognize the reality of neighborhood youth oriented businesses.

- Section 6.86.030 License requirements (c) (1)
 - This Section specifically allows outside delivery services but does nothing to regulate their operations while carrying out operations within the geographic area regulated by the draft Ordinance. As previously stated, some oversight and regulation appears to be called for.

- Section 6.86.032 (a) Limitation on number of licenses
 - Industry has called for an unlimited number of licenses and objects to the Ordinance’s reservation of the right to not grant any license at all. I would suggest that both of these Industry wants be rejected by the Supervisors as overly broad and against the regulating intent of the Ordinance.

- Section 6.86.033 Limitation on location (a)
 - This Section expands the original Ordinance to allow the location of facilities in office buildings zoned AP, OP, and IP. This expansion into commercial building space raises issues of security and the impact of a cannabis facility on other businesses located in the same building that the Ordinance does not address or consider.

- Section 6.86.033 Limitation on location (b) (1) & (2)
 - These Sections allows for the location of facilities within 600 feet of schools, day care center, youth center, another cannabis facility, a playground and a tobacco store. As previously noted these specified definitions around youth oriented businesses and facilities are too narrow and should be expanded. In addition, the 600 foot radius has been reduced from the 800 feet of the original ordinance. I would suggest maintaining or expanding the prohibited distance: many local California jurisdictions have adopted a 1,000 foot or ½ mile standard.

- Section 6.86.041 Review of applications
 - The Process described here converts the original Ordinance’s administrative licensing process into a political process placed directly in the hands of the Board of Supervisors. The review process described in this Section seems opaque and intended to limit or exclude public involvement until very late in the licensing process. I would propose the process be revised to emphasize public involvement in as early a stage as possible with a specific requirement for local meetings when a neighborhood facility is proposed. Not surprisingly, Industry has called for a process that is even more opaque: to the point of not disclosing the proposed or actual location of any facility. I would urge the Supervisors to reject such a suggestion.

- Section 6.86.050 Operating Standards (2) (3) & (4)
 - The security and delivery process described here seems broad and decidedly non-specific. Particular concerns were raised by the public at the 9/29 meeting concerning the possibility of firearms being located on the premises of a facility. The question of whether and how much cash is carried by delivery vehicles was also raised. Given the cash oriented nature of the industry, delivery vehicles carrying cash receipts would appear to be a “soft target” for criminals. This would also be a concern for out-of-area operators delivering within the local area. The Section on Limits on Products Sold (Section 2) should absolutely restrict delivery to medical cannabis products only and prohibit everything else: food, alcohol, any other merchandise – an obvious example would be paraphernalia intended to aid consumption of cannabis products.

- Section 6.86.050 Operating Standards (12)
 - Operating Hours are allowed up until 9:00 PM seven days a week. This seems completely out of line for a neighborhood operation and raises safety and quality of life issues for a residential neighborhood subject to delivery vehicles driving well after dark 7 days a week. This is also a Section that should be considered when regulating outside delivery services.

In Conclusion

The Public, and in particular the residents of the local neighborhoods targeted for these facilities have already emphatically rejected them. I urge the Board of Supervisors to respect and listen to the will of their constituents and disallow this Ordinance as currently written.

Respectfully Submitted,

Stephen DeLapp
Resident of Tamalpais Valley

Lundegaard, Inge

From: R. Brooke Hanson <rbhanson2000@yahoo.com>
Sent: Tuesday, September 26, 2017 11:25 AM
To: Lundegaard, Inge
Subject: Draft MCDOR Ordinance - Changes Submitted for Review

Good morning Inge.. Good to talk to you yesterday.. Per our conversation please find following suggestions for changes to DRAFT MCDOR ORDINANCE.

Section 6.86.041 Review of Applications

Would recommend changing the sequencing of the Phases. Application Pre Submittal language should be Phase 4 - Application Review language should be Phase 3 for the following reasons.

As it is written right now, the applicant would have to complete a site analysis and plan review with the Community Development Agency Staff, after which, if approved, move onto Phase 4 review process which will invariably take some time to complete. It is unreasonable to assume a landlord would take his rental space off the market and wait while the applicant goes through Phase 4 review before a permit is finally issued. More likely to assume that the location might be gone at that point.

Would instead have the applicant pre qualified in Phase 3 using the language in Phase 4. Once pre qualified, the applicant should be given a Conditional Permit which he can then take to a landlord and begin spending funds to complete site analysis / plan plus security review. Once this step is taken and signed off by the Community Development Agency the applicant would be issued a Final Operating Permit.

In this way both the applicant and the landlord would not be speculating their cost and time with a probability that the applicant may get denied a permit as currently written in Phase 4

Also, would like to formally weight in on the 4 license and lottery process.. Am against it. Qualified applicant again would speculate their time and money with the idea that chance, fate, ie,. the lottery, could determine the outcome. No businessman in his right mind cede control to a lottery to determine whether or not his business will get approval.

I can be reached at 415 827 0838 with any questions or comments..

Thanks again Inge for your help yesterday.

Best,

Robert Brooke Hanson
E Leaf



September 25, 2017

TO: Inge Lundegaard
Planner & Cannabis Program Manager
County of Marin, Community Development Agency
3501 Civic Center Drive, Suite 308
San Rafael, CA 94903
(415) 473-7023
ilundegaard@marincounty.org

FROM: Joe Rogoway, Esq.,
CEO, Managing Attorney
Rogoway Law Group

RE: Public Comment Submittal on Behalf of Marin Gardens to Draft Delivery Ordinance

On behalf of Marin Gardens (“Applicant”), please find the enclosed public comments to the proposed: ORDINANCE ADDING COUNTY OF MARIN CODE CHAPTER 6.86, MEDICINAL CANNABIS DELIVERY-ONLY RETAILER LICENSING (“Draft Ordinance”).

Applicant herein requests the following amendments/revisions/omissions:

I. Section I. Findings

10. WHEREAS, nothing in this Ordinance shall be construed to (1) allow persons to engage in conduct that endangers others or causes a public nuisance; or (2) allow the use of cannabis for non-medicinal purposes, except as allowed pursuant to MAUCRSA; or (3) allow any activity relating to the sale, distribution, possession or use of cannabis that is illegal under state or federal law; and compliance with the requirements of this Ordinance shall not provide a defense to eriminal prosecution under any applicable law. (Strikethrough added)

Applicant respectfully requests that the last sentence in Sec. 10 of the Finding section, cited above, and subject to the redline/strikethrough added here, be omitted from the ordinance. The reason for this request is that this provision would be preempted by Business and Professions Code Sec. 26032(a)(2).

Specifically, Business and Professions Code Sec. 26032 states:

“(a) The actions of a licensee, its employees, and its agents are not unlawful under state law and shall not be an offense subject to arrest, prosecution, or other sanction under state law, or be subject to a civil fine or be a basis for seizure or forfeiture of assets under state law if they are all of the following:

(1) Permitted pursuant to a state license.

(2) Permitted pursuant to a local authorization, license, or permit issued by the local jurisdiction, if any.
(emphasis added).

(3) Conducted in accordance with the requirements of this division and regulations adopted pursuant to this division.

(b) The actions of a person who, in good faith, allows his or her property to be used by a licensee, its employees, and its agents, as permitted pursuant to a state license and, if required by the applicable local ordinances, a local license or permit, are not unlawful under state law and shall not be an offense subject to arrest, prosecution, or other sanction under state law, or be subject to a civil fine or be a basis for seizure or forfeiture of assets under state law.”

As demonstrated above, B&P Sec. 26032(a)(2) states that operating pursuant to a local authorization, license, or permit is not unlawful and is a defense to prosecution, arrest, sanction, and asset forfeiture. Therefore, the provision of Sec. 10 of the Findings, as stated above, is preempted by California state law and should be stricken.

II. Section: 6.86.010 Findings.

WHEREAS, nothing in this Ordinance shall be construed to (1) allow persons to engage in conduct that endangers others or causes a public nuisance; or (2) allow the use of cannabis for non-medical purposes, except as allowed pursuant to MAUCRSA; ~~or (3) allow any activity relating to the sale, distribution, possession or use of cannabis that is illegal under state or federal law; and compliance with the requirements of this Ordinance shall not provide a defense to criminal prosecution under any applicable law.~~

Here, the Applicant requests that the County omit the redline/strikethrough language shown above. Specifically, since all cannabis related conduct remains illegal at a federal level, the inclusion of (3) as related to federal law would render the entirety of the Draft Ordinance illusory since all conduct proposed therein would inherently violate federal law, and thus not be allowed.

Regarding the language related to defenses to criminal charges, please see the comments for Sec. I stated above.

III. Section: 6.86.020 Definitions.

Applicant generally requests that, where applicable, the County adopt MAUCRSA definitions provided in Business and Professions Code Sec. 26001. Additionally, the following items are subject to specific comment from the applicant:

(q) “License” means a county license issued under this chapter.

(r) “Licensee” means any person holding a license under this chapter

The Applicant proposes a change in nomenclature for the County to adopt a local “Permit” program rather than to use the terms “License” and “Licensee”. The basis for this proposal is that

the terms “License” and “Licensee” are already used in Business and Professions Code Sec. 26001 to define compliance at a State rather than local level:

“(y) “License” means a state license issued under this division, and includes both an A-license and an M-license, as well as a testing laboratory license.

“(z) “Licensee” means any person holding a license under this division, regardless of whether the license held is an A-license or an M-license, and includes the holder of a testing laboratory license.”

This means that if the County also adopts the terms “License” and “Licensee”, the overlapping definitions could complicate the necessary differentiation between tiers of jurisdictional compliance. Therefore, Applicant suggests adopting the terms “Permit” and “Permitee” to define local compliance.

“(y) “Premises” means the designated structure or structures and land specified in the application that is owned, leased, or otherwise held under the control of the applicant or licensee where the commercial cannabis activity will be or is conducted. The premises shall be a contiguous area and shall only be occupied by one licensee.

Applicant requests that the County adopt the MAUCRSA definition of “Premises” defined in Business and Professions Code Sec. 26001:

“(ap) “Premises” means the designated structure or structures and land specified in the application that is owned, leased, or otherwise held under the control of the applicant or licensee where the commercial cannabis activity will be or is conducted. The premises shall be a contiguous area and shall only be occupied by one licensee.

IV. Section: 6.86.032 Limitation on number of licenses.

“(a) Up to four MCDORe Licenses may be issued for premises within the unincorporated areas of Marin County for a medicinal cannabis retailer which is closed to the public and conducts sales exclusively by delivery. ~~The Board of Supervisors reserves the power to not grant any licenses under this Ordinance.~~

Applicant respectfully requests that the last sentence in Sec. 6.86.032(a), cited above, and subject to the redline/strikethrough added here, be omitted from the ordinance. The inclusion of the provision risks rendering the entirety of the Draft Ordinance illusory.

V. Section: 6.86.033 Limitation on location.

“(b) (1) Within a 600-foot radius of a school, day care center, youth center, ~~or another cannabis retailer,~~ as required by Section 26054 of the Business and Professions Code, as may be amended from time to time.

“(2) ~~Within a 600 foot radius of a playground or tobacco store,~~ which are in addition to the uses required per Section 26054 of the Business and Professions Code.

Applicant respectfully requests that the provisions subject to the redline/strikethrough language cited above be omitted from the Draft Ordinance. Specifically, setbacks from other cannabis retailers shown in (b)(1) are likely meant to accomplish the public policy objective of insulating against the over concentration of retailers. However, now that the County is only considering

delivery only retailers as being subject to authorization, there likely are not the same public policy considerations implicated as there would be with storefronts which are open to the public. Additionally, the scarcity of potentially eligible locations could require MCDORe facilities to be within the 600 foot buffers mandated in this section.

The Applicant contends that no public policy objectives are met by requiring MCDORe setbacks from tobacco stores.

VI. Section: 6.86.041 Review of applications.

(a) (1) Phase 1 - Prescreening: An applicant must first submit for a prescreening review by the Community Development Agency (CDA), which will include background checks of all owners of the business. The applicant selection decisions will be made by the CDA Director, and are not appealable. Only applicants who receive approval of the prescreening review may proceed to the next phase of the selection process.

(2) Phase 2 - Lottery: ~~If the number of approved applicants exceeds 100% of the maximum number of licenses available, then a lottery will be conducted. Lottery winners do not obtain a license. Rather, they obtain the opportunity to continue to compete in Phase 3.~~

(3) Phase 3 - Application Pre-Submittal: Prior to applying for a medicinal cannabis delivery-only retailer license an applicant must first meet with Community Development Agency staff for a Pre-submittal Review. This review will include a site analysis and plan review of the proposed location.

(4) Phase 4 - Application Review: The County Administrator or designee shall refer the application to any other County departments as necessary to complete the review of the application. The review of the application will include the following application scoring system, based on a 100 point scale:

- i. ~~Business plan 20 percent~~*
- ii. Operating plan – 20 percent*
- iii. Security plan – 20 percent*
- iv. Neighborhood compatibility – ~~25 percent~~ 20 percent*
- v. Public benefits plan – ~~10 percent~~ 20 percent*
- vi. Site and architectural plans – ~~5 percent~~ 20 percent*

Applicant respectfully requests that the provisions subject to the redline/strikethrough shown above be omitted from the ordinance.

Specifically, the County should not pursue a Lottery system of any kind. Lotteries do not produce the most well qualified applicants nor do lotteries provide the best operators. The lottery systems implemented by other jurisdictions generally produce arbitrary outcomes by allowing unqualified applicants to move forward in the authorization process. This is at odds with the County’s implicit policy objective of only having the most well qualified applicants, subject to scoring of 80 or above, as being subject to consideration for authorization to operate.

Applicant also suggests that the County condense the proposed 4 phase application process to a single submittal where the qualifications of the applicant, and the sufficiency of the application, are adjudicated together. This will provide economy to the County staff responsible for reviewing applications.

Applicant further suggests that the scoring mechanism utilized by the County for the adjudication of the applications omit any business plan requirement and enhance the scoring of the Public Benefits plan and Site/Architectural Plans. As shown above (in blue), the Applicant suggests that the County give equal weight to the Operating Plan, Security Plan, Neighborhood compatibility, Public benefits plan, and Site and architectural plans, all with 20% of the total score. The scoring of these categories in this manner is more likely to produce applicants and operators whom meet the County's policy objectives of fostering an environment for the best MCDORe operators.

(c) The Board of Supervisors shall not select any applicant who scores less than 80 percent. It is the intent of this chapter to maintain at least two but no more than four MCDORe licenses. ~~However, the Board of Supervisors reserves the discretion to deny all applications, even if their score exceeds 80 percent.~~

Applicant respectfully requests that the redline/strikethrough language in the last sentence (above) be removed as the inclusion of this language could render the entire Draft Ordinance illusory.

VII. Section: 6.86.050 Operating standards.

(b)(1)State and local licensing. Obtain and maintain a State license for the equivalent State cannabis license type ~~once State licenses are available~~. Obtain and maintain all other required State and local licenses, permits, or approvals as required. (language in blue added).

Applicant respectfully requests that the language shown in blue (above) be added to the Draft Ordinance. The reason for this request is that the Applicant should be able to commence operations once local authorization is obtained, even if State licenses are not yet available.

(7) Protection of Minors. Implement measures that are designed to prevent unauthorized sale of cannabis or cannabis products. The measures shall meet Section 26140 of the Business and Professions Code, and requirements set by the Bureau and County. In addition, a licensee shall not allow on the premises, employ, or retain persons under 18. ~~A licensee shall not sell cannabis or cannabis products to persons under 21 without a State issued Identification Card.~~

The comments submitted by the Applicant on September 18, 2017 to the County on this provision are restated and incorporated herein by reference.



TO: Inge Lundegaard, County of Marin
FROM: Joe Rogoway, Esq., Rogoway Law Group
DATE: September 18, 2017
RE: Marin County Draft Ordinance Adding County of Marin Code Chapter 6.86, Medicinal Cannabis Delivery-Only Retailer Licensing and Minor Limitations

The following is our analysis of, and response to, Marin County's Draft Ordinance adding to County of Marin Code Chapter 6.86, Medicinal Cannabis Delivery-Only Retailer Licensing to the County Code (the "Draft Ordinance").

Findings; Purpose and Intent

Subsection (1) of Section 1, "Findings," states that the intent of Proposition 215, promulgated in 1996, was "to enable persons residing in California who are in need of cannabis for medical purposes to be able to obtain and use it without fear of criminal prosecution under limited specified circumstances."¹ Subsection (5) of Section 1 then states that in order "to protect the public health, safety, and welfare, it is the desire of the Board of Supervisors to modify the Marin County Code to be consistent with MAUCRSA, regarding the control and regulation of medicinal cannabis retailers and to meet the medical needs of those residing in the county."² Section 6.86.011 is even more specific, claiming that the intent of Chapter 6.86 is "to promote the health, safety, and general welfare of residents and businesses within the County."³

While these intentions are laudable, the provisions of the ordinance related to the delivery of medical cannabis to qualified patients younger than 21 do not meet those goals and instead prevent some of the most vulnerable members of this community from having safe access to medical cannabis

Preemption under the CUA and MMPA

California Health and Safety Code Section 11362.71 is part of the Medical Marijuana Program Act (Senate Bill 420) and states that procurement of an identification card is entirely voluntary.⁴ Specifically, subsection (f) of Section 11362.71 states that "It shall not be necessary for a person to obtain an identification card in order to claim the protections of Section 11362.5," which are the protections afforded qualified patients under the Compassionate Use Act.⁵ Health and Safety Code Section 11362.5, in turn, does not state any age requirement whatsoever for a qualified patient.

As a result, if the County of Marin mandates that the voluntary MMPA ID card for persons under the age of 21, that mandate would initially be subject to preemption under both the MMPA and CUA; both of which have no such requirement.

¹ Marin County, California, Ord. No. "XXXX," Ordinance Adding County of Marin Code Chapter 6.86, Medicinal Cannabis Delivery-Only Retailer Licensing §6.86.010 "Findings" (2017).

² *Id.*

³ *Id.* at § 6.86.011 "Purpose and Intent."

⁴ Cal. Health & Safety Code § 11362.71 (2003).

⁵ California Health & Safety Code § 11362.71 (f).

Preemption under MAUCRSA

Senate Bill 94, (“MAUCRSA”), also notes that “existing law requires the State Department of Public Health to establish and maintain a *voluntary* program for the issuance of identification cards to qualified patients who have a physician’s recommendation for medical cannabis.”⁶ Further, MAUCRSA allows M-Licensees (any person who holds a license for commercial cannabis activity involving medicinal cannabis⁷) to allow on their premises any person 18 years of age or older who possesses a valid government-issued identification card and a valid physician’s recommendation.⁸

This means that California State law under MAUCRSA explicitly authorizes patients 18 years of age or older to visit dispensaries with only a government ID and physician’s recommendation. The State of California does not mandate that those patients whom are under 18 years of age participate in the voluntary MMPA ID card program.

As a result, the County’s mandate that qualified patients under the age of 21 participate in the voluntary ID card program is clearly subject to preemption by, at least, California Business and Professions Code Section 26140 as stated above.

This is also true as related to primary caregivers. A parent or guardian with a government-issued ID card who is over 18 and who holds a valid physician’s recommendation for a minor in their care can obtain medical cannabis from an M-Licensee under California state law. The MMPA states that a “primary caregiver” means the individual designated by the person exempted under the Compassionate Use Act who has consistently assumed responsibility for the housing, health, or safety of that person.⁹ Notably, both the MMPA and MAUCRSA state that a primary caregiver shall be at least 18 years of age, unless the primary caregiver is the parent of a minor child who is a qualified patient, among other exceptions.¹⁰

Under the above analysis, the Marin County requirement that “a licensee shall not sell cannabis or cannabis products to persons under 21 without a State issued Identification Card” is in direct conflict with provisions of the CUA, MMPA, and MAUCRSA; and is therefore subject to preemption.

⁶ Cal. Senate Bill 94, Cannabis: Medicinal and Adult Use, Legislative Digest (25) (emphasis added).

⁷ Cal. Senate Bill 94, Section 5, § 26001 (af).

⁸ Cal. Senate Bill 94, Section 83, § 26140 (c)(1)-(2).

⁹ See Cal. Health & Safety Code § 11362.5 (e).

¹⁰ See Cal. Health & Safety Code § 11362.7 (e); Cal. Senate Bill 94, Section 134, §11362.7 (e).

Lundegaard, Inge

From: Lane Arye, Ph.D. <lane@processworklane.com>
Sent: Thursday, September 21, 2017 11:44 AM
To: Lundegaard, Inge
Subject: medical cannabis delivery ordinance comment

Dear Inge,

Thank you for your continued work on the new county ordinance regulating medical cannabis delivery services. Unfortunately I was not able to attend Tuesday's workshop, but I have read the ordinance and got a detailed recap of Tuesday's meeting from Amos Klausner.

While I am greatly relieved that the ordinance specifies delivery only businesses, I would like to suggest some important changes in order to protect communities and kids.

- Increase the setbacks from schools.
- Add proximity to "Safe Routes to Schools" as a limitation on location.
- Schedule community meetings in impacted areas
- Change the scoring system to increase the percent based on neighborhood compatibility
- Include a community appeal process
- Remove the Lottery from Phase 2 of the application review so the county properly screens candidates
- Restrict commercial signage and only allow identifying street address signage
- Assure that there is a strict definition of "delivery" in the ordinance
- Assure that no "showrooms" will be allowed
- Add a penalty (revocation of license) for dispensaries whose product is repeatedly found on teens who are arrested for having a controlled substance
- Only allow prepayment options for delivery -- no cash payments to drivers

Thanks again.

Sincerely,
Lane Arye
Woodacre

Lundegaard, Inge

From: amena hajjar <thregenarc@yahoo.com>
Sent: Thursday, September 21, 2017 10:00 AM
To: Lundegaard, Inge
Subject: We dont need a delivery pot shop located in SGV

Follow Up Flag: Follow up
Flag Status: Completed

To whom it may concern:

I am a resident of SGV, where my husband and I have been raising our daughter. We came here years ago to get away from the east bay rat race of dispensaries and crime.

I am a cancer warrior who can speak first hand to the need for medical marijuana, so it is not my personal belief that those who are in true need of the medicine shouldn't be without. But that being said, we have access here in San Geronimo Valley. Plenty of access. We do not need to take a storefront (need I remind you how limited we are on store fronts) and dedicate it to a delivery only shop. AND least of all locate it less then 600' to a school, on the safe routes for kids traveling to and from school, playground, community center, afterschool LOFT program and adjoining neighborhoods.

I am writing you to strongly consider the outcry our community has against ANY medical marijuana shop (even delivery only) in the SGV. We are a quiet bedroom community that does not need this type of business, ever. I urge you to amend the ordinance as follows:

- Increase the setbacks from schools. (The ordinance says a warehouse has to be at least 600 feet from a school. In San Diego, it's 2500 feet!) 600 feet to 1500 feet (San Diego is at 2500 feet)
- Add proximity to "Safe Routes to Schools" as a limitation on location. (Not on the one route to school for many valley kids!)
- Add proximity to "Senior housing" and "Affordable housing" as a limitation on location
- Schedule community meetings in impacted areas (as was done during the last storefront process and is not currently planned for delivery)
- Change the scoring system to increase the percent based on neighborhood compatibility
- Include a community appeal process
- Remove the Lottery from Phase 2 of the application review and asking the county to properly screen candidates
- Restrict commercial signage and only allow identifying street address signage
- Assure that there is a strict definition of "delivery" in the ordinance (ideally only to private residences or private businesses)
- Assure that no "showrooms" will be allowed
- Keep the cap at a max of 4 delivery services (some in the industry were pushing for no caps)
- Add a penalty (revocation of license) for dispensaries whose product is repeatedly found on teens who are arrested for having a controlled substance
- Assure that warehouse locations are made public during the application and review process (some industry folks were pushing to keep this private)
- Assure county track and trace program will be integrated with state program and county will have access to state systems
- Only allow prepayment options for delivery -- no cash payments to drivers
- Consider requiring warehouse locations to be within a certain distance of police or sheriff stations

Thank you.
Amena Hajjar

Lundegaard, Inge

From: noreply@marincounty.org
Sent: Wednesday, September 20, 2017 10:24 AM
To: Lai, Thomas; Lundegaard, Inge
Subject: Medical Cannabis Dispensary Ordinance

Follow Up Flag: Follow up
Flag Status: Completed

Name: Ozzie Ozkay-Villa

City/Community: San Rafael

Email: ozzie@oov.life

Comments: Hello, I am a Marin County native, active community member and mother of two. I founded Alternative Mothers Group, am a Doula and sat on the board of advisors for Marin Family Birth Center. My husband is executive chef and partner of Marinitas in San Anselmo. One of the many reasons we love Marin County is the progressive mindset of the community. I have to say we have been disappointed by the way Marin has handled medical cannabis proposals in all forms. The surrounding areas have adopted a more open and accepting attitude to this amazing paradigm shift yet Marin seems to be having a hard time moving forward. First with the restriction of walk-in dispensaries (which was very disappointing to many patients and applicants that worked so hard to adhere to county requests) and now to put strict restrictions on delivery dispensaries, it seems Marin is neither listening to the citizens nor observing the progress of surrounding areas. It is no longer a secret that cannabis is effective medicine for millions of Americans. Research proves it time and time again. Limiting access to this form of medicine to the citizens of Marin is surprising and concerning for the future of this county. We would like to see the cap of 4 permits be lifted. Each delivery service serves a unique demographic of patients and carries different forms and strains of medicine. There are delivery services that have the public's interest at heart. That want to deliver the highest quality of medicine to their patients and that actually care about their well-being. A lottery seems like a short cut to finding a solution. 600 feet? This does not make any sense to me and seems like it would actually create more work for the county. Why not give the services the opportunity to work together? It would seem much more efficient to have fewer locations to inspect and one area to monitor then to have them spread out and deal with multiple communities. Frankly, it seems like those making the decisions are not listening to the public and perhaps Marin is not as progressive as we once thought it was. We see many friends leaving Marin due to the overall elitist feel that seems to be developing over the years. We truly hope that we can see a shift happen in this particular area and see the support of our elected officials in the way the public chooses to medicate and purchase their medicine. Thank you

Lundegaard, Inge

From: adam fong <niceguysdelivery415@gmail.com>
Sent: Wednesday, September 20, 2017 7:04 AM
To: Lundegaard, Inge
Subject: Comments on the Public Hearing
Attachments: PastedGraphic-2.tiff

Follow Up Flag: Follow up
Flag Status: Completed

Hi Inge,

Thanks again for hosting tonights session. It was great hearing the public's comments as well as some of the industry members responses to those comments. I wanted to write some comments of my own as a member of the community and as an industry member and send them over to you (woke up early as I could not stop thinking about all this!).

I've been up in the wee hours in the morning thinking about last nights community session. What hit me the most regarding the comments that I heard was that it seems as if some members of the public do not realize or seem to recognize that some of the people that are operating these businesses are in fact community members and might quite possibly be more part of the Marin County community then they even are (I have no idea but this is just speculation).

I wanted to say this at the public hearing but more wanted to stay quite (again) and hear what other people had to say. If I have the opportunity to read the below, or if you would like to read the below to the Board you are more than welcome to. This is not in any way a promotion of our business. It is simply my sincere feelings on this ordinance and what I have experienced as a member of this community and and industry member so far:

I grew up in Marin. I was born in Berkeley, lived in the East Bay until I was 9 years old and then moved to Mill Valley. I attended Old Mill School for 1 year, Mill Valley Middle School and then Tam High. My parents (specifically my mother-she had ties here as her Uncle was Samuel Hayakawa who had been a MV resident) moved us to Mill Valley specifically because of the education quality and overall safety of the community. Living in the East Bay (Pinole specifically) you could not simply walk to school without parent supervision. There was no "hangout spot" or park that you could "just go to" to play. I specifically remember being 9 years old and being dumbfounded by being able to walk to Old Mill School in the mornings BY MYSELF.

My parents enrolled me in ballet down town Mill Valley right across from the Fire Station in the old Masonic Lodge. At MVMS I was in the school plays. In High School I was on the Tam High tennis team, Moc trail, worked every summer at the Mill Valley Arts Festival dog sitting across the street in front of Old Mill Park, marched in the Memorial Day parade with my ballet studio, and then the Home Coming Parade with my tennis team for Tam High....and so much more. After I went off to college I spent my summers working a. Bolinas Summer camp as well as working Retail at Banana Republic in both the Corte Madera Mall and what use to be the first Banana Store down town MV. I worked one summer at the Sweet Water when it used to be on Throckmorton...The memories that I have of growing up in Marin are priceless. I am so fortunate to have grown up in such an amazing environment. Both environmentally and educationally.

After living in Los Angeles and New York for around 10 years I moved back to my beloved home in 2013. I knew I always wanted to move back to this community and finally took the plunge (when I turned 30 as kids do these days) and moved back in with my parents in Cascade Canyon. I was again, blessed to get a job as a Senior Director of Development at a Footwear company located in San Rafael. After a carrier in fashion/footwear in NYC and LA I never thought I would find an opportunity in my home county but I did. I met my partner in 2013 at an old friend's house who I used to do ballet

with Down Town MV. When I first met him he was extremely vague about what he did and I believe he told me the made picture frames.

As I got to know him/fall in love with him I found out what he really did, I was of course: nervous. I tried pot in high school and in college and when I was growing up you got it from a Dealer. You always knew a guy (or girl) who knew someone who knew someone. Now I was, with that someone. But, when I started to met the patients that he was servicing, experiencing that passion that he had helping people, learning about the differences in strains (I always thought there was one and it just got you high) I began to realize the need for this medicine.

Comments that were made at last night's hearing concern me. I am a member of the community. I am also a mother. Our son was born at Marin General Hospital. The restrictions that some community members would like to put on these businesses that are trying to operate, I believe, put the families that are trying to operate such businesses into further danger then they already are.

To the comment made by wanting information about the applicants/places of business: Since we are not a store front/operating retail space, I do not see the need to disclose this information to the community. In fact, I find it more harmful to do so as the chances of teenagers/robbers finding out where inventory is stored increases 10 fold. Our direct neighbors in our building are completely accepting of our business operations and have welcomed us open armed by even them telling their friends/family/coworkers about where we are located makes me nervous as this spreads word of mouth. I work out of this office during the day and even though we are implementing all security measures in order to ensure the safety of our employees, you just never know.

Also, patients get confused (we already have experienced this) and will show up at your location of operation wanting to purchase on sight with the misunderstanding that you are a delivery service only.

In the response to the "At Home Day Care Centers" being added to the bill. Our 1 year old son attends one of those day cares in Mill Valley. The owners of the day care are completely accepting of our business operations. In fact, some of the parents of the other children that attend said daycare are our customers. I strongly believe we should stick to what has been written in state regulations.

As far as marking cars (even with the "How am I driving" sticker): My partner is the driver for our operation. Anything marking the car is going to be recognizable by a teenager/robber. I know because I was a mill valley teenager and I had friends in High School who robbed a "drug dealer" when we were 18 at gun point (with Bibi guns...incredibly stupid). There are cannabis delivery services that are operating on a daily basis already. To have people be able to identify our business cars, with my partner in it, concerns me for the safety of not only him, but our community. People are smart. They will figure it out even though the marking is supposed to be as "unrecognizable" as possible. Even if all security measures are put into place within the car and with the driver. If people are going to try to rob you, they will figure out a way to do it, even if that means taking someone's life.

I understand the community's concern but as a resident, Marin Mother (I am also part of the Souther Marin Mothers Club), Bay Area kid, Tam High graduate, I am also concerned for my family's safety as a Cannabis operating business in the same community that was addressed at tonight's public hearing.

Let me know if you have any questions about any of the above and thanks so much again Inge!

Warm Regards,

Monica

(415) 855-5914
niceguysdelivery415@gmail.com



<https://www.niceguysdelivery.com/>

<https://www.facebook.com/pg/niceguysdelivery/about/>

<https://www.yelp.com/biz/nice-guys-delivery-mill-valley>

<https://www.instagram.com/niceguysdelivery/>

Lundegaard, Inge

From: Adam V <somosknow1@gmail.com>
Sent: Tuesday, September 19, 2017 10:31 PM
To: Lundegaard, Inge
Subject: Delivery only ordinance

Hello, Inge, County Supervisors, CDA and everyone else :)

Firstly I want to thank you all for your immeasurable patience and diligent work on this very difficult project.

I'll get right to it. I don't see anything in the new ordinance that addresses concerns brought up at the last industry meeting pertaining to the older gentleman's experience (many other's experience as well) with elderly or inexperienced medical cannabis patients receiving delivery of cannabis products that were wholly inappropriate for their needs. Not only is this situation almost as common as it is irresponsible, a patient is not getting what would best address their symptoms. This may be due to negligence on the part of the dispensary, but just as likely it may be due to the patient not understanding what they need and ordering the wrong thing. This situation, all too often leads to entirely unnecessary and avoidable adverse experiences. Something that could more easily be avoided if the purchase was made in person from a dispensary solely devoted to filling true medical need. I believe this must be considered when drafting county ordinance that will determine the means by which Marin's medical cannabis patients will be acquiring their medicine. For far too long "medical cannabis" has concerned itself with meeting the needs of recreational users (that have "medical" recommendations) often to the exclusion of patients with serious and significant medical needs. This has caused patients to be overlooked or worse, fed unclear unsubstantial and unsafe information about what to buy, how much to use and how to go about using it. Relying on out of county resources to fill this need is simply not an option for many patients.

By only licensing delivery "medical" dispensaries, the county is hindering the growth of true medical cannabis and putting real patients at risk. By catering to the public's fear of licensed recreational cannabis, the county is requiring "medical" cannabis dispensaries to fill the need for recreational access. If we hope and/or expect Doctors to stop giving out frivolous medical cannabis recommendations the county has to stand up and support, condone and facilitate access to recreational cannabis. The number of "medical users" the county is thinking will be served safely and efficiently by a mere four delivery-only-dispensary licenses is pale in comparison to the number of recreational cannabis users in Marin. These recreational cannabis users, that are not able or are not interested in going out of county for their cannabis, will be forced to continue acquiring cannabis under the false pretense of medicinal need or will continue to prop up the (thriving) black market. The county seems to be making a decision based on fact-free public outcry and is in turn sustaining a much worse public health situation.

This is not only irresponsible but it is, in my humble opinion and with all due respect, like a parent allowing a kid to ride a bike without a helmet because the kid objected to it on account of the helmet messing up their hair. Inglorious as the job may be, it is up to the county to act in the public's best interest even when the public kicks and screams about it. The county hears the outcry and can work with folks to dispel their fears, reminding them that theirs and their children's safety is the utmost concern. The reality we must face is one where recreational cannabis dispensaries must be licensed to operate as such, rather than only licensing medical dispensaries and then expect them to properly serve medical patients and all the recreational consumers with medical recommendations.

I want to be clear, it is my belief that a recreational environment is one where if an adult buys the wrong product and gets too high, they have to deal with that (and hopefully not call the ambulance in the process). If the same thing happens to a person with a serious medical condition/need, that falls on us all to take responsibility for supporting an incomplete medicinal cannabis environment.

I am a realist and as such I understand that the ball is rolling and it is highly unlikely it will be acted upon by a force strong enough to change its trajectory before this ordinance becomes law. I am only trying to widen the conversation to include bold moves and firm statements that would protect and improve our dear county and uphold a common sense of justice while moving cannabis forward instead of further institutionalizing the misguided status quo. Thank you for bearing with me.

That said, I would like to offer up some small questions and comments on the ordinance itself as it stands.

Is the county going to require these four dispensaries to carry any particular amount or type of CBD products? If so, is the county going to require dispensary staff to have any quantifiable amount of experience or understanding as it pertains to CBD products and their use in addressing specific symptoms?

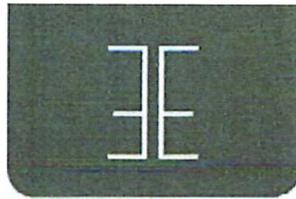
I understand that there is only so much time and person power available to the county for reviewing these extensive applications, but I believe that the county owes it to the constituency to select all the best applicants for phase 3. A lottery does nothing to identify this a qualified group. I believe that this method would be an easy target for public opposition to the ordinance, and rightly so. It seems to me that phase 3 itself, would be a good place to shrink the the pool of applicants down to a number that the county can manage.

If there is going to be a lottery, I believe it would be rude and terribly unfair not to allow qualified applicants from the last ordinance application process to bypass the lottery and automatically be included in the Phase 3 process. *I do not represent, work with or have any notion that any of these applicants are more qualified than anyone else, I simply feel this is the fair and just way to proceed.

I wonder who in, and on what scale, the CDA will weigh an application and allow it to move to Phase 4 (and I wonder if that tricky situation is the reason for thinning the herd with Phase 2). It may be beneficial to add some bit of complexity to Phase 1 in order to prevent the expected mass of applicants for prescreening.

Thank you very much for your time and consideration of the concerns voiced by everyone involved in this many sided hootenanny ;)

Adam Vurek



Epperly | Elam
LLP
FIO NIYS

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September 19, 2017

Re: *Non-Storefront Dispensary Workshop Comments*

Dear Ms. Lundegaard:

Thank you for organizing the two workshops over the past week. They have been very productive. The following are Access Marin's written comments for consideration that are respectfully submitted:

- 1.a The County of Marin should *amend and not replace* the medical cannabis ordinance that way we preserve a *level playing field* for the initial 10 applicants who submitted their applications and fees before the August 31, 2016a deadline;a
- 2.a If the County decides to have a lottery, it should still require an applicant to submit an application along with fees. That way it maintains a *level playing field* with the initial 10 applicants who have submitted applications (some up to 700a pages in length) and makes the process more efficient by not having to wait for winners to prepare them after;
- 3.a The draft ordinance should make it clear that if an applicant is awarded a license, their license shall remain valid *unless* and until their pending state license application is *denied*, as it **may take** a long time for the state to issue a parallel MCD license;a

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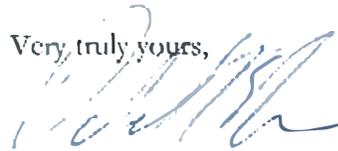
SAN FRANCISCO

www.epperlyelam.com

WASHINGTON DC

- 4.l So as not to favor big corporations, the County should not require a traffic study or any other costly study as a prerequisite for awarding a license to an applicant;
- 5.l Access Marin strongly urges the County of Marin to move with all haste and supports the *shortest* notice, filing, and review periods so that permits/licenses are issued by the end of 2017;
- 6.l Access Marin recommends no new filing fees, the least application requirements, and recommends no new application guidelines except for those found in the August filing;
- 7.l Only the 10 remaining applicants should be eligible to receive a permit/license in 2017;
- 8.l Do not adopt a point system but keep the scoring exactly the way it is, as a point system would better allow disgruntled applicants to sue the County for abuse;
- 9.l If a point system is adopted, it should include a category awarding twenty (20) points for "non-disruption of existing and critical health services to Marin patients";
- 10.l If a point system is adopted, the pass rate should be seventy (70) rather than eighty (80) percent as proposed in the draft ordinance;
- 11.l Access Marin fully supports the Santa Cruz model of prohibiting delivery within the County for those operators who do not have licenses issued by the County. It is not illegal to do so, as localities have *broad discretionary* powers, and even if the law were eventually struck down, the critical period is the first year of implementation to encourage operators to sign up, be regulated, and pay taxes.

Very truly yours,



Robert L. Elam, Esq.

To: Marin County Board of supervisors
3501 Civic Center Dr
San Rafael, CA 94903

Subject: Medicinal Cannabis Delivery-Only Retailer Licensing

To Whom It May Concern: I am writing in as a cannabis professional who owns a delivery service and services Marin County patients.

I have reviewed the proposed draft ordinance for the Medical Cannabis Delivery-Only Retailer licensing. I believe the most important element that needs to be addressed is the “up to four MCDORe Licensee to be issued. I understand this is Marin county’s first attempt to grant delivery licenses however I believe we should allow the “demand and supply” of the county determine permits cap.

By allowing only four permits, delivery service such as myself could be shut down and pushed out. ONA has been a dream come true for myself and I’d like to do everything in my power to continue operating. I am born and raised in Marin County and would like to continue owning my business in my hometown, serving my community and giving safe access to all those in needs of medical cannabis.

I respectfully submit the following specific comments for review:

1. Remove the 4-permit cap.

Section: 6.86.032 limits the number of delivery licenses that may be issued for premises within unincorporated Marin County to 4 licenses total. I am advocating for the removal of a numerical cap and believe the ordinance should limit the availability of locations for delivery services and provide for a rigorous application process, but should not institute a numerical cap on licenses. Numerical caps are problematic for a number of reasons.

Caps create a government sanctioned monopoly. Lack of competition results in lower quality customer service to the people who rely on that business. Many Marin residents obtain their medicine from delivery services who they already know and trust. There are over 4 delivery services currently providing medical cannabis to patients in Marin. There are 30

delivery services listed on Weedmaps in the county of Marin. There are many more not listed online. These businesses exist. Implementing a 4-permit cap will ensure the continuation on these businesses unregulated activities. Permitting them and allowing them a chance to come into the regulated market will allow Marin to have control over who is providing medical cannabis to their community.

Rather than capping the number of licenses that are available, the county can make the application process more stringent by limiting the areas in which deliveries are allowed.

2. Allow deliveries services to be located within 600-foot of each other.

Section 6.86.033 states that a delivery service can't be within a 600-foot radius of another cannabis retailer. This is not required by any state law and Marin should not include this restriction. There is already limited space available delivery services due to the zoning restrictions. I believe operators should have the option to work closer together, within the same building or in the same area. Deliveries are not public facing, do not require a large number of parking spaces, do not increase traffic and do not impose an added security risk, therefore their presence would not have a noticeable effect on the area it is located within. For this reason, having multiple delivery services within one building or area would not offend the public or cause a burden to the surrounding area. Other localities, such as San Francisco and Oakland have created "delivery hubs" where multiple delivery all work out of smaller offices or spaces within a larger building which they collectively use as a hub. This approach allows law enforcement and city inspectors to visit one building instead of visiting multiple locations.

3. Remove the lottery. Section 6.86.041 provides that applicants will need to participate in a lottery in order to continue to Phase 3.

I am advocating in removing the lottery phase. The lottery could potentially push out the best applicant who has the best interests of the community at heart, while awarding a permit to someone who is less qualified to tend to the needs of Marin. This raises major concerns for the community and the patients involved, who have an interest in finding the best possible applicant.

I believe the ordinance should contain a priority provision that will automatically allow delivery services that have been operating in compliance

with state law and have been operating within Marin since 2016 or who are a Marin resident. I believe this helps give the community an applicant who is already in the community and allows priority to these operators.

4. The application review should have less emphasis on the business plan and more emphasis on the benefit the delivery will provide to the public. The draft ordinance allots the businesses plan 20% of the total score. Judgment of a business plan can be very subjective. Instead of comparing which business model is better, which could be difficult to quantify, the application should put more emphasis on what the business provides for Marin. Factors could include: how many patients the delivery applicant already has in Marin, how much the applicant gives back to the community of Marin, and how many employees are based in Marin.

In summary, I Nurit Raphael submit that the three most significant issues with the proposed draft ordinance are (1) removing the numerical cap on licenses and (2) removing the lottery (3) removing the 600 foot buffer from other each other.

Sincerely,



09/19/2017

Nurit Raphael
Founder of ONA.life

Lundegaard, Inge

From: noreply@marincounty.org
Sent: Tuesday, September 19, 2017 3:34 PM
To: Lai, Thomas; Lundegaard, Inge
Subject: Medical Cannabis Dispensary Ordinance

Follow Up Flag: Follow up
Flag Status: Completed

Name: RebeccaByars

City/Community: Concord

Email: rebeccatbyars@gmail.com

Comments: Dear Supervisors, I am writing to request modifications to the Medical Cannabis Delivery-Only Retailer license ordinance that is currently under consideration. I work with elderly and the seriously ill patients in Contra Costa County, and I see on a daily basis how their suffering is alleviated by cannabis. I am requesting, on behalf of cannabis patients in Marin County, the following modifications to the ordinance: Number of Licenses Please allow more than four licenses. Four licenses for a population of 260K is not enough. The County Health Rankings and Roadmaps organization reported Marin County as experiencing over 18K drug-related deaths during 2013-2015. <http://www.countyhealthrankings.org/app/california/2017/measure/factors/138/data> Most patients who are prescribed opioids are primarily treating pain, as are patients who are using cannabis. There is no such thing as a lethal dose with cannabis. American Scientific points to a study in 2014 that shows a decline of these deaths at 25%: <https://www.scientificamerican.com/article/could-medical-cannabis-break-the-painkiller-epidemic/> A 25% reduction in drug-related deaths represents 4500 Marin County lives that could have potentially been saved if there was more access to medical cannabis during 2013-2015. Patients need as much access as possible and by limiting these licenses you are empowering four companies to determine which products and resources would best serve your community. Open up the licensing to an unlimited number and let the market determine which businesses serve your community best. Lottery If you must limit the licenses, please do not rely on a lottery system for issuing these permits. Lotteries level the playing field, which cannot be afforded in an industry that serves our most vulnerable populations (our sick and elderly). Consider grandfathering in businesses that have a proven track record of success in Marin County, and empower your residents to be the leadership of these important organizations. Lotteries potentially reward the wrong players in an industry where we need to count on our local business owners and residents to help provide for the community in which they live and serve. Thank you for taking this important step towards regulation, and for showing other CA counties that they do this, as well. Rebecca Byars

Lundegaard, Inge

From: noreply@marincounty.org
Sent: Tuesday, September 19, 2017 3:27 PM
To: Lai, Thomas; Lundegaard, Inge
Subject: Medical Cannabis Dispensary Ordinance

Follow Up Flag: Follow up
Flag Status: Completed

Name: KATHLEENMORRISON

City/Community: MILL VALLEY

Email: mjskrm@aol.com

Comments: Understanding that basically every city in Marin has made it illegal to have pot dispensaries within their own city limits, I would hope that the County of Marin looks out for the citizens who live outside city limits as well. Since Sean Parker and Gavin Newsome signed the legislation that passed, I would hope that Sean would encourage a dispensary/delivery store next to Woodlands Market in Kentfield - just down the hill from where he and his family live. Similarly, I would hope that Gavin, who lives in Ross with his family, would support a dispensary/delivery store near the Ross Post Office - where he lives. If they thought that this was such a good idea, I see no reason not to put the dispensaries close to where their kids live. Tam Junction would be the worst area possible - terrible traffic, hundreds of kids passing through every day, within 1/4 mile from 4 schools. Thank-you for reading.

Lundegaard, Inge

From: noreply@marincounty.org
Sent: Tuesday, September 19, 2017 3:20 PM
To: Lai, Thomas; Lundegaard, Inge
Subject: Medical Cannabis Dispensary Ordinance

Follow Up Flag: Follow up
Flag Status: Completed

Name: CalebKouns

City/Community: Bay Area

Email: calebkouns@gmail.com

Comments: To whom it may concern: I am submitting a comment as an active medical cannabis patient. I have reviewed the proposed draft ordinance for the Medical Cannabis Delivery-Only Retailer licensing. I feel that there a couple of concerning issues with this proposed legislation: 1. Four permit limit: I do not agree with a cap on licenses. I think that the zoning regulations and rigorous application process should be more than enough to ensure that the number and quality of cannabis delivery businesses reflects the wants and needs of the citizenry of Marin County. Limiting the number of licenses to four will eliminate competition and greatly diminish the overall quality of the products and services available to the people of Marin County. It will also encourage and foster black market sales, which is contrary to the entire endeavor. There are 25+ delivery services currently operating in Marin County. They provide a valuable service to the residents. These operators deserve a chance to be brought into a regulated market, and providing them with licenses will further ensure that Marin has control over the medical cannabis being provided to the people. 2. Lottery: I believe that Marin county wants to provide the best of everything to its community, including medical cannabis. If a lottery is imposed, then the ability to choose which businesses will best serve the people of Marin will be effectively eliminated. Business applications should be granted on merit of quality and the genuine desire to improve the community in which it exists. A lottery would reduce the process to pure chance. Yes, the pre-screening would presumably beat some of the wheat from the chaff, but it seems preposterous to me to reduce something as important and historical as this to drawing names out of a hat. Of course, if you remove the license limit, then there'd be no need for a lottery. You could simply allow zoning and the application process (sans lottery) do what it's supposed to and weed out unqualified businesses. Thank you very much for taking the time to review my comments, and I really hope you don't implement a lottery and let more than four delivery services operate in Marin. Limiting the number of licenses to four would be disastrous for the community and would destroy what could be a thriving business community that is eager and excited to develop a salubrious relationship with the people and county of Marin.

Lundegaard, Inge

From: noreply@marincounty.org
Sent: Tuesday, September 19, 2017 3:14 PM
To: Lai, Thomas; Lundegaard, Inge
Subject: Medical Cannabis Dispensary Ordinance

Follow Up Flag: Follow up
Flag Status: Completed

Name: YvetteWakefield

City/Community: Mill Valley

Email: yvette_wakefield@yahoo.com

Comments: I am writing to request that the Marin County Board of Supervisors respect the wishes of the voters of Marin County and provide legal, safe access to medical marijuana. Please allow as many delivery services as are needed to serve customers in Marin. The number already delivering here indicates that four delivery services would be totally inadequate. In addition to the services listed online, there are delivery service in the East Bay, San Francisco and Sonoma County who deliver here in Marin, but do not advertise here. The idea of having a lottery for recipients of permission to deliver is ridiculous. A lottery works for prizes at some event, it does not work for something as important as a qualified business operating a delivery service for medical marijuana. Please do your job as supervisors and be responsible about how you award the operating permits for delivery services. Thank you, Yvette Wakefield

Lundegaard, Inge

From: noreply@marincounty.org
Sent: Tuesday, September 19, 2017 2:42 PM
To: Lai, Thomas; Lundegaard, Inge
Subject: Medical Cannabis Dispensary Ordinance

Follow Up Flag: Follow up
Flag Status: Completed

Name: BenjaminGrambergu

City/Community: Oakland/San Rafael

Email: bengrambergu@gmail.com

Comments: Hello, I'm very excited to see Marin addressing cannabis in such a great way! Congrats on taking on the task, I think Marin's citizens as well as the county both stand to benefit from these actions. My attention was brought to a few points in the draft ordinance set to be commented on tonight. Since I will not be in attendance, I wanted to share my opinion: 1 - putting a cap on delivery services is counter-productive and discourages true competition. After examining other cities and counties who have adopted such an ordinance, it has 1) allowed just a few, well funded and often sub par people control the competitive landscape and 2) shorts the local municipality on potential tax revenue, application fees, and so on. Furthermore, rogue delivery services will continue to operate, draining resources and becoming an unsafe distraction. Allowing all to register will net more money for the county as well as allow you to track what they are doing easier. It will also help identify any rogue "bad apples". I also want to express my concern on the lottery system. Permits should be awarded based on merit, credibility, and professionalism. The folks that are taking the time to cross their t's and dot their i's from the beginning should be identified and rewarded. Since Marin is definitely more of a "delivery" audience, I wanted to address these two concerns. I appreciate you taking the time to read them. Thank you, Ben Grambergu

Lundegaard, Inge

From: george@medi-cone.com
Sent: Tuesday, September 19, 2017 2:32 PM
To: Lundegaard, Inge
Cc: Lai, Thomas; Case, Brian
Subject: [FWD: CBDV]
Attachments: New Drug Application Checklist (2).pdf; FDA and Marijuana.docx; drone 2.jpg; drone 4.jpg; drone shot.JPG; Hemp Farm 1.jpg

Follow Up Flag: Follow up
Flag Status: Flagged

Dear [Inge Lundegaard](#),

The below email is a forward of a letter I sent to David Downs. David is considered the countries top Cannabis reporter/author. I wanted to touch base with you regarding the Counties decision to allow me to work with this volatile subject. When and if David meets with us for an interview, all local politicians and decision makers will be invited for a garden tour. We have decided that we will only grow industrial hemp outdoors at our San Geronimo site. We are growing our Divarin indoors as to not mix the two. We also hope to move our hemp research grow to a more suitable site hopefully next year.

Unfortunately I cannot attend tonight's meeting for the Delivery ordinance. I am attending the Novato Cannabis workshop tonight. I will be there with the folks from Lippomix, a Novato Pharmaceutical company. I feel there is a chance that Novato will allow a Pharma/professional approach to Cannabis. This would put us in a better legal position here in Marin. Any help getting Novato to allow real Pharma produced Cannabis meds would be helpful.

While you really don't need me there for this portion of your meetings, I was planning to attend these meetings to get a better idea of what the council is up against. Kind of a reverse activist position. I may be able to help quell any cannabis uprising by identifying the resistance or resistors so that this process does not turn into a circus. I will work behind the scenes to promote the Counties plans and ease the process. I have seen the best of ordinances get beat up and stalled by Cannabis activists who refuse to let Cannabis come into it's own with a slow and careful natural process.

My personal position being a 61 year resident and business person of Marin while watching and participating in this Cannabis experiment for the last ten years is simple. I applaud Marin County officials in their attempt at four Medical Dispensaries. I also completely understand the NIMBY response from local residents. I believe the main reason for this reaction is simple. Marin County, as beautiful as it is, it just doesn't have proper locations for the dispensaries, if it had, I may have applied for a permit.

The delivery program is a great way of solving this issue of safe access to Cannabis. Every town does not need a dispensary, but should comply with the will of the people in some way.

I have seen both good and bad delivery companies. I would be happy to attend the future meetings and share my concerns for the Marin Ordinance. We are not interested in competing for a delivery license.

George Bianchini
Chief Executive Officer
WWW.Medi-cone.com
510-504-3961



----- Original Message -----

Subject: CBDV

From: <george@medi-cone.com>

Date: Tue, September 19, 2017 11:59 am

To: "David Downs" <david.downs@gmail.com>

Hello David,

Just wanted to touch base with you. I know you are busy with the new Cannabis insert magazine in the Examiner, as well as other things. The press release I was going to send out is running out of time for prime photo opportunities.

I will try to explain what I have for you in this email. First here is a list of possible story lines

1. The Cannabis industry is facing an evil twist in free enterprise regarding legalization.
 2. The entire industry is facing a new major issue on the legal front aside from the FDA.
 3. Medi-Cone is ready to release a major new product that does not exist in the market now.
 4. Medi-Cone is entering the Industrial Hemp area, complete with a Research and Conservation facility.
- The new evil we have personally witnessed is the new group of business people that appear readying plans to rape the Cannabis industry. I can give you two examples involving Medi-Cone. I am referring to new corporations forming Cannabis companies with the obvious attempts at conning people out of their money. AKA, pump and dump stock schemes. People are jumping at and funding these new companies that have less involvement in and knowledge about MMJ than your average bud tender. I can show you two undiscovered scams involving millions of investor's dollars. I have personal knowledge of details on how this works and who is doing it. *This could be a scoop!*
 - The new major issue we are facing is the FDA. The Cannabis industry including myself markets products the FDA will consider "adulterated". The process necessary for FDA approval NDA (new drug application) which will be required could cost about \$500,000++++ per product before it can be sold at a dispensary or other retail establishment. I have attached the FDA's NDA information checklist.
 - The major new product we are about to release is the (our opinion) best pure medicinal joint and oil product to date. Through exhaustive breeding and strain hunting we have bred an African land race Sativa as well as several indicas to our high THCV Black Beauty strain. We then crossed it back to an industrial hemp hybrid we received from Colorado. We have named this new strain Divarin. We are waiting for the latest test results as we are now infusing the flower with hash oil from the same strain. Here is what cannabinoids this strain will deliver.
 - THC, THCA, CBD, CBDA, *THCV, THCVA, CBDV, CBDVA*. These cannabinoids will be full dose amounts in a single joint or oil product. There is also a fair amount of CBC and CBG in the mix. The THCV came from the Divarin which we have been breeding for some time now. New to this strain are the CBDV and CBDVA. These are the rarest cannabinoids on the planet right now. I will include some info about CBDV. This new product will be an anytime use, though we are

working to blend in levels of CBN for a nighttime go to sleep dose. We believe we will be the only vendor marketing this extremely rare CBDV cannabinoids. A side note is that Marin County has placed a county wide ban on all Cannabis activities. We have been blessed that the county will allow us to grow and breed just these strains of THCV and CBDV Cannabis for research, as well as our Industrial Hemp. Which leads us to.....

- Medi-Cone is now breeding and growing Industrial Hemp. We have a Research grow at our West Marin Property as well as 25 acres in the ground in San Joaquin County. This started out two years ago with a lease of a 350 acre farm in Lodi. Low and behold we found that this farms as well as almost all other California farms have been infected with DDT as well as other harmful pesticides. This would be OK for Hemp grows for fiber, but not Medical Grade CBD oil, as Hemp (Cannabis) is a rare accumulator plant species, meaning it uptakes heavy metal molecules in the soil and transfers them to the plant. I know you are aware of our water wicking systems. Which we plan on utilizing in our Hemp grow. We also plan to roll out (next year) as part of our Research and Conservation work, a plan to acquire tainted farm land and grow a specialized variety of fiber Hemp on most of the land that will clean the contaminates in the soil. This special Hemp when harvested will be used to make Hemp Crete for building projects on the farm. The remaining land will be used to grow medical grade CBD/THCV/CBDV from Hemp grown above ground in self-contained 100 gallon wicking system containers. Our goal will be to see how many years it takes for Hemp to cure the soil. I have a prototype here now! I can't wait to show you.

<https://sensiseeds.com/en/blog/cannabinoid-science-101-cannabidivarin-cbdv/>

<https://www.medicaljane.com/2014/08/13/study-cannabidavarin-cbdv-may-help-treat-epileptiform-seizures/>

<https://www.medicaljane.com/2013/08/27/tetrahydrocannabivarin-thcv-a-cannabinoid-fighting-obesity/>

<https://www.royalqueenseeds.com/blog-introduction-to-phytocannabinoids-and-cannabidivarin-cbdv-n583>

<https://www.cannabis.info/en/what-is-cannabidivarin-cbdv>

Hope to hear from you soon.

George Bianchini

George Bianchini
Chief Executive Officer
WWW.Medi-cone.com
510-504-3961



Lundegaard, Inge

From: noreply@marincounty.org
Sent: Tuesday, September 19, 2017 2:17 PM
To: Lai, Thomas; Lundegaard, Inge
Subject: Medical Cannabis Dispensary Ordinance

Follow Up Flag: Follow up
Flag Status: Completed

Name: CoreenCarroll

City/Community: San Francisco and Marin

Email: coreen.carroll@gmail.com

Comments: Cannabis has completely changed my life and made a huge impact on mostly everyone around me. I am in awe we are still fighting for this plant. I truly believe it is time for marin residents to have safe and easy access to clean sun grown cannabis and accurately dosed edibles. Thank you.



To: Marin County Board of supervisors
3501 Civic Center Dr
San Rafael, CA 94903

Subject: Medicinal Cannabis Delivery-Only Retailer Licensing

To Whom It May Concern: We are writing on behalf of an alliance of cannabis delivery service in Marin County. We are also in solidarity with the California Cannabis Couriers Association in Sacramento, The Los Angeles Delivery Association and The Bay Area Couriers Alliance.

On behalf of the Marin County Couriers Association we have reviewed the proposed draft ordinance for the Medical Cannabis Delivery-Only Retailer licensing. The MarinCCA believes the most important element that needs to be addressed is the “up to four MCDORe Licensee to be issued. We understand this is Marin county’s first attempt to grant delivery licenses however we believe it’s our duty to prove the “demand and supply” of the county. By allowing only four permits, delivery service operators will be forced into closures, who has been following all state laws with a robust loyal Marin resident patients base.

We respectfully submit the following specific comments for review:

1. Remove the 4-permit cap.

Section: 6.86.032 limits the number of delivery licenses that may be issued for premises within unincorporated Marin County to 4 licenses total. We are advocating for the removal of a numerical cap and believe the ordinance should limit the availability of locations for delivery services and provide for a rigorous application process, but should not institute a numerical cap on licenses. Numerical caps are problematic for a number of reasons.

Caps create a government sanctioned monopoly. Lack of competition results in lower quality customer service to the people who rely on that business. Many Marin residents obtain their medicine from delivery services who they already know and trust. There are over 4 delivery services currently providing medical cannabis to patients in Marin. There are 30 delivery services listed on Weedmaps in the county of Marin. There are many more not listed online. These businesses exist. Implementing a 4-permit cap will ensure the continuation on these businesses unregulated activities. Permitting them and allowing them a chance to come into the regulated market will allow Marin to have control over who is providing medical cannabis to their community.

Rather than capping the number of licenses that are available, the county can make the application process more stringent by limiting the areas in which deliveries are allowed.

2. Allow deliveries services to be located within 600-foot of each other.

Section 6.86.033 states that a delivery service can't be within a 600-foot radius of another cannabis retailer. This is not required by any state law and Marin should not include this restriction. There is already limited space available delivery services due to the zoning restrictions. We believe operators should have the option to work closer together, within the same building or in the same area. Deliveries are not public facing, do not require a large number of parking spaces, do not increase traffic and do not impose an added security risk, therefore their presence would not have a noticeable effect on the area it is located within. For this reason, having multiple delivery services within one building or area would not offend the public or cause a burden to the surrounding area. Other localities, such as San Francisco and Oakland have created "delivery hubs" where multiple delivery all work out of smaller offices or spaces within a larger building which they collectively use as a hub. This approach allows law enforcement and city inspectors to visit one building instead of visiting multiple locations.

3. Remove the lottery. Section 6.86.041 provides that applicants will need to participate in a lottery in order to continue to Phase 3. We are advocating to remove the lottery phase. The lottery could potentially push out the best applicant who has the best interests of the community at heart,

while awarding a permit to someone who is less qualified to tend to the needs of Marin. This raises major concerns for the community and the patients involved, who have an interest in finding the best possible applicant.

We believe the ordinance should contain a priority provision that will automatically allow delivery services that have been operating in compliance with state law and have been operating within Marin since 2016 or who are a Marin resident. We believe this helps give the community an applicant who is already in the community and allows priority to these operators.

4. The application review should have less emphasis on the business plan and more emphasis on the benefit the delivery will provide to the public. The draft ordinance allots the businesses plan 20% of the total score. Judgment of a business plan can be very subjective. Instead of comparing which business model is better, which could be difficult to quantify, the application should put more emphasis on what the business provides for Marin. Factors could include: how many patients the delivery applicant already has in Marin, how much the applicant gives back to the community of Marin, and how many employees are based in Marin.

In summary, the MarinCCA submits that the three most significant issues with the proposed draft ordinance are (1) removing the numerical cap on licenses and (2) removing the lottery (3) removing the 600 foot buffer from other each other.

Sincerely,

Nurit Raphael, President of Marin County Courier Association

 09/19/2017



Community Development Agency
 Attn: Inge Lundegaard
 Planner & Cannabis Program Manager
 Marin County Civic Center
 3501 Civic Center Drive, Suite 308
 San Rafael, CA 94903

Via email to ilundegaard@marincounty.org

From Eaze Solutions, Inc., Michael Brandis, CLO

RE: ORDINANCE ADDING COUNTY OF MARIN CODE CHAPTER 6.86, MEDICINAL CANNABIS DELIVERY-ONLY RETAILER LICENSING

Comments on the Referenced Draft Ordinance

Dear Ms. Lundegaard,

Please find below our comments to the recently issued draft ordinance that adds Marin Code Chapter 6.86, MEDICINAL CANNABIS DELIVERY-ONLY RETAILER LICENSING. We commend the County, and particularly the Board of Supervisors Cannabis Subcommittee, on the draft and the accompanying collaborative and public process. Eaze’s software is installed in dispensaries that serve over 100 cities in California. The software connects consumers with licensed/permitted dispensaries for medical cannabis deliveries. Our comments reflect data-driven best practices learned over the course of over a million deliveries. Every day we see how technology allows for safe, transparent, professional deliveries in the cities and counties where delivery is legal.

Our global comment is this: The County’s proposed ordinance is a great step for patient access. We look forward to working with the County to establish best practices for the dispensaries that will deliver to Marin County patients. As the County continues to draft the Ordinance please ensure that only retailers/dispensaries that are licensed/permitted may provide delivery services. Third party couriers, messengers, taxi cabs, and the like are not a best practice, nor are they allowed by state law. Law enforcement has to be able to clearly identify a licensee and hold that licensee accountable for the delivery process.

Subject Title and Section	Comment	Suggested Change	Change Explained
General	<p>This is an ordinance that governs medicinal cannabis. We recommend that the County consider expanding the delivery-only activity to include delivery to adults in line with State law.</p> <p>Delivery technology can ensure that only adults receive cannabis and a ban on delivery to adults 21 and older risks those adults driving to other areas to purchase and consume cannabis.</p>		
Section 6.86.010(j)	It is not realistic to reference federal law in this section and may	WHEREAS, nothing in this Ordinance shall be	The redline aligns with state law and the



Findings	cause confusion and risk for the County.	construed to (1) allow persons to engage in conduct that endangers others or causes a public nuisance; or (2) allow the use of cannabis for non-medical purposes, except as allowed pursuant to MAUCRSA; or (3) allow any activity relating to the sale, distribution, possession or use of cannabis that is illegal under state or federal law; and compliance with the requirements of this Ordinance shall not provide a defense to criminal prosecution under any applicable law.	California state-legal medical cannabis program and the State and County's right to administer that program and eliminates the risk of referencing a potentially conflicting federal law.
Section 6.86.020(m) Definitions	Realign this section to the current state definition of AB 133–Cannabis Regulation.	"Delivery" means the commercial transfer of cannabis or cannabis products to a customer. Delivery also includes the use by a retailer of any technology platform owned, leased, or controlled by the retailer.	The redline aligns local law with State law.
Section 6.86.020(o) Definitions	The definition of an identification card is not aligned with recent changes to State law. We recommend that the County update this section to align with California Section 26140(c)(3) of the Business and Professions Code which states that an M-licensee may sell cannabis, cannabis products, and cannabis accessories to a person 18 years of age or older who possesses a valid government-issued identification card and either a valid county-issued identification card under Section 11362.712 of the Health and Safety Code or a valid physician's recommendation for himself or herself or for a person for whom he or she is a primary caregiver.	"Identification card" means a document issued by the State Department of Health that identifies a person authorized to engage in the medical use of cannabis and the person's designated primary caregiver, if any, as defined by Section 11362.7 of the California Health and Safety Code. either a valid county-issued identification card under Section 11362.712 of the Health and Safety Code or a valid physician's recommendation for himself or herself or for a person for whom he or she is a primary caregiver.	The redline aligns with State law.



Section 6.86.020(ff) Definitions	We support the definition of retailer to include that the retailer must have a licensed premises, which is a physical location, and that the retailer may conduct sales exclusively through delivery.	No change.	
Section 6.86.030(c)(1) License Requirements	We support the County's language allowing a patient to receive a delivery only from a licensed medicinal cannabis retailer located outside of Marin County.	No change.	
Section 6.86.050(b)(7) Operating Standards: Protection of Minors	The requirements in the proposed ordinance are not aligned with voter defined and recently reaffirmed State law governing California medical cannabis users age and identification requirements. We recommend that the County update this section to align with California Section 26140(c)(3) of the Business and Professions Code which states that an M-licensee may sell cannabis, cannabis products, and cannabis accessories to a person 18 years of age or older who possesses a valid government-issued identification card and either a valid county-issued identification card under Section 11362.712 of the Health and Safety Code or a valid physician's recommendation for himself or herself or for a person for whom he or she is a primary caregiver.	Protection of Minors. Implement measures that are designed to prevent unauthorized sale of cannabis or cannabis products. The measures shall meet Section 26140 of the Business and Professions Code, and requirements set by the Bureau and County. In addition, a licensee shall not allow on the premises, employ, or retain persons under 18. A licensee shall not sell cannabis or cannabis products to persons under the age of 18 24 who cannot produce either a valid county-issued identification card under Section 11362.712 of the Health and Safety Code or a valid physician's recommendation for himself or herself or for a person for whom he or she is a primary caregiver. without a State issued Identification Card.	The redline aligns local law with State law.
Section 6.86.050(b)(12) Operating Standards	While this section limits licensee hours, it does not define delivery hours. <ul style="list-style-type: none"> We suggest that this ordinance should not govern licensee operating hours, rather should define delivery hours. In defining delivery hours, we offer data from over one million deliveries outside of Marin County. Data shows there is significant demand for medical cannabis deliveries between the hours of 10am and midnight, with almost 20% of sales made between 9pm and 	Operating Hours. A licensee may operate between the hours of 9:00 a.m. open to 9:00 p.m. midnight close , up to seven days a week unless modified as condition of license to address site specific conditions. <u>Delivery orders shall only be taken by the licensed Retailers during operating hours. Delivery may occur up to one hour after close to allow for traffic and transit time.</u>	The requested revision reflects best practices for driver and community safety, and actual consumer usage practice in ordering for delivery, which is to order until the time a business closes and to place significant numbers of orders after 9p.m.



	<p>10pm. Almost no delivery demand exists before 10am. This data indicates that closing a retailer at 9pm risks diverting a significant amount of purchases to alternate illicit sources. Numerous cities successfully allow retailer open hours past 9pm. We suggest aligning the rules with this proven demand timeframe.</p> <p>In setting delivery hours, the best practice is for the delivery order to be placed with the licensee during licensee hours. The actual product delivery may be made after hours to account for traffic and transit times. We suggest giving the driver an hour to get the delivery to the patient. If, however, the driver must return to the licensee to complete the delivery, then there should be a 2-hour buffer after the close time.</p> <p>The policy of ending delivery at the same time as the retailer close time risks drivers driving unsafely trying to beat the clock and causes confusion among consumers. To discourage purchases from illicit sources, aligning delivery order time with retailer open hours with a buffer for drive time is the best practice.</p>	<p><u>The delivery driver must return to the retailer within 2 hours after the close time.</u></p>	
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Sincerely,

Michael F. Brandis

Michael Brandis
Chief Legal Officer, Eaze Solutions, Inc.

Lundegaard, Inge

From: JERE B FORD <jerebford@gmail.com>
Sent: Tuesday, September 19, 2017 12:51 AM
To: Lundegaard, Inge
Cc: Jack Brown; Jere B Ford
Subject: Recommendations for Cannabis Ordinance

Dear Inge,

Thank you for the opportunity to present this letter and your willingness to present these ideas to fellow staff. We've worked closely with state and local regulators and have seen where well-intentioned processes often break down.

Below are our recommendations that we believe will allow the County to best vet applicants, maximize the program's ability to succeed, and ensure that the best operators are awarded permits.

Based on what we've seen in other successful application processes in other jurisdictions, we recommend a phased application process as well as suggested time periods for each application phase so businesses can open in a timely manner to serve residents and the County.

Phase recommendations are as follows:

Phase I: Conditional Approval

Objective: Team/Applicant Evaluation

Firm deadlines for Phase I applications, typically a 30-day window to submit, followed by a review cycle, allow the County to evaluate the strength of applicant teams relevant to each other.

Phase I Requirements:

- General Application Form (organizational structure, owners, contact info, etc.)
- Criminal Background Checks
- Business Plan, including projections, owner/management team bios, etc.
- Community Outreach Plan

- Operations Plan
- Security Plan
- Inventory Control Plan

Reviewing the above items will provide the County with significant insight into the qualifications and depth of knowledge of applicant teams.

Phase II: Approval

Objective: Approve Real Estate & Verify Funds

Instituting a Phase II rolling review/approval process prevents bottlenecks for County review and allows applicants to move forward as soon as all requirements have been satisfied. Although Phase II is typically done on a rolling basis, jurisdictions will often limit this period to 120 days to ensure that applicants who received Conditional Approval in Phase I are moving forward.

Phase II Requirements:

- Secure Property
- Submit Proposed Floor Plans, including Security Overlay showing limited access areas, access control points and cameras
- Submit Financials / Proof of Funds

By including property approval and proof of funds in the second phase of the application process, it helps create an application and permit award process that is merit-based. It also prevents applicants from having to pay tens of thousands in real estate costs that cannot be recouped if a permit is not awarded. Given that there are often unforeseen delays in the issuance of permits, if applicants were to submit proof of financial resources to the County in Phase I, it most likely would not be reflective of an applicant's financial position when the permit is granted. Requiring proof of funds in Phase II, instead of in Phase I, ensures that teams are financially solvent when it comes time to execute and begin the build-out.

Part III: Final Inspection / Permitting

Objective: Ensure that applicant team has completed all required items on the County's final checklist before permit issuance and permission to open.

Instituting a Phase III rolling review/approval process ensures the County can verify that build-out has been completed in accordance with previously approved plans. Often, jurisdictions will require that applicants schedule the final inspection within six months of receiving Phase II approval.

We believe that the above process will result in well-run businesses that are aligned with Marin County's vision, values and goals.

Please do not hesitate to reach out with additional questions.

Sincerely,

Jere

jere@monkprovisions.com

Lundegaard, Inge

From: noreply@marincounty.org
Sent: Monday, September 18, 2017 8:11 PM
To: Lai, Thomas; Lundegaard, Inge
Subject: Medical Cannabis Dispensary Ordinance

Follow Up Flag: Follow up
Flag Status: Flagged

Name: JaneBrand

City/Community: San Rafael / Santa Venetia

Email: janebrand@comcast.net

Comments: What we need in this county is dispensaries not simply more delivery services. I was in Oregon recently and there are lots of dispensaries in many different types of locations. This process doesn't need to be so difficult. Marijuana will be recreationally legal on 1/1/18. Can we get onboard and approve dispensaries for Marin County?

Lundegaard, Inge

From: Alex <alex.boggio@yahoo.com>
Sent: Monday, September 18, 2017 10:49 AM
To: Lundegaard, Inge
Cc: scot candell
Subject: Marin county delivery

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Inge,

Thanks for providing a forum for feedback, below are my suggestions.

- 1) Please, consider a temporary code enforcement policy change that would force current marin collectives to operate within the new guidelines of the ordinance that would make collectives operate out of a business location (not residences) that are compliant (more than 600 feet from school etc). Any future delivery business operative will need a business address anyway so nobody should have a problem with this.
- 2) Make current delivery operations register with the county to ensures current deliveries are paying all sales taxes and are compliant with the law. Currently at least 15 business operations are "hidden" in marin county residences, most are not paying taxes, this is not the safest practice and if there are any incidences it would fall squarely on marin county shoulders since they have forced this relatively unsafe practice.
- 3) The new ordinance should state that until permits for delivery are issued, Marin county will continue to allow patient based collectives to operate in marin as long as they are compliant with state regulations and have registered with the county. Marin county sheriffs office will have all delivery locations on file and all delivery businesses operating correctly will pay taxes and be safer for the community. The alternative is all current Marin based collectives will have to cease serving marin county.
- 4) only operations that have active application for delivery permits should be given right to operate temporarily in Marin.
- 5) number of delivery permits should be limited to those that qualify with appropriate location and meet all of the other requirements of the new ordinance. There is no reason to limit the number of delivery permits, it will be difficult to find appropriate business locations, so there will not be too many, outside companies will not be so keen since profits will be hard to come by. Marin county will benefit by having the most competitive (best) delivery pricing and customer service. Over time the simple laws of economics will dwindle down the number to 5 or 6, the rest will find the demand is not high enough to sustain them. This is a fair way to give existing business operatives the right to continue business as long as they are compliant. Current business operatives following the regulations should not be forced to close their business operations only to give way to outside operatives because of some "lottery". Marin county residents deserve better.
- 6) Cap the % of revenue that can be allocated to business "directors" and "investors" to 5% or 10% max, this should include any person or entity that does not work exclusively full time at the operation. Most of the eager outside interested parties have very profitable business operations and get away with it by disguising their profits, they do so by giving themselves huge "executive" or "director" salaries or they pay massive "dividends" to their investors. This cap would encourage only legitimate not-for profit entities that can very effectively deliver to all of marin county without gauging marin county residents.

7) This is the most important (and should be standard for all state and county permit applications) it is to ensure fairness for all applicants. Any entity that can be shown to have attempted to or indeed achieved the goal of unfairly influencing the process by virtue of having any direct contact and or involvement with anybody involved in the decision making process or working group for the permitting, will have their application revoked and that the offending parties within the county be removed from further involvement in the application process. All parties should be protected from the corruption of the process itself otherwise the process itself has no value and the final decision will be subject to legal challenge.

The concerns or problems with permitting in Marin can be fixed very easily with these recommendations and there is nobody that should complain unless their intent is to:

- 1) Make large disguised profits.
- 2) They have intended to or intend to corrupt the process, by having inappropriate contact or connection to any person or persons involved in making decisions or influencing those that make decisions within the working group.
- 3) They do not intend to meet the requirements of the new ordinance, instead they just want to run without abiding by the new ordinance.

General comments:

Marin county should not be encouraging or more importantly aiding these fraudulent business operations to do business in Marin.

There has been a direct conflict of interest with at least 1 of the 4 original commissioners, this was brought up by this commissioner himself who recused himself from one of the hearings, admitted that his law firm "represented one of the applicants".

Questions that I think all applicants are owed who spent a lot of money on the original application:

- 1) How did an owner of a law firm that represents a candidate become a commissioner?
- 2) How come the offending applicant has not been removed from the running and how come this corrupted commissioner with a clear self admission of having a conflict of interest has not been reprimanded and removed from his position in the county? Clearly a dishonest commissioner if the process of selecting a commissioner stated that they should not have a conflict of interest when applying for or accepting the position of commissioner.

These 2 questions should be addressed for all applicants to know that the next permit process will not be subject to staff that have conflicts of interest of any kind.

I would like to know that each of my recommendations have been reviewed by the board of supervisors and if they have not been taken into consideration, please can marin county residents get an explanation of why not.

Thanks Inge,

Alex Boggio

Lundegaard, Inge

From: noreply@marincounty.org
Sent: Tuesday, September 12, 2017 5:09 PM
To: Lai, Thomas; Lundegaard, Inge
Subject: Medical Cannabis Dispensary Ordinance

Follow Up Flag: Follow up
Flag Status: Flagged

Name: stevebraverman

City/Community: oxnard

Email: steve1braverman@yahoo.com

Comments: Hello Inge- This is a huge disappointment that the County is not restricting the applicants for the delivery only licenses to the original storefront dispensary applicants. Not only did they pay \$6,000.00 to the County for what the Marin Independent Journal called a charade but now they are invited to compete against each other and anyone else who wishes to risk their money to apply for these delivery only licenses which may or may not be approved in the end. The idea that you need to review business plans, location sites, security plans, operation plans is absurd. Any one of the prior applicants would run their delivery business according to the clearly defined State rules and regulations which should be good enough for the County. This is so overly complicated when all that should be necessary is for the County to pick the number of previous applicants by random lottery and state that they comply with all State regulations. No one should care where the business is located as it will not be open to the public and security is a foregone conclusion. You appear to be recreating the same farce for delivery that you made for storefronts and that cost the applicants on average over \$50,000- each for nothing in the end and all the County got was an embarrassing editorial and disappointed patients.

Lundegaard, Inge

From: Lai, Thomas
Sent: Monday, September 11, 2017 5:05 PM
To: Lundegaard, Inge
Subject: Fwd: Medicinal Cannabis Draft Ordinance
Attachments: image001.jpg

Importance: High

Follow Up Flag: Follow up
Flag Status: Completed

Hi Inge

Please respond. These concerns are addressed in the state law.

Regards,
-Tom Lai

Sent from my mobile device. Please pardon typos.

Begin forwarded message:

From: "Sears, Kathrin" <KSears@marincounty.org>
Date: September 11, 2017 at 4:53:44 PM PDT
To: "Lai, Thomas" <TLai@marincounty.org>
Cc: "Parton, Maureen" <MParton@marincounty.org>
Subject: FW: Medicinal Cannabis Draft Ordinance

Fyi. Could you or Inge respond to Dr. Schieser? Thanks very much

Kate

Supervisor Kathrin Sears
Southern Marin - 3rd District, County of Marin
3501 Civic Center Drive, Suite 329
San Rafael, CA 94903
P: 415.473.7331 F: 415.473.3060

[Visit](#) Supervisor Sears' Website
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"Like" us on Facebook:



From: dwsch@pacbell.net [<mailto:dwsch@pacbell.net>]
Sent: Saturday, September 09, 2017 9:12 PM
To: Sears, Kathrin
Subject: Medicinal Cannabis Draft Ordinance

David W. Schieser PhD. would like information about:
Supervisor Sears:

I was a neighbor when you lived on Harrison Ave. in Sausalito. Now I am old and retired, but still live at 18 Santa Rosa Ave., in the house that I purchased from Ella Kafka.

My life's work revolved around regulations designed to assure safety of food and drugs. I worked for the California Bureau of Food and Drug, for Cutter Laboratories, for Bayer Laboratories and for the California Research Advisory Panel.

I have grave concern about the lack of oversight of past medical marijuana dispensaries. Both the California Department of Health and the U.S. Food and Drug Administration have clearly kept their hands off any oversight of those facilities. Apparently it would be political suicide for either of these agencies to shut such a place down for sanitary or any other public health reason.

The two State propositions might provide exemption from most of the Federal Controlled Substances Act. However I do not believe that we intentionally passed state laws that would place new dangers to people, particularly people seeking medical results.

Hopefully members of the Board will understand that there is a significant difference between smoked marijuana and use of extracts, distillates, or other concentration of the chemicals contained in this plant.

First of all... smoking produces the effect of this drug almost immediately and hopefully a person therefore knows when to stop. But ingestion by mouth does not produce any noticeable effect for some time (more like one hour).

Products intended for ingestion present opportunity for numerous public health risks beyond those of smoked plant. Start with sanitation, where was it prepared. Next is the need to know exactly what the product contains and how much of it is in each unit to be ingested (cookie, brownie, gummie). So far customers seeking some medical help from, say brownies, have merely TRUSTED what they have been told. There has been no oversight.

Normally drug products are labeled. All packaged drugs and most foods have a label that tell where they were made, and what the product contains. Drugs must be labeled with instructions for use.

I doubt that any of the existing marijuana dispensaries have been looked at by any government agency.

Now the county is required to get involved. And we should do this with as much public health safety as possible.

The Board will be receiving requests for licensing of medical marijuana dispensaries for home delivery.

While I have less concern for the dried plant which is to be smoked, I know that concentrates and items to be taken by mouth can so easily become hazardous. The only contamination noticed so far for the plant is pesticide. But the processed concentrates and oral dosage forms could be contaminated with anything.

Dosage of smoked marijuana can be self controlled. A patient needs information to be able to properly use that which is to be ingested. A patient should not have to rely merely on what she/he is told by someone at the clinic. These processed marijuana products need to be labeled and packaged safely.

If someone should have a problem with a product one should be able to investigate where it was prepared. Again I am much more concerned about extracted, compounded, baked, marijuana items. Certainly the county would not wish to approve a license for a dispensary that ships material from a clandestine source.

Child protection packaging should be required for smokable plant, but is needed even more when dealing with cookies, brownies or gummies. And what about pets?

The counties' regulation for medical marijuana dispensaries should make the purchase of medical marijuana no more dangerous than the purchase of an aspirin but I know that cannot happen. However, we should do our best to work towards that end.

I understand that a lot of the Federal Controlled Substances Act will be exempted (See section 8 of the draft) because of the two propositions. Please do not merely ignore all the normal requirements for safety of food and drugs.

David W. Schieser, PhD.

Lundegaard, Inge

From: noreply@marincounty.org
Sent: Sunday, September 10, 2017 4:46 PM
To: Lai, Thomas; Lundegaard, Inge
Subject: Medical Cannabis Dispensary Ordinance

Follow Up Flag: Follow up
Flag Status: Completed

Name: SaraConnolly

City/Community: San Rafael

Email: sara49rs@aol.com

Comments: I am a senior in her 70's and have found the medical cannabis has helped my severe arthritis so why would you make it so hard to have a store for us to obtain..do you think you will never get old and need this...we are living in different times and this is now a positive necessity..I now have it delivered which is not my preference or go to Santa Rosa to purchase...thanks you please have an open mind I would be happy to speak and meet anyone who gives the reason not to offer a reasonable placed store to purchase ..Sara

Lundegaard, Inge

From: noreply@marincounty.org
Sent: Saturday, September 09, 2017 4:35 PM
To: Lai, Thomas; Lundegaard, Inge
Subject: Medical Cannabis Dispensary Ordinance

Follow Up Flag: Follow up
Flag Status: Completed

Name: DavidSchieser

City/Community: Sausalito

Email: dwsch@pacbell.net

Comments: Section 8 only mentions compliance with the Fed Controlled Substances Act. Anything "medical" including marijuana, and particularly "edibles" and any concentrates prepared from the plant MUST NOT be exempt from California and Federal Food and Drug laws and regulations designed to assure safety of foods like brownies and gummies and the drugs they are claimed to contain. No one should be licensed by our county until they can demonstrate compliance with the usual requirements for manufacturing and labeling of medical products and food products. At minimal the labeling requirements for name and address of manufacturer must be required on all packages to be delivered by a dispensary licensed by our county. There are a number of other logical and necessary labeling requirements which, if neglected, pose more risk to public health than perhaps we want to allow. The "magic umbrella" of the California propositions could not possibly mean to exempt medical marijuana from public health laws and regulations that we expect to be enforced for foods and drugs.

Lundegaard, Inge

From: noreply@marincounty.org
Sent: Friday, September 08, 2017 8:38 PM
To: Lai, Thomas; Lundegaard, Inge
Subject: Medical Cannabis Dispensary Ordinance

Follow Up Flag: Follow up
Flag Status: Completed

Name: ReneSommer

City/Community: San Rafael

Email: renewsommer@yahoo.com

Comments: A home delivery system will not provide the customer with the choices and the staff advice one would have in a dispensary. I vote for at least one dispensary in the area.

Lundegaard, Inge

From: noreply@marincounty.org
Sent: Wednesday, August 30, 2017 4:24 PM
To: Lai, Thomas; Lundegaard, Inge
Subject: Medical Cannabis Dispensary Ordinance

Follow Up Flag: Follow up
Flag Status: Completed

Name: JaneBrand

City/Community: San Rafael / Santa Venetia

Email: janebrand@comcast.net

Comments: We need more than just delivery service in San Rafael. The community needs a retail store so that we are able to walk in as needed. The last thing the county needs are more vehicles on the roads. Thanks, Jane

Lundegaard, Inge

From: noreply@marincounty.org
Sent: Monday, August 21, 2017 9:57 AM
To: Lai, Thomas; Lundegaard, Inge
Subject: Medical Cannabis Dispensary Ordinance

Follow Up Flag: Follow up
Flag Status: Completed

Name: CandaceYoshida

City/Community: San Rafael

Email: cryosh3@gmail.com

Comments: I am a 72 year old woman with breast cancer. I use cannabis, especially at night, for pain management. Please make it easy for us to get our medicine and let some dispensaries open. Thank you!

Lundegaard, Inge

From: noreply@marincounty.org
Sent: Wednesday, August 16, 2017 2:55 PM
To: Lai, Thomas; Lundegaard, Inge
Subject: Medical Cannabis Dispensary Ordinance

Follow Up Flag: FollowUp
Flag Status: Completed

Name: AngelaGott

City/Community: San Rafael

Email: angelagott@yahoo.com

Comments: I was so hoping there would be some kind of clinic or club or outlet where we could obtain medicinal pot rather than only by delivery. That seems like a very expensive and therefore limited to wealthy people only way to get access to pot. The dispensary seemed like such a great idea to get the county extra money so as to be able to build housing for seniors and to prevent homelessness in the elderly population as so much senior/disabled housing is needed now in Marin County. I am hoping things will change when the state goes to recreational so that we can get some "affordable" pot. Angela Gott age 66 and hurting all over.

Lundegaard, Inge

From: noreply@marincounty.org
Sent: Wednesday, August 16, 2017 11:07 AM
To: Lai, Thomas; Lundegaard, Inge
Subject: Medical Cannabis Dispensary Ordinance

Follow Up Flag: FollowUp
Flag Status: Completed

Name: stevebraverman

City/Community: oxnard

Email: steve1braverman@yahoo.com

Comments: The 10 applicants spent an enormous amount of time and money to be considered for a dispensary license. It is only fair that these delivery only licences should go to some of them that passed the live scan process. It should be done by a lottery system so none are chosen through some backdoor political means.