



Office of the City Manager

## **REVISED AGENDA MATERIAL**

**Meeting Date:** December 19, 2017

**Item Number:** 4

**Item Description:** **Adopt an Ordinance Amending BMC 12.27 to Allow Existing Berkeley Licensed Medical Cannabis Businesses Into the New State Adult Use Regulation and Taxation System**

**Submitted by:** Mark Numainville, City Clerk

The first reading of Ordinance No. 7,582-N.S. was adopted by Council on November 28, 2017 as amended to remove the word “Collectives” from the title of Section 12.27.130 and to remove “The seven duly registered residential collectives,” from the first sentence of paragraph F.

The ordinance included in the December 19, 2017 agenda packet inadvertently excluded those amendments. The ordinance attached to this memo includes the amendments made by Council on November 28, 2017.

ORDINANCE NO. 7,582–N.S.

AMEND BERKLEY MUNICIPAL CODE 12.27 TO ALLOW EXISTING BERKELEY LICENSED MEDICAL CANNABIS BUSINESSES INTO THE NEW STATE ADULT USE REGULATION AND TAXATION SYSTEM

BE IT ORDAINED by the Council of the City of Berkeley as follows:

Section 1. That Berkeley Municipal Code 12.27.050 provision C, subsection 7 is added to read as follows:

**12.27.050 Operating Standards.**

C. Dispensing

7. Medical cannabis dispensaries are authorized to conduct adult-use cannabis sales, notwithstanding Section 12.26.035, if they meet the following requirements:

- a. Compliance with all requirements set forth in Sections 12.26 and 12.27 of the Berkeley Municipal Code
- b. Obtainment of State licenses (temporary) for both Medical and Adult Use commercial sales
- c. Obtainment of a City of Berkeley Temporary License. Temporary Licenses Adult Use Cannabis licenses are valid until such time as the City of Berkeley adopts comprehensive Cannabis regulations in compliance with State law.

Section 2. That Berkeley Municipal Code 12.27.130 provision F is added to read as follows:

**12.27.130 Operating Standards for All-Collectives.**

F. ~~The seven duly registered residential collectives,~~ Cannabis Manufacturing and Processing businesses, and Manufacturing and Wholesale of Cannabis product businesses with valid cannabis business licenses are authorized to conduct adult-use cannabis operations exactly to the extent they can do for medical cannabis, if they meet following requirements:

- a. Compliance with all requirements set forth in their existing business license
- b. Obtainment of State licenses (temporary) for both Medical and Adult Use commercial sales
- c. Obtainment of a City of Berkeley Temporary License. Temporary Adult Use Cannabis licenses are valid until such time as the City of Berkeley adopts comprehensive Cannabis regulations in compliance with State law.

Section 3. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of Council Chambers, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each

branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.

At a regular meeting of the Council of the City of Berkeley held on November 28, 2017, this Ordinance was passed to print and ordered published by posting by the following vote:

Ayes: Bartlett, Davila, Droste, Hahn, Harrison, Worthington and Arreguin.

Noes: None.

Absent: Maio and Wengraf.

At a regular meeting of the Council of the City of Berkeley held on December 19, 2017, this Ordinance was adopted by the following vote:

Ayes: Bartlett, Davila, Droste, Hahn, Harrison, Maio, Wengraf, Worthington and Arreguin.

Noes: None.

Absent: None.

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Jesse Arreguin, Mayor

ATTEST: \_\_\_\_\_  
Mark Numainville, City Clerk

Date signed: \_\_\_\_\_