

Exhibit A

ORDINANCE NO. _____

ORDINANCE REPEALING CHAPTER 7.124 OF THE SANTA CRUZ COUNTY CODE AND ADOPTING NEW CHAPTER 7.124 REGARDING PERSONAL CULTIVATION AND POSSESSION OF MEDICAL CANNABIS, AND MAKING CEQA FINDINGS

The Board of Supervisors of Santa Cruz County hereby finds and declares the following:

WHEREAS, the current version of Santa Cruz County Code Chapter 7.124 contains regulations addressing 1) limited immunity for medical cannabis dispensaries; and 2) personal cultivation and possession of medical cannabis; and

WHEREAS, Santa Cruz County Code Chapter 7.130 contains regulations addressing the issuance of business licenses for medical cannabis dispensaries, and

WHEREAS, the provisions of Chapter 7.130 have now been implemented; and

WHEREAS, there is no longer the need for the limited immunity regulations for medical cannabis dispensaries contained in Chapter 7.124; and

WHEREAS, keeping the limited immunity regulations for medical cannabis dispensaries in place would create unnecessary contradictory provisions in the County Code; and

WHEREAS, the County wishes to retain its existing regulations concerning personal cultivation and possession of medical cannabis;

NOW THEREFORE the Board of Supervisors of the County of Santa Cruz ordains as follows:

SECTION I

The Santa Cruz County Board of Supervisors hereby repeals Chapter 7.124 of the Santa Cruz County Code.

SECTION II

The Santa Cruz County Code is hereby amended, adding new Chapter 7.124 to read as follows:

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Exhibit A

Chapter 7.124 PERSONAL CULTIVATION AND POSSESSION OF MEDICAL CANNABIS

Sections:

- [7.124.010](#) Purpose.
- [7.124.020](#) Definitions.
- [7.124.030](#) Medical cannabis regulations.

7.124.010 Purpose.

The purpose of this chapter is to provide regulations concerning the cultivation and possession of cannabis for personal medical use in the unincorporated area of Santa Cruz County.

This chapter is not intended to conflict with federal or State law. It is the intention of the County that this chapter be interpreted to be compatible with federal and State enactments and in furtherance of the public purposes that those enactments encompass.

7.124.020 Definitions.

As used in this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

- (A) “Cannabis” means all parts of the plant *Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannabis ruderalis*, as defined under Business and Professions Code section 19300.5(f), as may be amended.
- (B) The following words or phrases when used in this section shall be construed as defined in California Health and Safety Code Section [11362.7](#): “Identification card”; “Person with an identification card”; “Primary caregiver”; and “Qualified patient.”

7.124.030 Medical cannabis regulations.

- (A) The County of Santa Cruz shall maintain a voluntary State identification card program operated by the Health Services Agency as authorized by Health and Safety Code Section [11362.7](#) *et seq.* The purpose of this voluntary identification card program is to help law enforcement officers identify individuals whose possession of medical cannabis qualifies under Health and Safety Code Section [11362.5](#). The County recognizes that individuals who qualify to use medical cannabis may require the support of numerous caregivers to meet their needs for housing, health, or safety under California Health and Safety Code Section [11362.5](#)(e). The County of Santa Cruz also recognizes that not all medical

Exhibit A

cannabis users will elect to access the medical cannabis user identification card and the existence of the program shall not limit the protections afforded by the Compassionate Use Act of 1996.

(B) In addition to the fee charged by the State of California, the Health Services Agency is authorized to charge a fee sufficient to cover the County’s costs of the medical cannabis user identification and primary caregiver identification cards program. The County fees charged are set by resolution of the Board of Supervisors. The Health Services Agency shall consider the extent of an applicant’s ability to pay the whole or partial fee and may provide for fee waiver or reduction in appropriate cases.

(C) Possession and Cultivation. A qualified patient or a person holding a valid identification card, or the designated primary caregiver of that qualified patient or person, may possess amounts of cannabis up to three pounds of dried cannabis bud or conversion per year. A qualified patient or a person holding a valid identification card, or the designated primary caregiver of that qualified patient or person, may cultivate cannabis in an amount not to exceed more than 100 square feet of total garden canopy, as measured by the combined vegetative growth area.

(D) If a qualified medical cannabis patient or primary caregiver has an attending physician’s written, dated and signed recommendation that the quantities described in subsection (C) of this section are not sufficient to meet the medical cannabis patient’s needs, said patient or caregiver may possess an amount of cannabis consistent with the attending physician’s written recommendation.

SECTION III

This ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and Section 15060(c)(3) (the activity is not a project as defined in Section 15378 of the CEQA Guidelines, because it has no potential for resulting in physical change to the environment, directly or indirectly).

SECTION IV

This ordinance shall take effect on the 31st day after the date of final passage.

PASSED AND ADOPTED this ____ day of _____, 2017, by the Board of Supervisors of the County of Santa Cruz by the following vote:

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AYES: SUPERVISORS
NOES: SUPERVISORS
ABSENT: SUPERVISORS
ABSTAIN: SUPERVISORS

Chairperson of the Board of
Supervisors

Attest: _____
Clerk of the Board

APPROVED AS TO FORM:

JM Heat 10/13/17
Chief Assistant County Counsel

cc: County Administrative Office
Planning Department