



Contra  
Costa  
County

To: Board of Supervisors  
From: Diane Burgis, District III Supervisor  
Date: January 10, 2023

Subject: Ordinance allowing the sale and delivery of Cannabis Vaping Products

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**RECOMMENDATION(S):**

ADOPT Ordinance No. 2023-03, an ordinance allowing the sale and delivery of non-flavored cannabis vaping products.

DIRECT Contra Costa Health Services to consult with stakeholders to develop a proposed program designed to raise awareness about the dangers of youth cannabis vaping and curtail the illegal market, and return to the Board of Supervisors with a recommended program with funding by the cannabis industry.

**FISCAL IMPACT:**

There are minimal fiscal impacts associated with the adoption of this ordinance. If the Board of Supervisors approves the development of a program in the Contra Costa Health Services department to work with stakeholders to address the illegal market in cannabis and tobacco vaping, it is anticipated that there may be additional staffing costs which would be funded by the cannabis industry. There is the potential for additional revenue to the County by allowing the sale of non-flavored cannabis vaping products.

**BACKGROUND:**

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD COMMITTEE

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Action of Board On: **01/10/2023** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

**VOTE OF SUPERVISORS**

AYE: John Gioia, District I  
Supervisor

Diane Burgis, District III  
Supervisor

Ken Carlson, District IV  
Supervisor

NO: Candace Andersen, District II  
Supervisor

Federal D. Glover, District V  
Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: January 10, 2023

Monica Nino, County Administrator and Clerk of the Board of Supervisors

By: June McHuen, Deputy

Contact: District III

cc:

In the November 2016 election, Californians approved Proposition 64 to legalize adult recreational cannabis usage. Contra Costa voters approved of recreational cannabis usage by 60.72%.

On August 7, 2018, the Board of Supervisors adopted Ordinance No. 2018-23, an ordinance to regulate commercial cannabis activities. The ordinance required anyone engaged in commercial cannabis activities or engaged in cannabis deliveries to obtain a County health permit in addition to all other licenses and permits required by the County and the state. The ordinance established standards for the retail sale and delivery of cannabis and cannabis products.

Since cannabis legalization in California, a number of cities in Contra Costa County have allowed recreational cannabis sales. These cities all allow the sale of cannabis vaping products. Currently, residents of the unincorporated area can purchase cannabis vaping products by going to a permitted cannabis retailer located in one of the cities which allow cannabis retail, however, they cannot purchase cannabis vaping products from a permitted cannabis retailer located in the unincorporated area.

## BACKGROUND: (CONT'D)

The attached Ordinance No. 2023-03 would allow the sale of non-flavored cannabis vaping products by permitted cannabis retailers located in the unincorporated areas of Contra Costa County.

On November 19, 2019, the Board adopted Ordinance No. 2019-34, an ordinance to prohibit the sale of tobacco vaping products, flavored tobacco products, and menthol cigarettes. The ordinance also prohibited the sale or delivery of cannabis vaping products.

Following the adoption of Ordinance No. 2019-34, it has become apparent that many seniors and other adults rely on cannabis vaping products for both recreational and medical reasons. Under the existing ordinance, homebound seniors and adults in the unincorporated areas cannot receive vaping cannabis products from any source. The attached ordinance, Ordinance No. 2023-03, would allow the sale and delivery of non-flavored cannabis vaping products in unincorporated areas, while continuing to prohibit the sale of tobacco vaping products, flavored tobacco products, menthol cigarettes, and flavored cannabis products in unincorporated areas. The purpose of the ordinance is to ensure that seniors and other adults who use cannabis vaping products do not use unregulated and potentially tainted products, and to address geographical equity in access to legal products. Under the proposed Ordinance No. 2022-28, residents in unincorporated areas would be able to obtain non-flavored cannabis products just like residents in cities that allow cannabis sales and deliveries.

The recommended action would also direct Contra Costa Health Services to consult with stakeholders to develop a proposed program designed to raise awareness about and curtail the illegal market in cannabis and tobacco vaping and return to the Board of Supervisors with a recommended program.

## CONSEQUENCE OF NEGATIVE ACTION:

If the proposed ordinance is not adopted, seniors and other adults will be unfairly limited by geography and mobility, reducing their access to a substance that is legal in California and available in several cities around the County. These seniors and other adults may resort to purchasing cannabis vaping products on the illicit market, increasing the risk of using unregulated and tainted products. If an intensive and focused program to curtail the sale of illegal, untested cannabis vaping products is not developed, residents of all ages will remain unaware of the dangers of illegal products, which will increase their health risks.

## CLERK'S ADDENDUM

**Sarah Armstrong, Americans for Safe Access; Caren Woodson, Kiva Confections, KSS; Renee Lee, president and founder of Rossmoor Compassion Society; Sean Kiernan, Weed for Warriors Project; Laura Fogelman, VP of Communications at PAX; No name given.**

## ATTACHMENTS

Ordinance No. 2023-03