

ORDINANCE NO. 2023-03

ALLOWING THE SALE AND DELIVERY OF CANNABIS VAPING PRODUCTS

The Contra Costa County Board of Supervisors ordains as follows (omitting the parenthetical footnotes from the official text of the enacted or amended provisions of the County Ordinance Code):

SECTION 1. SUMMARY. This ordinance amends Chapter 413-4 of the County Ordinance Code to allow the sale and delivery of cannabis vaping products, while continuing to prohibit the sale of tobacco vaping products, flavored tobacco products, menthol cigarettes, and flavored cannabis products.

SECTION 2. Section 413-4.608 of the County Ordinance Code is amended to read:

413-4.608 Retail sales standards. A permittee that sells cannabis or cannabis products shall comply with all of the following standards in addition to the standards specified in Sections 413-4.602 and 413-4.604.

- (a) Within each building in which cannabis or cannabis products are sold, the permittee shall prominently display a sign including the following statement in bold print:
“GOVERNMENT WARNING: CANNABIS IS A SCHEDULE I CONTROLLED SUBSTANCE. KEEP OUT OF REACH OF CHILDREN AND ANIMALS. CANNABIS MAY ONLY BE POSSESSED OR CONSUMED BY PERSONS 21 YEARS OF AGE OR OLDER UNLESS THE PERSON IS A QUALIFIED PATIENT. THE INTOXICATING EFFECTS OF CANNABIS MAY BE DELAYED UP TO TWO HOURS. CANNABIS USE WHILE PREGNANT OR BREASTFEEDING MAY BE HARMFUL. CONSUMPTION OF CANNABIS IMPAIRS YOUR ABILITY TO DRIVE AND OPERATE MACHINERY. PLEASE USE EXTREME CAUTION.”
- (b) Within each building in which cannabis or cannabis products are sold, the permittee shall establish a waiting area that persons must enter prior to entering the retail area. No person may be admitted to the waiting area without first verifying through examination of a government-issued identification card that he or she is at least the minimum age under state law to enter the premises. The waiting area must be physically separated from the retail area. No cannabis or cannabis product may be accessible to customers in the waiting area.
- (c) The permittee or at least one employee shall be physically present in the retail area at all times when any non-employee is in the retail area. Within the retail area, the number of non-employees may not exceed twice the number of employees at any time.
- (d) The sale of any non-cannabis food or beverage, alcohol or alcohol product, or tobacco or tobacco product from the permitted premises is prohibited.
- (e) The sale of more than 800 milligrams of tetrahydrocannabinol in the form of edible cannabis products to a single cannabis customer in a single day is prohibited.

- (f) The sale of any cannabis product listed in Section 40300 of Division 1 of Title 17 of the California Code of Regulations is prohibited.
- (g) The sale of any flavored cannabis product for which the primary use is human inhalation of the gases, particles, vapors, or byproducts released as a result of combustion, electrical ignition, or vaporization of the flavored cannabis product, is prohibited.
- (h) A permittee shall not sell, permit to be sold, offer for sale, or display for sale any cannabis or cannabis product by means of self-service display, vending machine, rack, counter-top, or shelf that allows self-service sales for any cannabis or cannabis product. All cannabis and cannabis products must be offered for sale only by means of permittee or employee assistance. (Ords. 2023-03 § 2, 2019-34 §4, 2018-23 § 2.)

SECTION 3. Section 413-4.610 of the County Ordinance Code is amended to read:

413-4.610 Retail delivery standards. A permittee that delivers cannabis or cannabis products from a retail location in the unincorporated area of the county to any location in the unincorporated area of the county shall comply with all of the following standards in addition to the standards specified in Sections 413-4.602 and 413-4.604. A permittee that delivers cannabis or cannabis products from a location outside the unincorporated area of the county to any location in the unincorporated area of the county shall comply with all of the following standards in addition to the standards specified in Section 413-4.602.

- (a) The delivery of more than 800 milligrams of tetrahydrocannabinol in the form of edible cannabis products to a single cannabis customer in a single day is prohibited.
- (b) The delivery of any cannabis product listed in Title 17, California Code of Regulations, section 40300, is prohibited.
- (c) The delivery of any flavored cannabis product for which the primary use is human inhalation of the gases, particles, vapors, or byproducts released as a result of combustion, electrical ignition, or vaporization of the flavored cannabis product, is prohibited.
- (d) A permittee may not display any advertisement upon any vehicle that is used for the delivery of cannabis or cannabis products that promotes any activity related to cannabis or that identifies the permittee or the business conducting the delivery.
- (e) A delivery employee who delivers cannabis or cannabis products to a customer shall have in his or her possession a copy of the permit issued under this chapter authorizing the delivery, which shall be made available upon request to law enforcement.
- (f) No delivery employee may deliver cannabis or cannabis products to a customer without first examining a government-issued identification card of the recipient to confirm that the recipient is the customer who requested the delivery and that the recipient is at least the minimum age under state law to purchase the cannabis or cannabis product.

- (g) A delivery employee who delivers cannabis or cannabis products to a customer shall at the time of delivery provide the customer with a written warning that includes the following statement in bold print: “GOVERNMENT WARNING: CANNABIS IS A SCHEDULE I CONTROLLED SUBSTANCE. KEEP OUT OF REACH OF CHILDREN AND ANIMALS. CANNABIS MAY ONLY BE POSSESSED OR CONSUMED BY PERSONS 21 YEARS OF AGE OR OLDER UNLESS THE PERSON IS A QUALIFIED PATIENT. THE INTOXICATING EFFECTS OF CANNABIS MAY BE DELAYED UP TO TWO HOURS. CANNABIS USE WHILE PREGNANT OR BREASTFEEDING MAY BE HARMFUL. CONSUMPTION OF CANNABIS IMPAIRS YOUR ABILITY TO DRIVE AND OPERATE MACHINERY. PLEASE USE EXTREME CAUTION.” (Ords. 2023-03 § 3, 2019-34 §4, 2018-23 § 2.)

SECTION 4. EFFECTIVE DATE. This ordinance becomes effective 30 days after passage, and within 15 days after passage shall be published once with the names of supervisors voting for or against it in the East Bay Times, a newspaper published in this County.

PASSED ON January 10, 2023, by the following vote:


AYES: John Gioia, Diane Burgis, Ken Carlson

NOES: Candace Andersen, Federal Glover

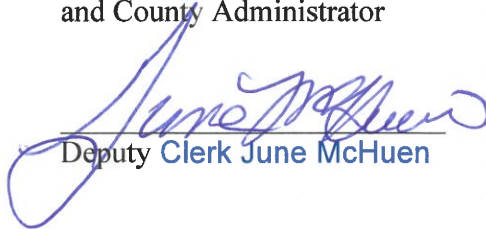
ABSENT: None

ABSTAIN: None

ATTEST: MONICA NINO,
Clerk of the Board of Supervisors
and County Administrator


Board Chair John Gioia

By:


Deputy Clerk June McHuen

[SEAL]

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