

Thursday, May 3rd, 6:30 p.m.
Council Chambers, City Hall, One Frank H. Ogawa Plaza

AGENDA

Members:

Lanese Martin	District 1	Frank Tucker	District 7
Chang Yi	District 2	A. Kathryn Parker	At Large
Zach Knox	District 3	Stephanie Floyd- Johnson	Mayor
Jin Jack Shim	District 4	Vacant	City Auditor
Matt Hummel	District 5	Greg Minor	City Administrator
Derreck Johnson	District 6		

Available on-line at: <http://www.oaklandnet.com/measurez>

MEETING AGENDA

- A. Roll Call and Determination of Quorum
- B. Open Forum / Public Comment
- C. Review of the Pending List and Additions to Next Month's Agenda
 - *Medical cannabis permitting process (since July 2017)*
 - *Use of cannabis tax revenues (since July 2017)*
 - *Annual report (since September 2017)*
 - *Cannabis advertising (since September 2017)*
 - *Onsite consumption/lounges (since October 2017)*
 - *Microbusinesses (since October 2017)*
 - *Cannabis tax rates (since November 2017)*
 - *Event permitting (since December 2017)*
 - *Dispensary applicant runner-ups (since December 2017)*
- D. Approval of the Draft Minutes from the Cannabis Regulatory Commission meeting of March 2018.
- E. Reports for Discussion and Possible Action
 1. Cannabis Advertising
 2. Microbusinesses
 3. Cannabis Event Permitting
 4. State Cannabis Legislation

Persons may speak on any item appearing on the agenda; however a Speaker Card must be filled out and given to a representative of the Cannabis Regulatory Commission. Multiple agenda items cannot be listed on one speaker card. If a speaker signs up to speak on multiple items listed on the agenda, the Chairperson may rule that the speaker be given an appropriate allocation of time to address all issues at one time (cumulative) before the items are called. All speakers will be allotted 3 minutes or less – unless the Chairperson allots additional time.

♿ This meeting is wheelchair accessible. In compliance with the Americans with Disabilities Act, if you need special assistance to participate in the meetings of the Cannabis Regulatory Commission, please contact the Office of the City Clerk (510) 238-3612. Notification two full business days prior to the meeting will enable the City of Oakland to make reasonable arrangements to ensure accessibility. In compliance with Oakland's policy for people with chemical sensitivities, please refrain from wearing strongly scented products to events.

Questions or concerns regarding this agenda, or to review any agenda-related materials, please contact the Cannabis Regulatory Commission at (510) 238-3301.

5. Update on Cannabis Permit Process and Equity Assistance Program

F. Announcements

G. Adjournment

Cannabis Regulatory Commission

Regular Meeting

Thursday, March 15th, 6:30 p.m.
Council Chambers, City Hall, One Frank H. Ogawa Plaza

MINUTES

Members:

Lanese Martin	District 1	Frank Tucker	District 7
Chang Yi	District 2	A. Kathryn Parker	At Large
Zach Knox	District 3	Stephanie Floyd- Johnson	Mayor
Jin Jack Shim	District 4	Vacant	City Auditor
Matt Hummel	District 5	Greg Minor	City Administrator
Derreck Johnson	District 6		

Available on-line at: <http://www.oaklandnet.com/measurez>

MEETING AGENDA

A. Roll Call and Determination of Quorum

Members present: Martin, Yi, Shim, Hummel, Johnson, Tucker, Parker, Minor
Members absent: Knox

B. Open Forum / Public Comment

There were no open forum speakers.

C. Review of the Pending List and Additions to Next Month's Agenda

- *Medical cannabis permitting process (since July 2017)*
- *Use of cannabis tax revenues (since July 2017)*
- *Annual report (since September 2017)*
- *Cannabis advertising (since September 2017)*
- *Additional 2016 enforcement data (since September 2017)*
- *Onsite consumption/lounges (since October 2017)*
- *Microbusinesses (since October 2017)*
- *Cannabis tax rates (since November 2017)*
- *Event permitting (since December 2017)*
- *Dispensary applicant runner-ups (since December 2017)*
- *Adjusting meeting time/day (since January 2018)*

Member Yi asked for advertising and microbusinesses to be on next month's agenda.

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Questions or concerns regarding this agenda, or to review any agenda-related materials, please contact the Cannabis Regulatory Commission at (510) 238-3301.

D. Approval of the Draft Minutes from the Cannabis Regulatory Commission meeting of February 2018.

Member Parker moved to accept the minutes Member Shim seconded the motion and it passed by consensus.

E. Reports for Discussion and Possible Action

1. Updated 2016 OPD Cannabis Enforcement Data and OPD Training Bulletin re Medical Marijuana
Deputy Chief Armstrong, Lieutenant Bolton, Officer Romero and Tim Birch provided a summary of OPD's cannabis enforcement policies.

Members raised their concerns re continued disparities in cannabis enforcement statistics. Deputy Chief reported that work needs to be done re who OPD stops in general and that progress on that front will be reflected in cannabis data as well.

OPD acknowledged its existing medical cannabis training bulletin needed to be updated and that as a first step OPD will work on an informational bulletin advising officers of new state and local laws re cannabis and after that they will work on a whole new policy and training bulletin.

Chair Hummel asked what the process would consist of for OPD to adopt a sanctuary cannabis policy. Tim Birch summarized the process that was done re ICE and how OPD would like to discuss internally any recommendations made by the CRC.

Members of the public raised questions for OPD re sharing of cannabis products with others and racial profiling practices.

Chair Hummel made a motion for OPD to return to the CRC with draft informational memo and updated training bulletin. Member Yi seconded the motion and it passed by consensus.

2. Review Process for Alternative Locations for Cannabis Facilities

Member Minor provided a summary of various proposals to date to adjust location restrictions for cannabis facilities.

Chair Hummel questioned why there is a buffer between dispensaries. Member Shim thinks clustering, particularly for manufacturers and cultivators, offers synergy.

After some further discussion Member Shim offered to look into this issue more closely.

3. Sanctuary City Policies for Cannabis

Member Shim viewed this as a no-brainer; Member Floyd-Johnson agreed with Berkeley's resolution. Member Parker made a motion for the City of Oakland to adopt a resolution consistent with the City of Berkeley's re sanctuary city for cannabis. Member Floyd-Johnson seconded the motion and it passed by consensus with Member Yi in opposition and Member Minor abstaining.

4. Cannabis Tax Rates

Chair Hummel and Member Yi were skeptical of claims regarding local cannabis tax rates discouraging the industry from locating in Oakland and felt it was premature to lower them until data reflects this. Member Shim and members of the public argued that the tax rates are excessive, particularly at each stage of the supply chain, and that they were set years ago before Prop 64 and related state taxes were known.

Member Shim made a motion to recommend Option Two in the Revenue Management Bureau's staff report to the Finance Committee on February 27, 2018, to return to the voters seeking approval to authorize the City Council the flexibility in setting the tax rates. Member Johnson seconded the motion and it passed by consensus with Member Yi in opposition and Chair Hummel and Member Minor abstaining.

5. Pending State Cannabis Legislation

Member Minor provided summary sheet of pending state cannabis legislation. Member Floyd-Johnson encouraged the CRC to look into supporting expungement and anti-discrimination legislation. Member Martin believed that the summary list omitted several bills. Members Martin, Yi and Floyd-Johnson offered to review pending state legislation and report back to the CRC.

6. Moving Time and Date of Regular Cannabis Regulatory Commission Meeting

Member Minor informed the CRC that council chambers was available the 1st Thursday of the Month at the same time and suggested setting the next CRC meeting for the first Thursday in May. Member Johnson made a motion to accept this suggestion, Member Shim seconded and it passed by consensus.

F. Announcements

G. Adjournment

CANNABIS REGULATORY COMMISSION

ITEM E (1)



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BUSINESS AND PROFESSIONS CODE - BPC
DIVISION 10. Cannabis [26000 - 26231.2] (Heading of Division 10 amended by Stats. 2017, Ch. 27, Sec. 3.)

CHAPTER 15. Advertising and Marketing Restrictions [26150 - 26156] (Chapter 15 added November 8, 2016, by initiative Proposition 64, Sec. 6.1.)

26150. For purposes of this chapter:

- (a) "Advertise" means the publication or dissemination of an advertisement.
- (b) "Advertisement" includes any written or verbal statement, illustration, or depiction which is calculated to induce sales of cannabis or cannabis products, including any written, printed, graphic, or other material, billboard, sign, or other outdoor display, public transit card, other periodical literature, publication, or in a radio or television broadcast, or in any other media; except that such term shall not include:
- (1) Any label affixed to any cannabis or cannabis products, or any individual covering, carton, or other wrapper of that container that constitutes a part of the labeling under provisions of this division.
 - (2) Any editorial or other reading material, such as a news release, in any periodical or publication or newspaper for the publication of which no money or valuable consideration is paid or promised, directly or indirectly, by any licensee, and which is not written by or at the direction of the licensee.
- (c) "Advertising sign" is any sign, poster, display, billboard, or any other stationary or permanently affixed advertisement promoting the sale of cannabis or cannabis products which are not cultivated, manufactured, distributed, or sold on the same lot.
- (d) "Health-related statement" means any statement related to health, and includes statements of a curative or therapeutic nature that, expressly or by implication, suggest a relationship between the consumption of cannabis or cannabis products and health benefits, or effects on health.
- (e) "Market" or "Marketing" means any act or process of promoting or selling cannabis or cannabis products, including, but not limited to, sponsorship of sporting events, point-of-sale advertising, and development of products specifically designed to appeal to certain demographics.

(Amended by Stats. 2017, Ch. 27, Sec. 84. (SB 94) Effective June 27, 2017. Note: This section was added on Nov. 8, 2016, by initiative Prop. 64.)

- 26151.** (a) (1) All advertisements and marketing shall accurately and legibly identify the licensee responsible for its content, by adding, at a minimum, the licensee's license number.
- (2) A technology platform shall not display an advertisement by a licensee on an Internet Web page unless the advertisement displays the license number of the licensee.
- (3) An outdoor advertising company subject to the Outdoor Advertising Act (Chapter 2 (commencing with Section 5200) of Division 3) shall not display an advertisement by a licensee unless the advertisement displays the license number of the licensee.
- (b) Any advertising or marketing placed in broadcast, cable, radio, print, and digital communications shall only be displayed where at least 71.6 percent of the audience is reasonably expected to be 21 years of age or older, as determined by reliable, up-to-date audience composition data.
- (c) Any advertising or marketing involving direct, individualized communication or dialogue controlled by the licensee shall utilize a method of age affirmation to verify that the recipient is 21 years of age or older before engaging in that communication or dialogue controlled by the licensee. For purposes of this section, that method of age affirmation may include user confirmation, birth date disclosure, or other similar registration method.
- (d) All advertising shall be truthful and appropriately substantiated.

(Amended by Stats. 2017, Ch. 27, Sec. 85. (SB 94) Effective June 27, 2017. Note: This section was added on Nov. 8, 2016, by initiative Prop. 64.)

26152. A licensee shall not do any of the following:

(a) Advertise or market in a manner that is false or untrue in any material particular, or that, irrespective of falsity, directly, or by ambiguity, omission, or inference, or by the addition of irrelevant, scientific, or technical matter, tends to create a misleading impression.

(b) Publish or disseminate advertising or marketing containing any statement concerning a brand or product that is inconsistent with any statement on the labeling thereof.

(c) Publish or disseminate advertising or marketing containing any statement, design, device, or representation which tends to create the impression that the cannabis originated in a particular place or region, unless the label of the advertised product bears an appellation of origin, and such appellation of origin appears in the advertisement.

(d) Advertise or market on a billboard or similar advertising device located on an Interstate Highway or on a State Highway which crosses the California border.

(e) Advertise or market cannabis or cannabis products in a manner intended to encourage persons under 21 years of age to consume cannabis or cannabis products.

(f) Publish or disseminate advertising or marketing that is attractive to children.

(g) Advertise or market cannabis or cannabis products on an advertising sign within 1,000 feet of a day care center, school providing instruction in kindergarten or any grades 1 through 12, playground, or youth center.

(Amended by Stats. 2017, Ch. 27, Sec. 86. (SB 94) Effective June 27, 2017. Note: This section was added on Nov. 8, 2016, by initiative Prop. 64.)

26153. A licensee shall not give away any amount of cannabis or cannabis products, or any cannabis accessories, as part of a business promotion or other commercial activity.

(Amended by Stats. 2017, Ch. 27, Sec. 87. (SB 94) Effective June 27, 2017. Note: This section was added on Nov. 8, 2016, by initiative Prop. 64.)

26154. A licensee shall not include on the label of any cannabis or cannabis product or publish or disseminate advertising or marketing containing any health-related statement that is untrue in any particular manner or tends to create a misleading impression as to the effects on health of cannabis consumption.

(Amended by Stats. 2017, Ch. 27, Sec. 88. (SB 94) Effective June 27, 2017. Note: This section was added on Nov. 8, 2016, by initiative Prop. 64.)

26155. (a) The provisions of subdivision (g) of Section 26152 shall not apply to the placement of advertising signs inside a licensed premises and which are not visible by normal unaided vision from a public place, provided that such advertising signs do not advertise cannabis or cannabis products in a manner intended to encourage persons under 21 years of age to consume cannabis or cannabis products.

(b) This chapter does not apply to any noncommercial speech.

(Amended by Stats. 2017, Ch. 27, Sec. 89. (SB 94) Effective June 27, 2017. Note: This section was added on Nov. 8, 2016, by initiative Prop. 64.)

26156. The requirements of Section 5272 apply to this division.

(Added by Stats. 2017, Ch. 27, Sec. 90. (SB 94) Effective June 27, 2017.)

c) To advocate for changes in state law (and at other levels as necessary) to authorize the taxation and regulation of cannabis and eliminate criminal penalties for private, adult cannabis use.

Section 5: REGULATION

The City of Oakland shall establish a system to license, tax and regulate cannabis for adult use as soon as possible under California law. At that time, the City Council shall promulgate regulations that include, but are not limited to, the following provisions consistent with California law:

- a) The sale and distribution to minors will be strictly prohibited;
- b) The city shall establish a licensing system for cannabis businesses, with regulations to assure good business practices, compliance with health and safety standards, access for persons with disabilities, and nuisance abatement;
- c) Minors shall not be permitted in areas where cannabis is sold, nor shall minors be employed by licensed cannabis businesses;
- d) No business licensed to sell cannabis will be located within 600 feet of a school;
- e) Cannabis businesses shall be required to pay taxes and licensing fees;
- f) The public advertising of cannabis through television, radio or billboards will be prohibited; and
- g) Onsite consumption shall be licensed so as to keep cannabis off the streets and away from children, subject to reasonable air quality standards.

Section 6: LOWEST LAW ENFORCEMENT PRIORITY

- a) The Oakland Police Department shall make investigation, citation, and arrest for private adult cannabis offenses Oakland's lowest law enforcement priority.
- b) This "lowest law enforcement priority" policy shall *not* apply to distribution of cannabis to minors, distribution or consumption of cannabis on streets or other public places, or motor vehicle violations.

Section 7: COMMUNITY OVERSIGHT COMMITTEE

A Community Oversight Committee shall be appointed to oversee the implementation of the Oakland Cannabis Regulation and Revenue Ordinance. The Committee will be composed of:

- 1 community member appointed by each member of the Oakland City Council,
- 1 community member appointed by the Mayor of Oakland,
- 1 representative of the Oakland City Auditor,
- 1 representative of the Oakland City Manager.

Responsibilities of the Committee shall include:

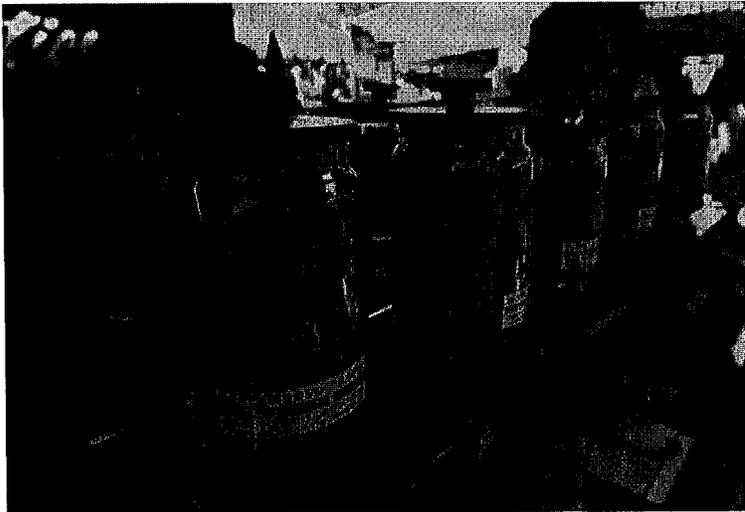
- a) Ensure timely implementation of this ordinance
- b) Oversee the implementation of the Lowest Law Enforcement Priority policy;
- c) Make recommendations to the Oakland City Council regarding appropriate regulations, in accordance with Section 5 above;
- d) Oversee the disbursement of revenues generated through the sale of cannabis by licensed cannabis businesses to ensure that funds go to vital city services such as schools, libraries and youth programs; and
- e) Report annually to the Council on implementation of this ordinance.

CANNABIS REGULATORY COMMISSION

ITEM E (3)

LOCAL NEWS

In Year One of legal weed, Cannabis Cup in San Bernardino faces city hurdle



In this April 23, 2017 file photo, large jars of marijuana are on display for sale at the Cali Gold Genetics booth during the High Times Cannabis Cup in San Bernardino. (AP Photo/Richard Vogel)

By **BRIAN WHITEHEAD** | bwhitehead@song.com and **BROOKE STAGGS** | bstaggs@scng.com | San Bernardino Sun

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One of California's biggest marijuana festivals, High Times SoCal Cannabis Cup, is still slated to kick off Friday, April 20, despite San Bernardino city leaders refusing a permit that would OK cannabis consumption and sales during the three-day event.

"The movement will not be stopped," Brian Rucker with High Times said Thursday.

Still, uncertainty swirls over whether the 20,000 people expected to converge at the National Orange Show Events Center will be able to freely smoke and buy weed at the festival, as they have in years past.

And similar conflicts between the industry, state regulators and local leaders figure to play out throughout California on Friday — 4/20 — as hundreds of questionably legal events celebrate cannabis' unofficial holiday for the first time since California sanctioned sales of recreational marijuana.

In addition to letting shops start selling marijuana to anyone 21 and older with just an ID, state laws that kicked in Jan. 1 brought a slew of new requirements for organizers of weed-themed festivals such as the Cannabis Cup. One of those new rules is that temporary cannabis events — which are now only legal at county fairgrounds and agricultural districts — must get the OK from city leaders before setting up shop.

San Bernardino reinforced that requirement in a city ordinance that took effect less than two weeks ago.

Previously, cannabis-oriented events were essentially regulated by venue owners. Until this year, the National Orange Show's board of directors has been able to green-light festivals, including Cannabis Cup, over the objections of city leaders in San Bernardino.

High Times, under parent company Trans High Corporation, is one of 47 companies that has received a state license to organize cannabis events. But Alex Traverso, spokesman for the California Bureau of Cannabis Control, said this year the state hasn't handed out any individual event licenses.

"A lot of these events that we're seeing this weekend – and there are a lot of them out there – they're not operating to the letter of our regulations," Traverso said.

State cannabis bureau chief Lori Ajax sent an email to a High Times representative before Wednesday's council meeting in San Bernardino saying the state would approve the festival if city leaders did the same. But less than 48 hours before the event was scheduled to start, city leaders voted against issuing a permit, saying they were worried about breaking state regulations that require a 60-day notice for such approval.

"It's hard to swallow. I'm sitting here and being asked to break the law," Councilwoman Bessie Richard said from the dais. "That doesn't sit easy with me."

High Times has been selling festival tickets, at \$60 to \$420, for months. The event is set to include a petting zoo, tattoo show and musical performances by Nas, Lil Wayne, 2 Chainz and Rick Ross – though those headliners were announced just a week ago.

Rucker said they had been moving forward under the presumption that Agriculture Incentive Zone laws – which prevent local municipalities from blocking farming events – shielded them from city interference. By the time San Bernardino's ordinance took effect earlier this month, Rucker said it was impossible for them to meet the 60-day approval rule to get a state permit.

Two other cannabis-related events – the Dabathon Cup and Kushstock – have been held at the National Orange Show this year without a city permit and without interruption. Sameen Ahmad, a High Times event manager, noted Wednesday.

"These new provisions stand in stark defiance of the people's will," Rucker said.

The Bureau of Cannabis Control plans to have one or more of its 10 plain-clothes investigators at Cannabis Cup, Traverso said. They'll also likely be at Hippie Hill – the massive smoke-out held on 4/20 each year at San Francisco's Golden Gate Park.

On Tuesday, the bureau sent out a warning that any licensed business "participating in an unlicensed cannabis event may be subject to disciplinary action."

But rather than attempting to shut down these events or yank valuable state licenses if organizers are letting people buy and consume cannabis, Traverso said the plan is to issue warning notices – particularly with companies like High Times, which he said seemingly has been attempting to "get all their ducks in a row."

"I don't think we're going to be too heavy-handed in our approach to these things," Traverso said.

That's the way the bureau is handling all enforcement at this point, he noted. Since November, when the state released hundreds of pages of cannabis rules, state regulators have given shops and growers and other businesses time to comply with the details.

San Bernardino police will be at the festival, said department spokesman Lt. Mike Madden. It's unclear whether they will ticket public consumers or penalize vendors.

"This is the million dollar question for a lot of police agencies and municipalities," Madden said. "This is the first test pilot, and it opens a lot of questions."

Law enforcement says they've had virtually no issues with the previous Cannabis Cups and similar events. Such gatherings often mean big money for their communities, bringing business to hotels, restaurants and gas stations, among others.

Astro Motel manager Manish Kharinta said his 31 rooms are usually overbooked when an event comes to the National Orange Show, which is less than a mile away. However, he said, bookings have slowed in recent days and cancellations have gone up.

Cannabis Cup ticket holders – who shelled out hundreds of dollars for passes, hotels and rental cars – took to the event's Facebook page to express frustration with the uncertainty. Some demanded refunds and threatened lawsuits.

Local authorities have succeeded in completely blocking some other cannabis events planned for 4/20.

In Long Beach, officials shut down an event that the marijuana advocacy group Orange County NORML planned to hold on the Queen Mary. Also, in Woodland, local leaders blocked this weekend's planned Tree Harvest Festival, at the Yolo County Fairgrounds.

One thing is clear: This is the last 4/20 where event organizers will get a slap on the wrist if they flout state law.

By this time next year, Traverso said the bureau plans to fully enforce all new rules, with business licenses in jeopardy if organizers don't get proper approvals.

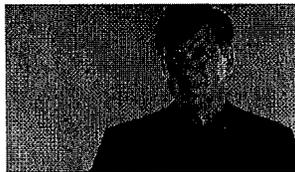
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Brian Whitehead

Brian Whitehead covers San Bernardino for The Sun. Bred in Grand Terrace, he graduated from Riverside Notre Dame High and Cal State Fullerton. For seven years, he covered high school and college sports for The Orange County Register.

Before landing at The Sun, he was the city beat reporter for Buena Park, Fullerton and La Palma.



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Brooke Staggs

Brooke Edwards Staggs is a general assignment reporter with a focus on covering the politics, business, health and culture of cannabis. Journalism has led Staggs to a manhunt in Las Vegas, a zero gravity flight over Queens and a fishing village in Ghana. The Big Bear native is addicted to education. She earned her bachelors degree in English from California Baptist University, then got her master's in education as she taught high school English in the Inland Empire. After four years in the classroom, she left in 2006 to be a student again herself, earning a masters degree in Journalism from New York University while interning and freelancing for a variety of publications. She sees journalism as another form of teaching, helping readers make informed decisions and better understand the world around them. Staggs spent five years as a staff writer then city editor at the Daily Press in Victorville. She won several awards for her work there, including best breaking news story from the California Newspaper Publishers Association for her tale of a teen who shot his father in a hunting accident. She joined the Orange County Register in January 2013, covering several south Orange County communities and the city of Tustin before taking on the marijuana beat in February 2016. On occasion, she also teaches community college and ghostwrites nonfiction books. Staggs loves dancing and new adventures. She hates water slides and injustice. If she doesn't get right back to you, there's a good chance she's sitting with her DJ husband on a plane or train or boat destined for somewhere - anywhere - they've never been.

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CANNABIS REGULATORY COMMISSION

ITEM E (4)

