

Exhibit B

CHAPTER 14 HEALTH AND SANITATION

Article I. Administration and Enforcement.

Sec. 14-1-010. In general.

The health officer, as referred to in this chapter, or his/her designee shall administer and enforce the provisions of this chapter and applicable state law.

This chapter and the articles contained herein apply in the unincorporated county and in all incorporated cities and towns of the county that have not appointed their own health officer.

Sec. 14-1-020. Definitions.

"Department" means the county of Sonoma, department of health services, environmental health and safety section.

"Enforcement agency" means the county of Sonoma, department of health services, environmental health and safety section.

"Enforcement officer" means the agent, registered environmental health specialist, or environmental health specialist trainee authorized by the director of health services, health officer, or director of environmental health.

"Health officer" as referred to in this chapter, means the Sonoma County Health Officer/Deputy Health Officer or his/her authorized representatives.

"Health permit" or "permit" as referred to in this chapter, means a permit or registration issued by the department for milk dairy, retail food, public swimming pool, body art, and cannabis facility, as those terms are defined in this chapter and in the California Food and Agricultural Code, and the California Health and Safety Code.

"Hearing officer" as referred to in this chapter, means an individual appointed by the county pursuant to Sections 2-33.1 through 2-33.5 to preside over an administrative hearing, or in the context of article III of this chapter, the director of environmental health or his/ her designee.

"Person" as referred to in this chapter, includes any individual, firm, partnership, joint venture, association, corporation, limited liability company, estate, trusts, business trust, receiver, syndicate, or any other group or combination acting as a unit, and it includes the plural as well as the singular number.

Sec. 14-1-030. Requirement of permit.

It is unlawful for any person without a health permit to control, lease, act as agent for, conduct, operate, or manage any milk dairy, retail food facility, public swimming pool, body art facility, cannabis facility as those terms are defined in this chapter.

Health permits shall be prominently posted in public view at the location or upon the equipment for which it was issued, or in the case of non-public facilities, in a prominent location where they can be viewed by state and local agencies. Health permits shall not be transferable upon change of ownership of the location or equipment for which it was issued.

The holder of the health permit shall make payment to the department, on or before the anniversary date as established at the time of permit issuance, an annual fee as established by the board of supervisors' resolution, and as more fully set forth below.

Sec. 14-1-040. Suspensions and revocations.

Health permits shall be valid until revoked, suspended or as conditioned by the enforcement officer.

Any health permit issued pursuant to this chapter may be suspended or revoked for good cause by the enforcement officer. "Good cause" for the purpose of this section, means a violation of state law, a violation of any of the provisions of this chapter, a violation of the administrative rules or regulations adopted thereunder, a violation of any condition of such health permit, or failure to make payment of the required health permit fee to the department.

The following practices will be utilized during a permit revocation or suspension:

- (a) Whenever an enforcement officer finds that a person is not operating in compliance with their health permit, a written notice to comply shall be issued to the person. If the person fails to comply within fifteen (15) days of the notice, the enforcement officer shall issue a second written notice to comply describing the acts or omissions with which the person is charged and informing them of their right to request a hearing.
- (b) At any time within a fifteen-day period after service of such notice, the person may request a hearing before the hearing officer and department to show cause why the health permit should not be suspended or revoked.
- (c) A failure to request a hearing within fifteen (15) days shall be deemed a waiver of a right to such a hearing.
- (d) Any hearing provided for in this section shall be conducted in accordance with Section 14-1-060.
- (e) A health permit may be reinstated or a new health permit issued if the enforcement agency determines that the conditions that prompted the permit suspension or revocation no longer exist.

Sec. 14-1-050. Immediate health permit suspension or revocation.

Notwithstanding the provisions of this chapter, and except as otherwise specifically provided by state law, the enforcement officer may immediately suspend or revoke a health permit if the enforcement officer determines that there is an immediate threat to public health, safety, or welfare.

The enforcement officer shall serve the permit holder, within forty-eight (48) hours of the suspension or revocation, written notice of the grounds for the immediate suspension or revocation of the health permit. A person may appeal the suspension or revocation by filing a written notice to request a hearing before the hearing officer.

If a hearing is requested, it shall be conducted in accordance with Section 14-1-060.

Sec. 14-1-060. Hearing procedure.

Whenever this chapter provides for a hearing, the hearing shall be conducted in accordance with this Section unless state law provides for a different procedure.

- (a) Upon receipt of a written request for a hearing, the hearing officer shall set a hearing date at the earliest practicable time. The hearing shall be held no later than fifteen (15) calendar days after receipt of the request for a hearing. Upon written request of the registrant or permit holder, the hearing officer may postpone a hearing date, if circumstances warrant the action. The hearing officer shall give notice of the hearing to the parties at least ten (10) calendar days before the date of the hearing.
- (b) When circumstances warrant, the hearing officer may order a hearing at any reasonable time within this fifteen-day period to expedite the permit suspension or revocation process.
- (c) Neither the provisions of the Administrative Procedure Act (Government Code Section 11500 et seq.) nor the formal rules of evidence in civil or criminal judicial hearings shall apply to such hearing. At the

hearing, the hearing officer may admit any evidence, including witness testimony, relevant to the determination of the matter, except as otherwise provided in this chapter. A record of the hearing shall be made by any means, including electronic recording, so long as a reasonably accurate and complete written transcription of the proceedings can be made.

- (d) The hearing officer shall issue a written notice of decision to the person within five (5) working days following the hearing. Notice of the written decision, including findings of facts, conclusions of law, and notification of the time period in which judicial review may be sought pursuant to Code of Civil Procedure Section 1094.6 shall be served on all parties. The notice of decision shall also specify the acts or omissions with which the person is charged, and shall state the terms of the suspension or that the health permit has been revoked. Any decision rendered by the hearing officer shall be a final administrative decision.
- (e) Judicial Review. Hearing officer decisions shall be final, subject to judicial review under the provisions of California Code of Civil Procedure Sections 1094.5 and 1094.6. California Code of Civil Procedure Section 1094.6 governs limitation of time for filing petitions under Section 1094.5, as set forth in Sonoma County Code Section 1-7.5.

Article II. Milk and Dairy.

Sec. 14-2-010. Duties of health officer.

Per Section 32701 of the Food and Agricultural Code, the health officer or his/her designee, are directed and empowered to perform the functions of milk and dairy inspection within the county and all incorporated cities of the county.

Sec. 14-2-020. Milk dairy permits.

No person shall operate in the county, all incorporated cities of the county, and such other areas as may be assigned by the director of agriculture of the state, any milk dairy, dairy farm, or other facility producing or manufacturing milk, without a valid permit issued by the health officer, as set forth in California Food and Agricultural Code Section 33222. All applications for milk dairy permits shall be on a form supplied by the department and shall be accompanied by the applicable fee(s), as described in Section 14-3-040.

Such permit shall be issued for a period not to exceed one (1) year. Such permit shall be displayed prominently in or upon the place of business for which it is issued.

Sec. 14-2-030. Milk inspection service fees.

Per California Food and Agricultural Code, Sections 33251 to 33261 and 33265, for the purpose of maintaining an approved milk inspection service, as defined in California Food and Agricultural Code Section 32503, inspection fees will be charged and paid to the department. Milk inspection fees shall be determined by resolution of the board of supervisors. The fee shall be calculated so as to recover the reasonable regulatory cost of administration and enforcement of the milk inspection service, including, for example, inspections, compliance checks, and late fees for delinquent permits, but shall not exceed the cost of the regulatory program authorized by this article and by California law. All fees and interest upon proceeds of fees shall be used exclusively to fund administration and enforcement of this article. Fees are nonrefundable except as may be required by law. Any permit that has not been reinstated by the designated anniversary date, due to failure to submit milk inspection fees, shall be deemed delinquent. Permits that continue to remain delinquent will be subject to late fees at intervals of thirty (30) days and sixty (60) days past the anniversary date. The amount assessed shall be included in the fee schedule approved by resolution of the board of supervisors.

Article III. Retail Food.

Sec. 14-3-010. Purpose.

This article provides for the enforcement of California laws and regulations pertaining to retail food facilities, and to establish local requirements as authorized in Health and Safety Code Section 113700 et seq.

This article is intended solely to facilitate the enforcement of the Retail Food Code (Division 104, Part 7, of the Health and Safety Code). With the exception of section 14-3-060, nothing in this article shall be construed to conflict with the Retail Food Code, nor to alter the definitions, authority, scope, responsibilities, requirements, standards, conditions, exemptions, procedures and penalties described within the Retail Food Code.

Sec. 14-3-020. Definitions.

"Food facility" means an operation that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption at the retail level as more fully defined in Health and Safety Code Section 113789.

The "official inspection report" (OIR) is the written notice prepared and issued by the health officer after conducting an inspection of a food facility to document compliance with all applicable federal, state, and local laws and regulations pertaining to the protection of public health.

"Operator" and/or "employee" means any person or owner engaged in the dispensing of or assisting in the preparation of food or beverages, or any person otherwise employed in a food facility.

"Owner" or "owners" means those persons, partnerships or corporations who are financially interested in the operation of a food facility.

"Placard" means a color-coded placard that describes the compliance status of the food facility at the most recent inspection or reinspection. The color green shall be the color used for a "pass" placard. The color yellow shall be the color used for a "conditional pass" placard. The color red shall be the color for a "closed" placard.

"Routine inspection" means an inspection of any food facility to determine compliance with all applicable laws and regulations pertaining to the protection of public health.

Sec. 14-3-030. Food facility permits.

- (a) No person shall operate in the county, or in any incorporated city in the county, any food facility or any other enterprise or establishment in which food or beverage is offered for sale or sold, without a valid permit or registration issued by the health officer. Such permit shall be displayed prominently in or upon the place of business for which it is issued, or in the case of a mobile food facility shall be carried by the driver.
- (b) All applications for food facility permits shall be on a form supplied by the department and shall be accompanied by the applicable fee(s), as described in Section 14-3-040.
- (c) A permit to operate shall not be issued by the department until its inspection has determined that the proposed food facility and its method of operation meet the specifications and conform to the provisions of this article and the California Retail Food Code (California Health and Safety Code Section 113700 et seq.).
- (d) All permits for food facilities shall expire on the annual renewal date. Permits are valid only for the person, location, and type of food sales or distribution activity approved. Permits shall not be transferable upon change of ownership of the food facility.

Sec. 14-3-040. Fees.

- (a) At the time of filing the food facility permit application, each applicant shall submit to the enforcement agency, the annual permit fee(s) as established by the current board of supervisors' fee resolution. The fee shall be calculated so as to recover the reasonable regulatory cost of administration and enforcement of this article, including, for example, issuing a food facility permit, administering the permit program, food facility

inspection and compliance checks, documentation of violations, late fees for delinquent permits, and enforcement proceedings, but shall not exceed the cost of the regulatory program authorized by this article and by California law. All fees and interest upon proceeds of fees shall be used exclusively to fund administration and enforcement of this article. Fees are nonrefundable, except as may be required by law.

- (b) Each separate location of business shall be deemed a separate enterprise or food facility for purposes of this article.
- (c) Any permit that has not been reinstated by the designated anniversary date will not be valid, due to failure to submit permit fees, shall be deemed delinquent. Permits that continue to remain delinquent will be subject to late fees at intervals of thirty (30) days and sixty (60) days past the anniversary date. The amount assessed shall be included in the fee schedule approved by resolution of the board of supervisors.
- (d) Conditions requiring additional inspections due to noncompliance with applicable statutes/regulations will incur additional reinspection service fees as provided in the fee schedule in effect at the time of noncompliance.

Sec. 14-3-050. Penalties.

Any food facility found to be operating without a valid food facility permit is subject to closure and a penalty, which may be up to three (3) times the amount of the permit fee as identified in the current fee resolution adopted by the board of supervisors, as authorized in California Health and Safety Code Section 114387. Any person who violates any provision of the California Retail Food Code (California Health and Safety Code Section 113700 et seq.) and accompanying regulations is guilty of a misdemeanor. Each offense shall be punished by a fine of not less than twenty-five dollars (\$25.00) or more than one thousand dollars (\$1,000.00) or by imprisonment in the county jail for a term not exceeding six (6) months, or by both fine and imprisonment, as set forth in California Health and Safety Code Section 114395.

Sec. 14-3-060. Placarding program.

- (a) The department shall adopt policies and create operational procedures, operational standards and marking guides for the placard program.
- (b) Food facility categories eligible for the placard program shall be determined by the department.
- (c) Upon completion of a routine inspection or reinspection, the health officer shall determine the appropriate placard to post at the food facility, shall notify the food facility operator of the intended posting of the placard, and shall provide the operator an opportunity to respond at that point. After the opportunity to respond, the health officer shall post the appropriate placard at every food facility within the placarding program. The placard shall be posted so as to be clearly visible to the general public and to patrons entering the food facility. "Clearly visible to the general public and to patrons" shall mean:
 - (1) Posted in the front window of the food facility; or
 - (2) Posted in a display case mounted on the outside front wall of the food facility; or
 - (3) Posted in a location approved by the health officer to ensure proper notice to the general public and to patrons.

The health officer shall reinspect every food facility at which a yellow "conditional pass" placard is posted within twenty-four (24) to seventy-two (72) hours of the posting of the yellow placard. Upon reinspection, the appropriate placard shall be posted.

- (d) If a food facility is operated in the same building as a separately permitted or licensed business, or if a facility shares a common patron entrance with a separately permitted facility or licensed business, or in the event of both, the health officer shall post the placard in the initial patron contact area, or in a location approved by the health officer.

- (e) The placard shall not be altered, defaced, marred, camouflaged, hidden, or removed. It shall be unlawful to operate a food facility unless the placard is posted in accordance with this chapter. Failure to comply with this section may result in the suspension or revocation of the food facility permit.
- (f) In addition to the placard, the OIR shall be maintained at the food facility and shall be available to the general public and to patrons for review upon request. The food facility shall keep the OIR until such time as the health officer completes the next routine inspection or reinspection and issues a new inspection report.
- (g) A food facility operator or owner may challenge the posting of a placard by filing a written notice to request a hearing before the hearing officer. If a hearing is requested, it shall be conducted in accordance with Section 14-1-060.
- (h) A placard shall remain valid from the time of issuance until a new placard is issued at time of routine inspection, reinspection or change of ownership.
- (i) Failure to comply with any subsection of Section 14-3-060 may result in the suspension or revocation of the food facility permit.

Article IV. Public Swimming Pools.

Sec. 14-4-010. Purpose.

This article provides for the enforcement of California laws and regulations pertaining to public swimming pools, and to establish local requirements as authorized in Health and Safety Code Section 116025 et seq.

All definitions, authority, scope, responsibilities, requirements, standards, conditions, exemptions, procedures and penalties described within state law are adopted. The provisions of this article are authorized pursuant to state law and are intended to supplement and not to preempt state law. Laws and regulations enacted by the state of California that surpass the requirements of this article, which pertain to health and sanitation of public swimming pools shall take precedence and supersede these provisions.

Sec. 14-4-020. Public swimming pool permits.

- (a) No person shall operate in the county, or in any incorporated city in the county, any public swimming pool, as defined in Health and Safety Code Section 116025, without a valid swimming pool permit. The enforcement officer or a state officer is permitted by state law to conduct periodic inspections and to act in the enforcement of any statute, order, quarantine, rule or regulation prescribed for public swimming pools.
- (b) All applications for swimming pool permits shall be on a form supplied by the department and shall be accompanied by the applicable fee(s), as described in Section 14-4-030.
- (c) Public swimming pool permits for each location, enterprise or establishment shall be issued only after submission of an application, investigation by the enforcement officer, and a finding by the enforcement officer that the applicant is in compliance with all applicable statutes, orders, quarantines, rules, regulations, and this article.

Sec. 14-4-030. Fees.

- (a) Permit fees applicable to this article shall be established by resolution of the board of supervisors. The fee shall be calculated so as to recover the reasonable regulatory cost of administration and enforcement of this article, including, for example, issuing a permit, administering the permit program, inspections, investigations, compliance checks, documentation of violations, late fees for delinquent permits, and enforcement measures, but shall not exceed the cost of the regulatory program authorized by this article and by California law. All fees and interest upon proceeds of fees shall be used exclusively to fund administration and enforcement of this article. Fees are nonrefundable except as may be required by law.

- (b) Each applicant shall pay to the department, at the time of filing an application for a permit, the annual permit fees established by resolution of the board of supervisors. Permits shall not be transferable.
- (c) Any permit that has not been reissued by the anniversary date will not be valid, due to failure to submit the application and permit fees, shall be deemed delinquent. Any swimming pool permit, which has remained delinquent for thirty (30) days past the anniversary date, shall be subject to a late fee. Additional late fees shall be assessed at sixty (60) days. The amount shall be included in the fee schedule approved by the resolution of the board of supervisors.
- (d) Conditions requiring additional inspections due to noncompliance with applicable statutes/regulations will incur additional reinspection service fees as provided in the fee schedule in effect at the time of noncompliance.

Sec. 14-4-040. Penalties.

Any person who violates any provision of the swimming pool sanitation laws (California Health and Safety Code Section 116025 et seq.), building standards published in the State Building Standards Code relating to swimming pools, or the rules and regulations adopted pursuant thereto, is guilty of a misdemeanor, punishable by a fine of not less than fifty dollars (\$50.00) nor more than one thousand dollars (\$1,000.00), or by imprisonment for not more than six (6) months, or both, as set forth in California Health and Safety Code Section 116065.

Article V. Body Art.

Sec. 14-5-010. Purpose.

It is the purpose and intent of this article to implement the provisions of the Safe Body Art Act (California Health and Safety Code Section 119300 et seq.), which provides standards for the regulations of persons engaged in the business of tattooing, body piercing, and the application of permanent cosmetics.

All definitions, authority, scope, responsibilities, requirements, standards, conditions, exemptions, procedures, and penalties are described within state law. Laws and regulations enacted by the state of California that surpass the requirements of this article, which pertain to health and sanitation of body art, shall take precedence and supersede the provisions of this article.

Sec. 14-5-020. Practitioner registration.

It shall be unlawful for any person to perform body art, as defined in Health and Safety Code Section 119301, without a valid and current registration issued by the department, except as otherwise specified in Health and Safety Code Section 119306. As a condition of registration, the applicant shall provide to the Department all of the evidence required by Health and Safety Code Section 119306(c) and pay a nonrefundable registration fee.

The term of registration shall be one (1) year, from the date of issuance. Body art practitioners shall renew their registration annually, in accordance with Health and Safety Code Section 119306.

Sec. 14-5-030. Facility permit.

- (a) It shall be unlawful for any person to operate or cause to be operated a body art facility, as defined in Health and Safety Code Section 119301, whether permanent or temporary, which includes mobile facilities, in the county or in any incorporated city in the county, without first obtaining a valid health permit. The term of the permit shall be one (1) year from the date of issuance.
- (b) Every applicant for such a permit shall file with the department a written application on a form to be provided by the department. The applicant shall provide all of the evidence required by Health and Safety Code Section 119312(c) and shall be accompanied by such fees as set forth in Section 14-5-050.
- (c) It shall be unlawful for any sponsor, as defined in Health and Safety Code Section 119301(x), of a temporary body art facility to organize any event that includes a body art demonstration booth without a valid permit

issued by the department. The department will issue a permit only after it has completed an investigation and determined that the body art facility and its method of operation meet the requirements of this article and Health and Safety Code Section 119317.

- (d) Applications for proposed temporary body art facilities, which include mobile facilities, shall be filed no later than ten (10) working days prior to the intended commencement of the temporary body art facility. Temporary body art facility permits shall be valid only for the days and hours of operation specified on the application as approved by the department.
- (e) A permit or registration issued pursuant to this article is for the exclusive use of the body art practitioner or facility that was issued the permit or registration and may not be transferred.

Sec. 14-5-040. Facility plans.

It shall be unlawful for any person to commence construction, reconstruction or alteration of a body art facility or mobile body art facility without first submitting plans, specifications and such other information as may be required to determine compliance with this article and Health and Safety Code Section 119314.

Sec. 14-5-050. Fees.

- (a) Permit fees applicable to this article shall be established by the board of supervisors. The fee shall be calculated so as to recover the reasonable regulatory cost of administration and enforcement of this article, including, for example, issuing a permit, administering the permit program, inspection, investigation, and compliance checks, documentation of violations, late fees for delinquent permits, and enforcement measures, but shall not exceed the cost of the regulatory program authorized by this article. All fees and interest upon proceeds of fees shall be used exclusively to fund administration and enforcement of this article. Fees are nonrefundable except as may be required by law.
- (b) Any permit that has not been reissued by the anniversary date, due to failure to submit application and permit fees, shall be deemed delinquent. Any body art facility permit or practitioner registration, which has remained delinquent for thirty (30) days past the anniversary date, shall be subject to a late fee. Additional late fees shall be assessed at sixty (60) days. The amount assessed shall be included in the fee schedule approved by resolution of the board of supervisors.
- (c) Conditions requiring additional inspections due to noncompliance with applicable statutes/regulations will incur additional reinspection service fees as provided in the fee schedule in effect at the time of noncompliance.

Sec. 14-5-060. Penalties.

Any body art practitioner, facility or event booth found to be operating without a valid registration or permit is subject to closure and a penalty, which may be up to three (3) times the amount of the permit fee as identified in the current fee resolution adopted by the board of supervisors, as authorized by California Health and Safety Code Sections 119312, 119317, and 119318. Any person who violates any provision of the California Safe Body Art Act, California Health and Safety Code Section 119301 et seq., or accompanying regulations is guilty of a misdemeanor. The enforcement agency may also assess an administrative penalty in an amount not less than twenty-five dollars (\$25.00) and not more than one thousand dollars (\$1,000.00) for violation of any provision of the California Safe Body Art Act, as set forth in California Health and Safety Code Section 119323.

Article VI. Cannabis Dispensary and Edible Cannabis Product Manufacturing Premises.

Sec. 14-6-010. Purpose.

This article establishes local requirements for cannabis facilities.

Sec. 14-6-020. Applicability.

Notwithstanding section 14-01-010, this article shall apply solely in the incorporated areas and in incorporated areas that have opted into this article by providing notice to the Health Officer in writing.

Sec. 14-6-030. In general.

Although edible cannabis products are not defined as a food in Health and Safety Code, Sonoma County requires that cannabis dispensaries and edible cannabis product manufacturing premises comply with the Medicinal and Adult-Use Cannabis Regulation and Safety Act and the relevant articles of Health and Safety Code Section 13700 et seq. and other applicable food safety codes, which provide a system of prevention and overlapping safeguards designed to minimize foodborne illness, ensure employee health, demonstrate industry manager knowledge, ensure safe food preparation practices and delineate acceptable levels of sanitation for preparation of edible products.

Sec. 14-6-040. Definitions.

For the purposes of this article:

"Agency having jurisdiction" means the local agency with land use entitlement and enforcement authority.

"Cannabis" has the same meaning as Business and Professions Code section 26001(f).

"Cannabis Facility" means a cannabis Dispensary, Edible Cannabis Product Manufacturing Facility, Cannabis Lounge or microbusiness incorporating a Cannabis Dispensary, Edible Cannabis Product Manufacturing Facility and/or Cannabis Lounge.

"Cannabis lounge" means a dispensary with a consumption area. Activities licensed under a valid Department of Cannabis Control "temporary cannabis event" license are not cannabis lounges within the meaning of this article.

"Cannabis product" means cannabis that has undergone a process whereby the plant material has been transformed into a concentrate, including, but not limited to, concentrated cannabis, or an edible or topical product containing cannabis or concentrated cannabis and other ingredients.

"Consumption area" means an area of a cannabis lounge in association with a dispensary that is physically separated from the sales area to allow for cannabis consumption.

"County" means the entire county and all incorporated cities and towns of the county, which have delegated cannabis health permit authority to the director.

"County department" means any department or agency operated by the county of Sonoma.

"Delivery" means the commercial transfer of cannabis or cannabis products to a customer. "Delivery" also includes the use by a dispensary of any technology platform owned, leased, or controlled by the dispensary. Deliveries must be made by either the owner of the dispensary or an employee of the dispensary.

"Director" means the Director of the Sonoma County Department of Health Services or the health officer or any individual designated by the director to act on his or her behalf, including the Director of Environmental Health and Environmental Health Specialists.

"Dispensary" or "cannabis dispensary" means a facility operated in accordance with state law, where cannabis, cannabis products or devices for the use of cannabis or cannabis products are offered, either individually or in any combination, for retail sale, including an establishment that delivers cannabis and cannabis products as part of retail sale. Activities licensed under a valid Department of Cannabis Control "temporary cannabis event" license are not dispensaries within the meaning of this article.

"Edible cannabis product" means a cannabis product intended to be used orally, in whole or in part, for human consumption. For purposes of this article, "edible cannabis product" includes cannabis products that

dissolve or disintegrate in the mouth, but does not include any product otherwise defined as "cannabis concentrate."

"Imminent health hazard" means a significant threat or danger to health that is considered to exist when there is evidence sufficient to show that a product, practice, circumstance or event creates a situation that can cause infection, intoxication, disease transmission, vermin infestation, or hazardous condition that requires immediate correction or cessation of operation to prevent injury, illness, or death.

"Manufacturer" means a person that conducts the production, preparation, or compounding of cannabis or cannabis products either directly or indirectly or by extraction methods, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis at a fixed location that packages or repackages cannabis or cannabis products or labels or relabels its container.

"Manufacture" has the same meaning as Business and Professions Code section 26001(a).

"Medical cannabis," "medical cannabis product" or " " means any product containing cannabis, including but not limited to flowers, buds, oils, tinctures, concentrates, extractions, and edibles intended to be sold for use by medical cannabis patients in California pursuant to the Compassionate Use Act of 1996 (Proposition 215), found at Section 11362.5 of the Health and Safety Code. For the purposes of this Chapter, medical cannabis does not include industrial hemp as defined by Section 81000 of the Food and Agricultural Code or Section 11018.5 of the Health and Safety Code.

"Medical cannabis identification card" or "identification card" means a document issued by the state department of health services pursuant to California Health and Safety Code Sections 11362.7 et seq. that identifies a person authorized to engage in the medical use of cannabis and the person's designated primary caregiver, if any, or identifies a person as a primary caregiver for a medical cannabis patient.

"Medicinal cannabis patient" includes both a qualified patient as defined in Health and Safety Code section 11362.7 and a person in possession of a valid identification card issued under Health and Safety Code section 11362.71.

"Nonsale distribution" means to give a cannabis product or coupon at no cost or at a nominal cost of less than twenty-five percent (25%) of the full retail value of the item exclusive of taxes and fees to a person who is not a dispensary.

"Owner" means any of the following:

- (1) A person with an aggregate ownership interest of twenty percent (20%) or more in the person applying for a license or a licensee, unless the interest is solely a security, lien, or encumbrance.
- (2) The chief executive office of a nonprofit or other entity.
- (3) A member of the board of directors of a nonprofit.
- (4) The trustee(s) and all persons that have control of the trust and/or the commercial cannabis business that is held in trust
- (5) An individual who will be participating in the direction, control, or management of the person applying for a license.

"Permittee" means the "person" acting as the owner, proprietor, manager, or operator of a cannabis dispensary who obtains a permit pursuant to this article.

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

"Primary caregiver" shall have the same definition as California Health and Safety Code Section 11362.7 et seq., and as may be amended, and which defines "primary caregiver" as an individual, designated by a qualified patient, who has consistently assumed responsibility for the housing, health, or safety of that patient, and may include a licensed clinic, a licensed health care facility, a residential care facility, a hospice, or a home health

agency as allowed by California Health and Safety Code Section 11362.7(d)(1-3). A primary caregiver shall be at least eighteen (18) years of age, unless the primary caregiver is the parent of a minor child who is a qualified patient or a person with an identification card or the primary caregiver is a person otherwise entitled to make medical decisions under state law pursuant to Sections 6922, 7002, 7050, or 7120 of the Family Code.

Sec. 14-6-050. Cannabis Facility Permits

- (a) No person shall operate in the county, any cannabis facility or any other enterprise or establishment in which edible cannabis product is manufactured or offered for sale or sold, without a valid permit issued in accordance with this article and an entitlement from the Agency having jurisdiction. Such permits shall be displayed prominently in or upon the place of business for which it is issued.
- (b) All applications for a cannabis facility permit shall be on a form supplied by the department and shall be accompanied by the applicable fee(s), as described in Section 14-6-050 and Section 14-6-060. The applicant for cannabis facilities permit shall set forth, under penalty of perjury, the following on the permit application:
 - (1) The proposed location of the cannabis facility.
 - (2) The applicable land use entitlement (including, as applicable, any land use permit number) as issued by the Agency having jurisdiction.
 - (3) The name and residence address of each owner applying for the permit for the cannabis facility.
 - (4) A unique identifying number from at least one (1) government issued form of identification such as a social security card, a state driver's license or identification card, or a passport for each owner applying for the permit.
 - (5) Birth date for each owner applying for the permit, and to validate each owner is at least twenty-one (21) years of age.
 - (6) Any other information required by the Director, including but not limited to any information necessary to discover the truth of the matters set forth in the application.
- (c) A permit to operate shall not be issued by the department until its inspection has determined that the proposed cannabis facility and its method of operation meet the specifications and conform to the provisions of Sonoma County Code Chapters 14 and 26.
- (d) All permits for cannabis facilities shall expire on the annual renewal date. Permits are valid only for the person, location, and type of sales or activity approved. Permits shall not be transferable upon change of ownership of the dispensary or manufacturing premises.
- (e) No cannabis facility permit shall be issued under this article if the Director finds:
 - (1) That the applicant has provided materially false documents or testimony; or
 - (2) That the applicant has not complied fully with the provisions of this article or any county and state codes, laws and regulations; or
 - (3) That the applicant has not obtained all applicable permits from the Agency having jurisdiction; or
 - (4) That a permit for the operation of a cannabis dispensary or edible cannabis product manufacturing premises or a permit from the Agency having jurisdiction has been revoked, unless more than two (2) years have passed from the date of the revocation to the date of the application; or
 - (5) That the Director has revoked a permit for the operation of a business in the county which permit had been issued to the applicant for the cannabis facility permit unless more than two (2) years have passed from the date of the application to the date of the revocation.

- (f) The Director shall notify the Agency having jurisdiction, including applicable fire and law enforcement agencies, of all approved permit applications.
- (g) The final permit shall contain the following language: "Issuance of this permit by the county of Sonoma is not intended to and does not authorize the violation of state or federal law."

Sec. 14-6-060. Fees.

- (a) Prior to submitting the cannabis facility permit application, each applicant shall submit a plan review application and fee as established by the current board of supervisors' fee resolution.
- (b) At the time of approval of the facility plan, the applicant shall submit to the department, the cannabis dispensary or edible cannabis product manufacturing premises application and annual permit fee(s) as established by the current board of supervisors' fee resolution. The fee shall be calculated to recover the reasonable regulatory cost of administration and enforcement of this article, including, for example, issuing a cannabis facility permit, administering the permit program, cannabis facility inspection and compliance checks, documentation of violations, activities related to late fees for delinquent permits, and enforcement proceedings, but shall not exceed the cost of the regulatory program authorized by this article and by California law. All fees and interest upon proceeds of fees shall be used exclusively to fund administration and enforcement of this article. Fees are nonrefundable, except as may be required by law.
- (c) Each unique cannabis dispensary or edible cannabis product manufacturing premises shall be deemed a separate enterprise. An application shall be submitted for each cannabis facility/premises for the purposes of this article.
- (d) Any permit that has not been reinstated by the annual renewal date will not be valid, due to failure to submit permit fees, and shall be deemed delinquent. Permits that continue to remain delinquent will be subject to late fees at intervals of thirty (30) days and sixty (60) days past the anniversary date. After sixty (60) days, proceedings will be initiated to revoke the permit. The amount assessed shall be included in the fee schedule approved by resolution of the board of supervisors.
- (e) Conditions requiring additional inspections due to noncompliance with applicable statutes/regulations will incur additional re-inspection service fees as provided in the fee schedule in effect at the time of noncompliance.

Sec. 14-6-070. Operational requirements for cannabis dispensaries, including cannabis lounges

- (a) Cannabis dispensaries shall meet all the operating criteria for the dispensing of cannabis required by the Medicinal and Adult-Use Cannabis Regulation and Safety Act, and all requirements of this article.
- (b) Cannabis dispensaries must operate in a permanently constructed structure and may not operate from a vehicle or non-permanent structure.
- (c) Cannabis dispensaries shall sell only cannabis or cannabis products manufactured, produced, processed and tested in the state of California, in compliance with local requirements and the Medicinal and Adult-Use Cannabis Regulation and Safety Act.
- (d) It is unlawful for any person operating a cannabis dispensary under the provisions of this Article to permit any breach of peace therein or any disturbance of public order or decorum by any tumultuous, riotous or disorderly conduct, or otherwise, or to permit such dispensary to remain open, or patrons to remain upon the premises, between the hours of 7:00 p.m. and 7:00 a.m. the next day, unless otherwise allowed by the use permit.
- (e) Any cannabis dispensary with on-site consumption cannabis lounge shall meet the requirements established pursuant to this article to physically separate the consumption area from the cannabis sales area, such that no smoke from the consumption area enters the sales area. Cannabis lounge consumption areas must meet the following requirements at all times:

- (1) Adequate ventilation of the consumption area shall be maintained at all times. An odor absorbing ventilation and exhaust system shall be installed so that odor generated inside the business is not detected outside the property or lease area boundaries, or anywhere on adjacent property or public rights-of-way, or within any other unit located within the same building as the cannabis use.
 - (2) Cannabis consumption areas shall not be visible to the public from outside the premises or by any persons under twenty-one years of age. The entry to the consumption area shall be posted with a clearly legible sign stating: "Entry into the premises by persons under the age of twenty-one is prohibited."
 - (3) Consumption areas shall only provide cannabis to an individual in an amount reasonable for on-site consumption and consistent with personal possession and use limits allowed by the state.
 - (4) Consumption areas shall have a responsible person on the premises to act as manager and supervise employees at all times during business hours.
 - (5) The premises complies with the requirements established pursuant subsection (o) of this section.
 - (6) Consumption areas shall have solid waste receptacles and recycling bins for waste.
 - (7) Consumption areas shall comply with all applicable ordinances of the Agency with jurisdiction concerning smoking.
 - (8) The permittee shall not allow consumption of tobacco or alcohol in the consumption area.
- (f) All sales and dispensing of cannabis shall be conducted by permitted cannabis dispensaries only. Deliveries, as defined in this article and in Medicinal and Adult-Use Cannabis Regulation and Safety Act, shall comply with the following:
- (1) All employees of a dispensary delivering cannabis or cannabis products shall carry a copy of the dispensary's current permit authorizing those services with them during deliveries and shall present that permit upon request to county department, state and local law enforcement, employees of regulatory authorities, and other state and local agencies.
 - (2) During delivery, the permittee shall maintain a physical copy of the delivery request and shall make it available upon request of the department and law enforcement officers. The delivery request documentation shall comply with state and federal law regarding the protection of confidential information.
 - (3) The employee of the dispensary who is delivering cannabis or cannabis products shall verify and document that the individual taking possession of the product is either over 21 years of age or a qualified patient or primary caregiver.
- (g) The cannabis dispensary shall not hold or maintain a license from the state department of alcohol beverage control to sell alcoholic beverages, or operate a business that sells alcoholic beverages. Nor shall alcoholic beverages be consumed on the premises or on in the public right-of-way within fifty feet (50') of a cannabis dispensary. Dispensaries shall prohibit patrons from entering or remaining on the premises if they are in possession of or are consuming alcoholic beverages or are under the influence of alcohol.
- (h) Any cannabis dispensary with a consumption area and a food facility shall meet the requirements established pursuant to this article to physically separate the food facility from the cannabis sales area.
- (i) The cannabis dispensary shall not hold or maintain a tobacco retail license to sell tobacco products or tobacco paraphernalia from the county of Sonoma. Tobacco products shall not be sold or consumed on the premises.
- (j) No manufactured edible cannabis products shall be infused with alcoholic beverages, as defined in section 23004 of the Business and Professions Code. No cannabis product shall contain any non-cannabinoid additive that would increase potency, toxicity or addictive potential, or that would create an unsafe combination with

other psychoactive substances. Prohibited additives include but are not limited to nicotine and caffeine. This prohibition shall not apply to products containing naturally occurring caffeine, such as coffee, tea, or chocolate.

- (k) A cannabis dispensary shall not provide free cannabis goods to any person. A cannabis dispensary shall not allow individuals that are not employed by the dispensary to provide free cannabis or cannabis products to any person at the licensed premises. A cannabis dispensary may provide cannabis or cannabis products to a medicinal cannabis patient without charge if they meet the conditions stipulated in CCR Title 16, Division 42, Section 5411.
- (l) Cannabis dispensaries may sell or distribute cannabis and cannabis products only to adults, aged twenty-one (21) or older, or to qualified patients with a medical cannabis identification card or a verifiable, written recommendation from a physician for medical cannabis. The cannabis dispensary shall maintain records of all qualified patients with a valid identification card and primary caregivers with a valid identification card using only the identification card number issued by the state or county pursuant to California Health and Safety Code Section 11362.7 et seq. For qualified patients who present a physician recommendation in lieu of a valid identification card, the cannabis dispensary shall maintain a record of qualified patient identifying information in a manner consistent with patient privacy laws.
- (m) Advertisements may not cater to youth or children, shall have no cartoon characters, and shall not use any depiction or images of minors under eighteen (18) years of age. Advertisements may not be placed in locations that cater to youth or children.
- (n) The cannabis dispensary shall provide the director and agencies having jurisdiction the name, title, and phone number of an on-site staff person to whom one (1) can direct notices of complaints or violations.
- (o) The Health Officer, with the approval of the director, shall establish a ministerial checklist of written requirements to implement this article. The cannabis dispensary with an associated cannabis lounge shall meet any specific, additional operating procedures and measures established by the Health Officer in order to ensure that the operation of the cannabis dispensary and cannabis lounge are consistent with the protection of the health, safety, and welfare of the community; and the health of qualified patients and primary caregivers. The written requirements applicable to a permittee shall be the requirements in effect when the permit is issued. The Health Officer may exempt de minimis outdoor consumption activities from requiring a permit under this article in the checklist.

Sec. 14-6-071. Inapplicability of Chapter 32 to dispensaries and temporary events.

Nothing in Chapter 32 shall apply to a dispensary that is operated in compliance with this article, or to activities solely licensed under a valid Department of Cannabis Control “temporary cannabis event.”

Sec. 14-6-080. Operational requirements for edible cannabis product manufacturing premises.

- (a) Edible cannabis product manufacturing premises shall meet all the operating criteria for the manufacturing of cannabis containing edible products as is required pursuant to the Medicinal and Adult-Use Cannabis Regulation and Safety Act, by this article, by the director's rules and regulations for the permitting and operation of edible cannabis product manufacturing premises and by all other county department agency guidelines.
- (b) No cannabis products shall contain any non-cannabinoid additive that would increase potency, toxicity or additive potential, or that would create an unsafe combination with other psychoactive substances. Prohibited additives include but are not limited to nicotine and caffeine. This prohibition shall not apply to products containing naturally occurring caffeine, such as coffee, tea, or chocolate.
- (c) Edible cannabis products shall be:

- (1) Not designed to be appealing to children or easily confused with commercially sold candy or foods that do not contain cannabis.
 - (2) Delineated, scored or otherwise similarly marked to indicate one (1) serving if the cannabis product contains more than one (1) serving and is an edible cannabis product in solid form.
 - (3) Homogenized to ensure disbursement of cannabinoids throughout the product.
 - (4) Shall not contain more than ten (10) milligrams of THC per serving.
- (d) Edible cannabis products shall be labeled and in an opaque, resealable, child-resistant and tamper-evident package. Labels and packages of medical cannabis products shall meet the following requirements in addition to any state requirements:
- (1) Cannabis packages and labels shall not be made to be attractive to youth and children.
 - (2) All cannabis product labels shall comply with state law.
- (e) Edible cannabis product manufacturing premises shall not be permitted or operate as a wholesale food manufacturer, retail food facility or cottage food producer.
- (f) The edible cannabis product manufacturing premises shall meet any specific, additional operating procedures and measures as may be imposed as conditions of approval by the Director in order to ensure that the operation of the cannabis dispensary is consistent with the protection of the health, safety and welfare of the community, qualified patients and primary caregivers, and will not adversely affect surrounding uses.

Sec. 14-6-090. Permit program implementation.

- (a) The Director shall adopt policies and create operational procedures, operational standards and marking guides for cannabis facilities related to this article. These shall include, but are not limited to:
- (1) A requirement that the operator require employees to wash hands and use sanitary utensils when handling cannabis;
 - (2) Regulations to reduce the risk to public health of edible cannabis products including requirements parallel to state and local laws regarding preparation, distribution and sale of food and restrictions on manufacturing and sale of edible products that require time-temperature control to keep them safe for human consumption;
 - (3) Regulations prohibiting the manufacturing, packaging and/or sale of cannabis products that are designed to be especially appealing to children or youth;
 - (4) Requirements on tracking and reporting of products sold; and
 - (5) Regulations related to management and disposal of waste products.
- (b) The director shall issue rules and regulations regarding the imposition of administrative penalties on cannabis dispensaries or edible cannabis product manufacturing premises.

Sec. 14-6-100. Inspections and penalties.

- (a) The director shall inspect each cannabis facility no fewer than two (2) times annually, for the purpose of determining compliance with the provisions of this article, and/or the rules and regulations adopted pursuant to this article, or in response to a complaint. If informal attempts by the director to obtain compliance with the provisions of this article fail, the director may take the steps outlined in Article I of this chapter.
- (b) It is unlawful to refuse to allow an inspection by the department of health services, or any city peace, fire, planning, or building official or inspector, conducted during the hours the establishment is open to the public

and at all other reasonable times, of the areas of the establishment to which patrons and employees have access.

- (c) Administrative Citations. In addition to all other legal remedies, criminal or civil, which may be pursued by the county to address any violation of the county code, this subsection provides for administrative citations, pursuant to the authority conferred by the Government Code, including Section 53069.4. Violations of any provision of the county code or health permit conditions are subject to administrative citation. Each act, omission, or condition may be cited as a separate violation and each violation that continues, exists, or occurs on more than one (1) day may constitute a separate violation on each day, at the discretion of the agency having jurisdiction.
 - (1) The director may issue an administrative citation requiring the owner or operator of a cannabis facility to take corrective action as necessary to abate a nuisance, or to protect human health and safety or the environment.
 - (2) An administrative citation shall not be issued for any minor violation, as defined by the director, which is corrected immediately in the presence of the inspector. Immediate compliance in that manner shall be noted in the inspection report.
 - (3) Any dispensary, dispensary operator, dispensary manager or manufacturer who violates any provision of this article or any rule or regulation adopted pursuant to this article may, after being provided notice and an opportunity to be heard, be subject to an administrative citation penalty not to exceed one thousand dollars (\$1,000.00) for the first violation of a provision or regulation in a two-year period, five thousand dollars (\$5,000.00) for the second violation of the same provision or regulation in a two-year period, and ten thousand dollars (\$10,000.00) for the third and subsequent violations of the same provision or regulation in a two-year period.
 - (4) Any dispensary, dispensary operator, dispensary manager or manufacture who operates without a health permit shall be subject to an administrative citation penalty of ten thousand dollars (\$10,000.00) for the first offense within two (2) years, twenty-five thousand dollars (\$25,000.00) for the second offense within two (2) years, and fifty thousand dollars (\$50,000.00) for the third offense within two (2) years.
- (d) If a permit is revoked, no application for a cannabis dispensary or edible cannabis product manufacturing premises may be submitted by the same person for two (2) years.

Sec. 14-6-110. Immediate closure.

- (a) Notwithstanding the provisions of this chapter, and except as otherwise specifically provided by state law, the enforcement officer may immediately suspend or revoke a health permit if the enforcement officer determines that there is an immediate threat to public health, safety, or welfare and order the cannabis dispensary or edible cannabis product manufacturer immediately closed.
- (b) If interference in the performance of the duty of the enforcement officer occurs, the enforcement officer may temporarily suspend the permit and order the cannabis dispensary or edible cannabis product manufacturer immediately closed.
- (c) The enforcement officer shall serve the permit holder, within forty-eight (48) hours of the suspension or revocation, written notice of the grounds for the immediate suspension or revocation of the health permit. A person may appeal the suspension or revocation by filing a written notice to request a hearing before the hearing officer.
- (d) If a hearing is requested, it shall be conducted in accordance with Section 14-1-060.

Sec. 14-6-120. Severability.

If any section, subsection, sentence, clause or phrase of this article is, for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the chapter.