

Cannabis State Legalization Task Force

Land Use, Social Justice and Tourism Full Meeting – 8/10/2016

DOCUMENT A

Meeting and Recommendation Drafting Instructions

1. General Process

The San Francisco Cannabis State Legalization Task Force was established as an advisory body for City policymakers should adult cannabis use become legalized in the future. Task Force meetings are therefore designed to complement each other and lead the Task Force towards fulfilling this goal—i.e. the development of recommendations on important cannabis adult use legalization issues.

Over the course of its active period, the Task Force will develop recommendations in three main areas: (1) Public Safety and Social Environment; (2) Land Use, Social Justice and Tourism; (3) Regulation and City Agency Framework. With regard to **Land Use, Social Justice and Tourism:**

- Small workgroups will **DRAFT** recommendations
- Full Task Force will **DISCUSS and FINALIZE** recommendations via consensus

2. Recommendation Drafting Process

A. Small workgroups will DRAFT Recommendations: During the first half of the upcoming meeting, Task Force Members will be assigned into three workgroups to develop recommendations in one of the below areas. Spotlight Panelists from the Land Use, Social Justice and Tourism topic area will serve as facilitators for each workgroup.

The main discussion areas for each workgroup are as follows:

Workgroup 1: Tourism/Hospitality

- a. San Francisco Cannabis Culture
- b. Tourist and Resident Experiences
 - i. Safety (health and personal)
 - ii. Public Consumption
- iii. Immigration Status and Legal Implications

Workgroup 2: Social Justice/Workforce Development

- a. Successful Workforce
- b. Entrepreneurship Opportunities
- c. AUMA Community Reinvestment Grants
- d. Social Justice

Workgroup 3: Land Use

- a. Non-Retail Uses
- b. Retail Uses
- c. MCD vs. Adult Use Retail Zoning Approval Processes

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To draft recommendations, each workgroup will conduct the following exercise:

- **Identify** one group member to take notes, one group member to keep time and one group member to report-out on workgroup recommendations during the full Task Force discussion.
- As a group and using **consensus-building**, discuss and draft recommendations from the assigned areas. For each recommendation, note the:
 - recommendation type: e.g. policy, programmatic, etc.
 - rationale
- **Review** the recommendations.
- **Write** the draft recommendations on a flip chart sheet to present during the subsequent Task Force discussion. Each workgroup will be provided with a flip chart sheet and the appropriate writing tools.

B. Full Task Force will FINALIZE Recommendations: After the workgroups have completed the process of drafting recommendations, the full Task Force will then come together during the latter half of the meeting to discuss each workgroup's recommendations and begin the finalization process. A member of each workgroup will present the recommendations to the Task Force and the Task Force Chair will lead the group in discussing the recommendations. This will give all Members an opportunity to reflect upon the recommendations of other workgroups, ask clarifying questions, and give feedback. Thus, at the end of the meeting, the Task Force will have a set of recommendations that will be finalized by the full Task Force at the next (9/14/2016) meeting.

Important Note: During the course of the year, conversations related to Public Safety and Social Environment and City Agency Framework may affect the Task Force's perspectives on Land Use, Social Justice and Tourism. There will therefore be another opportunity in November to revisit these and all other recommendations before they are submitted to City policymakers and the public. It is important to also note that these recommendations will remain fluid. For example, in Year II, the Task Force may decide to build upon these recommendations in various ways and/or outline other priority issues.

3. Recommendation Drafting Tools

Tools have been developed that should aid the Task Force in drafting and finalizing Land Use, Social Justice and Tourism recommendations. Each of these tools is described below. The documents are labeled, color-coded and track each other, so it is suggested that Task Force Members review each document in this order:

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DOCUMENT A – Instructions (THIS DOCUMENT): explains the process for making recommendations, the tools that have been created to achieve this goal, and provides drafting tips and guidelines that may be helpful to Task Force Members.

- *How to Use This Document:* It is suggested that Members thoroughly review this document before all others and refer to it for critical information about the process the Task Force will use for drafting recommendations.

DOCUMENT B - Recommendations Framework: organizes Task Force Members' thoughts, ideas, and suggestions from previous meetings into discrete areas where recommendations will be drafted. For example, at a previous meeting, Task Force Members discussed the impact of immigration status on cannabis use in San Francisco. The Framework document therefore outlines this as a possible area for making recommendations and includes discussion questions to aid Task Force Members in making a recommendation if they so choose.

- *How to Use This Document:* It is suggested that Task Force Members use this document to organize discussion around the issues and as a checklist to ensure that all issue areas have been discussed. The questions included in the document define the suggested scope of any proposed recommendations to ensure that discussions are manageable and that there is sufficient time to discuss all the important areas within the allotted timeframe.

DOCUMENT C – Adult Use of Marijuana Act (AUMA) Provisions Table: As discussed in previous meetings, the AUMA ballot initiative is the policy backdrop for Task Force discussions. It will therefore be important for recommendations to be responsive to the initiative and build upon its provisions. The AUMA Provisions Table tracks the issues outlined in the Framework Document and describes the AUMA provisions related to each.

- *How to Use this Document:* Along with the text of the AUMA and previous knowledge of its provisions, Task Force Members should use this document as a reference tool to ensure that recommendations are responsive and non-duplicative.

DOCUMENT D - Recommendation Grid(s): There are different types of recommendations that the Task Force may develop, e.g. policy-focused recommendations, programmatic, etc. The Recommendation Grid outlines these types and prompts Members to think about a particular issue in different ways. There are three grids in the meeting packet – one for each recommendation development area: (1) Tourism/Hospitality; (2) Social Justice/Workforce Development; (3) Land Use.

- *How to Use this Document:* This is a personal brainstorming tool for Members to use in organizing their own thoughts and ideas during the small workgroup sessions and/or in preparation for the meeting. It is suggested that Task Force Members use it to take notes and/or encourage themselves and other Members to consider different types of recommendations and the rationale for each.

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Together, Documents A - D are meant to aid Members in **effectively** and **efficiently** drafting recommendations within the allotted time frame.

Tools – Quick Reference Guide

Document	Description	Purpose
DOCUMENT A	Instructions – explains the process for making recommendations	Refer to it for critical information about the process and tools
DOCUMENT B	Recommendation Framework - organizes Task Force Members' thoughts and ideas from previous meetings into discrete areas for recommendation development	Use this document: - to organize discussion around the issues - as a checklist to ensure that all issue areas have been discussed
DOCUMENT C	AUMA Provisions Table – outlines relevant Land Use, Social Justice and Tourism AUMA provisions	Use as a reference tool
DOCUMENT D	Recommendation Grid - outlines possible recommendation types and prompts Members to think about a particular issue in different ways. Also includes consensus principles for each area.	-Use as personal brainstorming tool

4. Tips and Guidelines for Drafting Recommendations:

A. In general, recommendations should be:

- **RELEVANT** (*responsive to an issue or need within the Land Use, Social Justice and Tourism topics*)
- **ACTIONABLE** (*makes use of action words and is implementable with available resources, stakeholders, time*)

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- **CLEAR** (*easily understood by other stakeholders and members of the public*)
- **SPECIFIC** (*identifies the scope and outcome*)

The below is an example of possible recommendation format.

EXAMPLE: The City should increase opportunities for community engagement based on principles of transparency, inclusion and consensus-building that target residents and businesses and can be communicated to policymakers.

B. Consensus Principles: Consensus principles are points of agreement reached during Task Force discussions. Recommendations should be reflective of the following consensus principles identified during previous Tourism, Social Justice and Land Use meetings:

i. Tourism

- i. Task Force will develop recommendations that address tourism within the adult use legalization context.

ii. Social Justice

- i. Task Force will develop recommendations that address social justice issues within the context of adult use legalization.
- ii. Task Force will use data and evidence-based methods to develop recommendations addressing social justice.
- iii. Task Force will develop recommendations to incentivize workforce development.

iii. Land Use

- i. Task Force will develop robust recommendations to guide land use decision-making.
- ii. Task Force will develop recommendations that consider city-wide policies for non-retail and retail use that are inclusive of all supervisorial districts.
- iii. Task Force will use existing Planning Code as a foundation for non-retail land use considerations.

C. Rationale: As noted in the **Recommendation Grid (DOCUMENT D)**, each recommendation should have a rationale that describes the reason(s) it is important.

D. Consensus-building: The Task Force has agreed to rely on consensus-building in developing recommendations. This involves seeking the consent of all Task Force Members and thereby reaching an acceptable resolution all Members are comfortable with,

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even if it is not the preferred option of each individual. Workgroups and the full Task Force should aim to practice this model in drafting and finalizing recommendations.

E. Suggested considerations for drafting recommendations:

- i. Using information from-
 - personal knowledge and experience
 - issue brief
 - spotlight panel
 - previous Task Force discussions
- ii. What are the desired outcomes in each area and sub-area?
- iii. What recommendations would lead to these outcomes?

F. Scope of Recommendations: Task Force Members are free to develop recommendations in areas not already noted in the documents. But, before drafting such a recommendation, consider the following questions:

- i. Is the proposed recommendation relevant to Land Use, Social Justice and Tourism, or is it better discussed at a future meeting? Is the issue already noted in the “Parking Lot” section reserved for such issues?
- ii. Is the proposed recommendation reflective of the aforementioned consensus principles?
- iii. Is the proposed recommendation already addressed elsewhere – e.g. AUMA?

G. Number of Recommendations: There is no number of recommendations the workgroups and the Task Force should strive for. The important thing is to thoroughly discuss the issues based on the tools provided.

H. Importance of AUMA Provisions: It is important to draft recommendations with the relevant AUMA provisions in mind. In doing so, some questions to consider in the drafting process are:

- i. Is the issue we are discussing already addressed in the AUMA? How?
- ii. Is the related AUMA provision sufficient or should the Task Force and City consider additional issues or concerns?

I. Recommendations Grid as brainstorming tool: The **Recommendation Grid (DOCUMENT D)** is meant to help Members organize their ideas and encourage thinking in different areas, so not every box in the grid needs to be filled in.

DOCUMENT B

Recommendations Framework: Land Use, Social Justice and Tourism

Tourism/Hospitality	Social Justice/Workforce Development	Land Use
<p>1. San Francisco Cannabis Culture</p> <ul style="list-style-type: none"> a. How should the City think about cannabis within the tourism/hospitality industry? b. What types of tourists should San Francisco expect to have with regard to adult cannabis use? c. What expectations might these different types of tourists have with respect to cannabis culture? d. What strategies should the City consider in order to address these expectations and achieve the right balance of discretion and visibility of cannabis culture in San Francisco? e. What stakeholders should be involved to ensure that the City achieves the appropriate balance? <p>2. Tourist and Resident Experiences</p> <ul style="list-style-type: none"> a. Safety (health and personal) <ul style="list-style-type: none"> i. What does “safe cannabis use” mean for tourists? Would this definition be different for residents? If so, how? ii. What kind of safe use/access education is needed for tourists? Would this education be different for residents? If so, how? iii. How might the look and feel of a cannabis business make tourists feel more or less safe 	<p>1. Successful Workforce</p> <ul style="list-style-type: none"> a. What are the characteristics of a successful cannabis workforce, from both the employee and employer points of view? b. What types of programs are needed to ensure these outcomes? c. What data should the City collect to monitor success of these programs? d. What entities/collaborations (existing or newly created) are needed to develop and maintain these programs and data? e. Is there a need for the City to create policies aimed at keeping workers informed as the industry moves from prohibition to legalization? What information and City support will be needed for that transition? <p>2. Entrepreneurship Opportunities</p> <ul style="list-style-type: none"> a. What barriers to cannabis business ownership currently exist or may develop post-legalization? b. What strategies and new/existing models would reduce these barriers? c. What collaborations are needed to ensure that cannabis entrepreneurship opportunities exist and are accessible to everyone? 	<p>1. Non-Retail Uses</p> <ul style="list-style-type: none"> a. Should the City allow non-retail cannabis uses (such as cultivation, manufacturing, and distribution)? b. Should the Task Force move forward in formally recommending that the existing Planning Code be used as a basis to establish land use guidelines for non-retail uses? <p>2. Retail Uses</p> <ul style="list-style-type: none"> a. Should the City develop findings that the Planning Department and/or other departments could use to make adult use retail location decisions? b. If so, what should these findings include? Some examples from previous discussion/presentation: <ul style="list-style-type: none"> o Balancing community and business interests o Balancing neighborhood input and citywide objectives o Youth access and exposure issues: <ul style="list-style-type: none"> ▪ What should the City consider in thinking about a cannabis business’ proximity to schools? ▪ How should the City define/think about sensitive uses? o Clustering*: <ul style="list-style-type: none"> ▪ How should the City think about and/or define clustering?

* See Document C – AUMA Provisions Table for clustering provision.

DOCUMENT B

Recommendations Framework: Land Use, Social Justice and Tourism

<p>when engaging with the cannabis industry?</p> <p>b. Public Consumption</p> <ol style="list-style-type: none"> i. How and where might tourists want to consume cannabis in San Francisco? ii. How might tourist consumption and engagement with the cannabis industry and culture different from resident consumption/engagement? iii. What strategies/policies could the City establish to ensure a positive experience for all types of visitors if adult use is legalized? <p>c. Immigration Status and Legal Implications</p> <ol style="list-style-type: none"> i. Should the City develop local policy protections for non-citizens who wish to consume cannabis (both tourists and residents)? ii. Should the City develop education about the legal ramifications of cannabis use and transport within California and to other states/countries? Where should these educational materials be distributed to achieve the desired effect? iii. What would be the purpose of these actions? <p style="text-align: center;">-END-</p>	<p>3. AUMA Community Reinvestment Grants</p> <ol style="list-style-type: none"> a. Consider the AUMA’s establishment of Community Reinvestment Grants.** Should the City pursue these grants? If so, why? b. What principles should be considered in allocating these funds in San Francisco? c. What kind of stakeholder engagement is needed to ensure the desired distribution of funds? d. What data should the City collect to evaluate the success of programs funded by the grants? <p>4. Social Justice</p> <ol style="list-style-type: none"> a. Are there other strategies or opportunities (not already discussed) that the City should consider that would advance a social justice agenda within the context of cannabis legalization? <p style="text-align: center;">-END-</p>	<ul style="list-style-type: none"> ▪ Is clustering now, or likely to become, an issue of concern in San Francisco? ▪ If yes, should the City consider buffer zones as a tool to address clustering? What are the challenges and considerations for creating buffer zones around existing MCDs and/or new adult use retail locations? <p>c. What other factors/criteria are important for the City to consider as it develops land use planning policies for retail locations?</p> <p>3. MCD vs Adult Use Retail Zoning Approval Processes</p> <ol style="list-style-type: none"> a. Consider the current MCD zoning approval process i.e. mandatory discretionary review, hearing before Planning Commission, etc.*** What would the ideal approval process for adult use retail be? <ul style="list-style-type: none"> • What barriers or challenges would prevent this ideal process from being realized? • What strategies should the City could consider to address these barriers/challenges? b. Should the Task Force recommend that the City differentiate existing MCDs from adult use retail owners who apply after new zoning regulations are in place? Why or why not? <p style="text-align: center;">-END-</p>
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** See Document C – AUMA Provisions Table for more information about AUMA Community Reinvestment Grants.

*** See Issue Brief 4: Land Use and Equity for description of current MCD zoning approval process.

DOCUMENT B

Recommendations Framework: Land Use, Social Justice and Tourism

Parking Lot Issues – these refer to points raised at previous meetings that would better fit the Regulation and City Agency Framework conversations and will therefore be discussed at a future Task Force meeting.

Regulation and City Agency Framework Parking Lot Issues: permit/licensing structure (including mobile retail and delivery services), agency responsibility for enforcement and agency regulatory structure, education for public and policymakers about cannabis legalization and their respective roles

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DOCUMENT C

Adult Use of Marijuana Act (AUMA) Provisions Table:
Tourism, Social Justice and Land Use

General

Cross-cutting Issues	AUMA – related provisions
General	<ul style="list-style-type: none">• \$10 million annual disbursement (FY 2019 – FY 2029) to California public university (or universities) to research and evaluate that effects of the AUMA and make recommendations to the Governor and Legislature regarding possible amendments. Universities required to publish reports on their findings every two years (at minimum). Research topics include:<ul style="list-style-type: none">○ impacts on public health○ effectiveness of labeling requirements and advertising and marketing restrictions on preventing underage access and use○ health-related effects among users of varying potency levels of cannabis and cannabis products <p>(pgs. 46 – 47 - Revenue and Taxation Code Sec. 34019)</p>

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Adult Use of Marijuana Act (AUMA) Provisions Table:
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Tourism/Hospitality

Tourism/Hospitality Issues	AUMA – related provisions
<p>1. San Francisco Cannabis Culture</p>	<p>AUMA does not specifically address this issue, but Task Force may consider the following provision to guide development of recommendations:</p> <ul style="list-style-type: none"> • Nothing in this division shall be interpreted to supersede or limit the authority of a local jurisdiction to adopt and enforce local ordinances to regulate businesses licensed under this division, including, but not limited to, local zoning and land use requirements, business license requirements, and requirements related to reducing exposure to second hand smoke, or to completely prohibit the establishment or operation of one or more types of businesses licensed under this division within the local jurisdiction. (pg. 38 Business and Professions Code – 26200)¹
<p>2. Tourists and Residents</p> <ul style="list-style-type: none"> a. Safety (health and personal) b. Public Consumption c. Immigration Status and Legal Implications 	<p>Safety</p> <ul style="list-style-type: none"> • All cannabis and cannabis product label and inserts must include specific information prescribed by the Bureau of Marijuana Control or the California Department of Public Health: <ul style="list-style-type: none"> ○ Manufacture date and source ○ Government warning statements - (see AUMA pg. 32 for text) ○ For packages containing dried flower only – net weight of cannabis in the package ○ Source and date of cultivation, the type of cannabis or cannabis product and the manufacture and packaging date ○ Appellation of origin, if applicable ○ List of pharmacologically active ingredients

¹ Hereafter referred to as “Local control provision.”

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Adult Use of Marijuana Act (AUMA) Provisions Table:
Tourism, Social Justice and Land Use

Tourism/Hospitality Issues	AUMA – related provisions
	<ul style="list-style-type: none"> ○ For cannabis products, a list of all ingredients and nutritional information in the same manner as federal nutritional labeling requirements in 21 C.F.R. section 101.9 ○ List of any solvents, nonorganic pesticides, herbicides and fertilizers used ○ A warning if nuts or other known allergens are used ○ Information associated with the unique identifier issued by Dept. of Food and Agriculture ○ Any other requirement set by Bureau of Marijuana Control or Dept. of Public Health (pgs. 32-33 – Business and Professions Code 26120) ● Other requirements for cannabis products: <ul style="list-style-type: none"> ○ Only generic food names may be used to describe the ingredients in edible cannabis products ○ 10 mg THC/serving dosage limit ○ must be scored into serving sizes if product contains more than one and is an edible cannabis product in solid form ○ must be homogenized to ensure uniform disbursement of cannabinoids throughout the product ○ manufactured and sold under sanitation standards established by the Dept. of Public Health, in consultation with the Bureau of Marijuana Control, for preparation, storage, handling and sale of food products ○ Must be provided to customers with sufficient information to enable the informed consumption of the product, including the potential effects of the cannabis product and directions as to how to consume the cannabis product, as necessary.

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Adult Use of Marijuana Act (AUMA) Provisions Table:
Tourism, Social Justice and Land Use

Tourism/Hospitality Issues	AUMA – related provisions
	<ul style="list-style-type: none"> ○ Note: cannabis, including concentrated cannabis, included in a cannabis product manufactured in compliance with law is not considered an adulterant under state law. (pgs. 32-33 – Business and Professions Code Sec. 26130) ● Licensed retailers, microbusiness and nonprofits must implement security measures to prevent unauthorized entry and theft, including but not limited to: <ul style="list-style-type: none"> ○ Prohibiting individuals from remaining on the licensee's premises if they are not engaging in activity expressly related to the operations of the dispensary ○ Establishing limited access areas accessible only to authorized personnel. ○ Other than limited amounts of marijuana used for display purposes, samples, or immediate sale, storing all finished cannabis and cannabis products in a secured and locked room, safe, or vault, and in a manner reasonably designed to prevent diversion, theft, and loss. (pg. 28 – Business and Professions Code Sec. 26070) <p>Public Consumption</p> <ul style="list-style-type: none"> ● Cannabis consumption not permitted “in any public place, except in accordance with Section 26200 [<i>see on-site consumption provision below</i>] of the Business and Professions Code” or “in a location where smoking tobacco is prohibited.” (pg. 7 – Health and Safety Code Section 11362.3) ● Prohibits smoking cannabis and cannabis products within 1,000 feet of a school, day care center, or youth center while children are present at such locations, except in or upon the grounds of a private residence or in accordance with Section 26200 of the Business and Professions Code or

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Adult Use of Marijuana Act (AUMA) Provisions Table:
Tourism, Social Justice and Land Use

Tourism/Hospitality Issues	AUMA – related provisions
	<p>Chapter 3.5 of Division 8 of the Business and Professions Code and only if such smoking is not detectable by others on the grounds of such locations while children are present. (pg. 7 – Health and Safety Code Sec. 11362.3)</p> <ul style="list-style-type: none"> • Maintains existing laws criminalizing the operation of a vehicle under the influence. (pg. 8 - Health and Safety Code Sec. 11362.45) • Prohibits possession of an open container or open package of cannabis or cannabis products while driving, operating, or riding in the passenger seat or compartment of a motor vehicle, boat, vessel, aircraft, or other vehicle used for transportation. (pg. 7 – Health and Safety Code Section 11362.3) • Prohibits the smoking and ingestion of cannabis or cannabis products while riding in the passenger seat or compartment of a motor vehicle, boat, vessel, aircraft, or other vehicle used for transportation except as permitted on such vehicles that are operated in accordance with Section 26200 of the Business and Professions Code [i.e. local control provision] and while no persons under the age of 21 years are present. (pg. 7 – Health and Safety Code Section 11362.3) • A local jurisdiction may allow for the smoking, vaporizing, and ingesting of cannabis or cannabis products on the premises of a licensed retailer or microbusiness if: <ol style="list-style-type: none"> (1) Access to the area where cannabis consumption is allowed is restricted to persons 21 years of age and older; (2) Cannabis consumption is not visible from any public place or non-age restricted area; (3) Sale or consumption of alcohol or tobacco is not allowed on the premises. <p>(pgs. 38- 39 – Business and Professions Code Sec. 26200)</p>

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Tourism, Social Justice and Land Use

Tourism/Hospitality Issues	AUMA – related provisions
	<ul style="list-style-type: none">• Except as authorized by law, criminal sanctions for possession of cannabis upon school grounds (kindergarten or grades 1-12). (pg. 53 – Health and Safety Code Sec. 11357) <p>Immigration Status AUMA does not contain specific provisions addressing this issue.</p>

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Adult Use of Marijuana Act (AUMA) Provisions Table:
Tourism, Social Justice and Land Use

Social Justice/Workforce Development

Social Justice/Workforce Development Issues	AUMA Related Provisions
<p>1. Characteristics of a Successful Workforce</p>	<p>AUMA does not specifically address this issue, but Task Force may consider the following local control provisions to guide development of recommendations:</p> <ul style="list-style-type: none"> • Local control provision (pg. 38 - Business and Professions Code Sec. 26200) • Any standards, requirements, and regulations regarding health and safety, environmental protection, testing, security, food safety, and worker protections established by the state shall be the minimum standards for all licensees under this division statewide. A local jurisdiction may establish additional standards, requirements, and regulations. (pg. 39 - Business and Professions Code Sec. 26201)
<p>2. Entrepreneurship Opportunities</p>	<p>AUMA does not specifically address this issue, but Task Force may consider the following to guide development of recommendations:</p> <ul style="list-style-type: none"> • Local control provision (pg. 38 Business and Professions Code – Sec. 26200) • Residency requirement- No licensing authority shall issue or renew a license to any person that cannot demonstrate continuous California residency from or before January 1, 2015. In the case of an applicant or licensee that is an entity, the entity shall not be considered a resident if any person controlling the entity cannot demonstrate continuous California residency from and before January 1, 2015. This provision will cease to be operable on December 31, 2019 unless reenacted prior thereto by the Legislature. (pg. 21 - Business and Professions Code Sec. 26054.1)
<p>3. AUMA Community Reinvestment Grants</p>	<ul style="list-style-type: none"> • The State shall administer Community Reinvestments grants program to local health departments and at least fifty-percent to qualified community-based

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Adult Use of Marijuana Act (AUMA) Provisions Table:
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Social Justice/Workforce Development Issues	AUMA Related Provisions
	<p>nonprofit organizations to support job placement, mental health treatment, substance use disorder treatment, system navigation services, legal services to address barriers to reentry, and linkages to medical care for communities disproportionately affected by past federal and state drug policies. The [State] shall solicit input from community-based job skills, job placement, and legal service providers with relevant expertise as to the administration of the grants program. In addition, the Office shall periodically evaluate the programs it is funding to determine the effectiveness of the programs, shall not spend more than four percent (4%) for administrative costs related to implementation, evaluation and oversight of the programs, and shall award grants annually, beginning no later than January 1, 2020 (pg. 48 – Revenue and Taxation Code Sec. 34109).</p>
<p>4. Social Justice</p>	<ul style="list-style-type: none"> • Removes incarceration as an option for minors who commit cannabis-related offenses – they may only be charged with infractions. AUMA instead relies upon community service, drug education and counseling. <p>Except as authorized by law, possession of not more than 28.5 grams of cannabis or not more than four grams of concentrated cannabis, or both:</p> <ul style="list-style-type: none"> • Persons under the age of 18 shall be guilty of an infraction and be required to: <ul style="list-style-type: none"> ○ Upon a finding that a first offense has been committed, complete four hours of drug education or counseling and up to 10 hours of community service over a period not to exceed 60 days. ○ Upon a finding that a second offense or subsequent offense has been committed, complete six hours of drug education or counseling and up to 20 hours of community service over a period not to exceed 90 days.

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Social Justice/Workforce Development Issues	AUMA Related Provisions
	<ul style="list-style-type: none"> • Persons at least 18 years of age but less than 21 years of age: guilty of an infraction and punishable by a fine of not more than one hundred dollars (\$100). (pg. 52 – Health and Safety Code 11357) <p>Except as authorized by law, possessing more than 28.5 grams of cannabis or more than four grams of concentrated cannabis:</p> <ul style="list-style-type: none"> • Persons under the age of 18 shall be guilty of an infraction and be required to: <ul style="list-style-type: none"> ○ Upon a finding that a first offense has been committed, complete eight hours of drug education or counseling and up to 40 hours of community service over a period not to exceed 90 days. ○ Upon a finding that a second offense or subsequent offense has been committed, complete ten hours of drug education or counseling and up to 60 hours of community service over a period not to exceed 120 days. • Persons age 18 and older: imprisonment in a county jail for a period of not more than six months or by a fine of not more than five hundred dollars (\$500), or by both such fine and imprisonment. (pg. 53 – Health and Safety Code 11357) <p>Note:</p> <ul style="list-style-type: none"> • AUMA includes other provisions for illegal planting, harvesting and processing, possession for sale, etc. (pgs. 53-54 Health and Safety Code Sec. 11358-60). • AUMA also allows for some adult offenses to be classified as wobblers (i.e. can be tried as felonies depending on particular aggravating circumstances). <p>Resentencing and Expungement</p> <ul style="list-style-type: none"> • A person currently serving a sentence for a conviction, whether by trial or by open or negotiated plea, who would not have been guilty of an offense or who would have been guilty of a lesser offense under the Control, Regulate and Tax

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Adult Use of Marijuana Act (AUMA) Provisions Table:
Tourism, Social Justice and Land Use

Social Justice/Workforce Development Issues	AUMA Related Provisions
	<p>Adult Use of Marijuana Act had that Act been in effect at the time of the offense may petition for a recall or dismissal of sentence before the trial court that entered the judgment of conviction in his or her case to request resentencing or dismissal. (pg. 56 – Health and Safety Code Sec. 11361.8)</p> <ul style="list-style-type: none">• A person who has completed his or her sentence for a conviction under Sections 11357-60, whether by trial or open or negotiated plea, who would not have been guilty of an offense or who would have been guilty of a lesser offense under the Control, Regulate and Tax Adult Use of Marijuana Act had that Act been in effect at the time of the offense may file an application before the trial court that entered the judgment of conviction in his or her case to have the conviction dismissed and sealed because the prior conviction is now legally invalid or re-designated as a misdemeanor or infraction in accordance with [certain AUMA provisions] as those sections have been amended or added by this Act. (pg. 57 – Health and Safety Code Sec. 11361.8)

Cannabis State Legalization Task Force

DOCUMENT C
Adult Use of Marijuana Act (AUMA) Provisions Table:
Tourism, Social Justice and Land Use

Land Use

Land Use Issues	AUMA Related Provisions
<p>1. Non-Retail Uses</p>	<p>AUMA Local Control provision</p> <ul style="list-style-type: none"> • Nothing in this division shall be interpreted to supersede or limit the authority of a local jurisdiction to adopt and enforce local ordinances to regulate businesses licensed under this division, including, but not limited to, local zoning and land use requirements, business license requirements, and requirements related to reducing exposure to second hand smoke, or to completely prohibit the establishment or operation of one or more types of businesses licensed under this division within the local jurisdiction. (pg. 38 Business and Professions Code – Sec. 26200)
<p>2. Retail uses</p>	<p>Clustering</p> <ul style="list-style-type: none"> • AUMA provides policy considerations that State licensing authorities may take into account in granting, denying or renewing a cannabis license, including whether granting a retail, microbusiness or qualified nonprofit license would result in “excessive concentration of licensees in a given city, county, or both.” It defines “excessive concentration” as an area where either of the following conditions exists: <ul style="list-style-type: none"> ○ The ratio of a licensee to population in the census tract or census division in which the applicant premises are located exceeds the ratio of licensees to population in the county in which the applicant premises are located, unless denial of the application would unduly limit the development of the legal market so as to perpetuate the illegal market for marijuana or marijuana products.

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DOCUMENT C
Adult Use of Marijuana Act (AUMA) Provisions Table:
Tourism, Social Justice and Land Use

Land Use Issues	AUMA Related Provisions
	<ul style="list-style-type: none"> ○ The ratio of retail licenses, micro business licenses, or licenses under Section 26070. 5 to population in the census tract, division or jurisdiction exceeds that allowable by local ordinance adopted under Section 26200 [local control provision]. (pgs. 20 – Business and Professions Code Sec. 26051) <p>Proximity to child-friendly locations</p> <ul style="list-style-type: none"> ● Prohibition of cannabis licensees within 600 ft. of schools, day care centers or youth centers that are in existence at the time the license is issued. Licensing authorities or local jurisdiction may set a different radius. (pg. 21 - Business and Professions Code Sec. 26054) ● Prohibits advertising or marketing of marijuana or marijuana products within 1,000 feet of a day care center, school providing instruction in kindergarten or any grades 1 through 12, playground, or youth center (pg. 35 – Health and Safety Code Sec. 26152)
<p>3. Medical Cannabis Dispensaries vs. Adult Use Zoning Approval Processes</p>	<p>AUMA does not specifically address this issue, but Task Force may consider the following to guide development of recommendations:</p> <ul style="list-style-type: none"> ● Local Control Provision (pg. 38 Business and Professions Code – Sec. 26200)

Cannabis State Legalization Task Force

DOCUMENT C

Adult Use of Marijuana Act (AUMA) Provisions Table: Tourism, Social Justice and Land Use

Note 1: Provisions regarding changes to AUMA

The AUMA allows the Legislature to amend regulations, protect workers, and/or reduce criminal penalties by a majority vote consistent with the purposes of the Adult Use of Marijuana Act, in order to create maximum flexibility within the system. Other amendments may be made with a two-third vote of the Legislature, so long as they are consistent with the purposes of the Act. (pg. 61 – Section 10 “Amendment”).²

Note 2: State Standards vs. Local Standards

AUMA pg. 39 – Business and Professions Code Sec. 26201 states:

Any standards, requirements, and regulations regarding health and safety, environmental protection, testing, security, food safety, and worker protections established by the state shall be the minimum standards for all licensees under this division statewide. A local jurisdiction may establish additional standards, requirements, and regulations.

² Excerpt from Let’s Get it Right California AUMA Executive Summary, available at <http://www.letsgetitrightca.org/news/executive-summary>.

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DOCUMENT D
Recommendation Grid – Land Use

RECOMMENDATIONS TOPIC: Land Use					
ISSUE	Local Policy and Legal [policymaking guidance: e.g. new or changes to existing law policies, protocols, guidelines, etc.] + RATIONALE	Programmatic [new or changes to existing programs, programmatic structures, funding streams and levels] + RATIONALE	Future Research Needed [research needed to develop effective cannabis policies, guidelines or protocols] + RATIONALE	Future Collaborations [agencies, groups and/ stakeholders in SF or elsewhere that would be helpful to policymakers in developing this issue] + RATIONALE	Future Considerations [possible areas of realignment within the AUMA to tailor law to SF culture, climate and current practice] + RATIONALE
1. Non-Retail Uses					
2. Retail Uses					

CONSENSUS PRINCIPLES

- 1. Develop guidelines to inform land use decision-making 2. City-wide policies for non-retail and retail use 3. Use existing planning code as foundation for non-retail land use**

Cannabis State Legalization Task Force

DOCUMENT D

Recommendation Grid – Land Use

	Local Policy and Legal	Programmatic	Future Research Needed	Future Collaborations	Future Considerations
3. MCD vs Adult Use Retail Zoning Approval Process					
4. Other?					

CONSENSUS PRINCIPLES

- 1. Develop guidelines to inform land use decision-making 2. City-wide policies for non-retail and retail use 3. Use existing planning code as foundation for non-retail land use**

SEPARATOR

Cannabis State Legalization Task Force

DOCUMENT D

Recommendation Grid – Social Justice/Workforce Development

RECOMMENDATIONS TOPIC: Social Justice/Workforce Development					
ISSUE	Local Policy and Legal [policymaking guidance: e.g. new or changes to existing law policies, protocols, guidelines, etc.] + RATIONALE	Programmatic [new or changes to existing programs, programmatic structures, funding streams and levels] + RATIONALE	Future Research Needed [research needed to develop effective cannabis policies, guidelines or protocols] + RATIONALE	Future Collaborations [agencies, groups and/ stakeholders in SF or elsewhere that would be helpful to policymakers in developing this issue] + RATIONALE	Future Considerations [possible areas of realignment within the AUMA to tailor law to SF culture, climate and current practice] + RATIONALE
1. Successful Workforce					
2. Entrepreneurship Opportunities					

CONSENSUS PRINCIPLES

1. Evidence-based approach

2. Address social justice

3. Incentivize workforce development

Cannabis State Legalization Task Force

DOCUMENT D

Recommendation Grid – Social Justice/Workforce Development

	Local Policy and Legal	Programmatic	Future Research Needed	Future Collaborations	Future Considerations
3. AUMA Community Reinvestment Grants					
4. Social Justice					
5. Other?					

CONSENSUS PRINCIPLES

1. Evidence-based approach

2. Address social justice

3. Incentivize workforce development

SEPARATOR

Cannabis State Legalization Task Force

DOCUMENT D

Recommendation Grid – Tourism/Hospitality

RECOMMENDATIONS TOPIC: Tourism/Hospitality					
ISSUE	Local Policy and Legal [policymaking guidance: e.g. new or changes to existing law policies, protocols, guidelines, etc.] + RATIONALE	Programmatic [new or changes to existing programs, programmatic structures, funding streams and levels] + RATIONALE	Future Research Needed [research needed to develop effective cannabis policies, guidelines or protocols] + RATIONALE	Future Collaborations [agencies, groups and/ stakeholders in SF or elsewhere that would be helpful to policymakers in developing this issue] + RATIONALE	Future Considerations [possible areas of realignment within the AUMA to tailor law to SF culture, climate and current practice] + RATIONALE
1. San Francisco Cannabis Culture					
2. Tourist and Resident Experiences a. Safety (health and personal) b. Public Consumption c. Immigration Status and Legal Implications					

CONSENSUS PRINCIPLES

- 1. Create recommendations regarding tourist use**

Cannabis State Legalization Task Force

DOCUMENT D

Recommendation Grid – Tourism/Hospitality

	Local Policy and Legal	Programmatic	Future Research Needed	Future Collaborations	Future Considerations
3. Other?					

CONSENSUS PRINCIPLES

- 1. Create recommendations regarding tourist use**