

Attachment B

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 50, LICENSING OF CANNABIS OPERATIONS, OF THE
SANTA BARBARA COUNTY CODE

The Board of Supervisors of the County of Santa Barbara ordains as follows:

SECTION 1. Chapter 50 of the Santa Barbara County Code, titled “Licensing of Cannabis Operations,” Section 50-8, Application content for an annual cannabis business license, subsection (b)(2)(vi)(E) and (b)(6)(ii) are hereby amended and shall read as follows:

...

(b) The application shall contain, without limitation, the following documentation:

...

(2) Information on the Operation:

...

vi. State information.

~~E. An API key to the state’s track and trace system (METRC) associated with all state licenses in Santa Barbara County.~~

...

(6) Site Security Plan and Criminal Background Check.

...

ii. All business owners, ~~supervisors, employees,~~ and other persons having at least a twenty percent financial interest, unless the interest is solely a security, lien, or encumbrance, must go through a live scan background check that discloses no felonies in accordance with California Business and Professions Code Section 26057, as may be amended.

...

SECTION 2. Chapter 50 of the Santa Barbara County Code, titled “Licensing of Cannabis Operations,” Section 50-11, Application review by the sheriff’s department and ongoing requirements – Criminal history check and security plan, subsection (b), is hereby amended and shall read as follows:

...

(b) Criminal history checks.

- (1) All applicants, owners, and persons having at least a twenty percent financial interest, managers, and supervisors of a cannabis operation must submit to a live scan check conducted by any entity authorized by the California Department of Justice to perform Live Scan fingerprinting services in accordance with the Department of Cannabis Control CCR Title 4, Division 19, as may be amended. ~~which will be performed by the sheriff's cannabis team.~~ This live scan check consists of a criminal history search for disqualifying convictions identified in subsection ~~(4)~~ (6). These checks must be completed on applicants, owners, and persons having at least a twenty percent financial interest prior to employment or engaging in the cannabis operation ~~the issuance of a business license or prior to any subsequent renewal.~~ Upon satisfactory review of the live scan, the sheriff’s cannabis team will obtain a photograph and issue an identification (ID) card to each qualifying individual. This identification shall be worn when on the licensed premise and used to visually verify authorization of employment at that site.
- ~~(2) All applicants are required to establish criminal history check procedures for all permanent employees not listed in subsection (1) above. Criminal history checks will be the equivalent to, and may include the use of, live scan. If using live scan, forms must be obtained from the sheriff's cannabis team. These live scan returns must be sent directly from the department of justice, to the sheriff's department, for retention and review. Completed non live scan employee criminal history checks must be retained by the applicant and are subject to inspection by the sheriff's department. Upon review, the sheriff's department may conduct further investigation, as outlined in subsection (4) below. Upon satisfactory review of the employee's criminal history, the sheriffs cannabis team will obtain a photograph and issue an identification (ID) card to each qualifying employee.~~

~~(3) All applicants are required to establish criminal history check procedures for all third-party laborers, seasonal or temporary workers on cannabis operations, who move from premise to premise during the cultivation season, or who work for four months or less. These checks may be performed by the applicant, or contracted labor groups, and will be available for review and inspection by the sheriff's department when requested. To be an eligible worker, the worker's criminal history must be free of any felony convictions or crimes outlined in subsection (6) below. Eligible workers shall be issued a temporary ID card by a manager, supervisor or security equivalent. These workers are only required to be background checked once and their temporary ID card will be valid at any licensed commercial cannabis operation in the county. For third-party laborers, seasonal or temporary workers, the cannabis operator is required to maintain a separate master list of all workers and be able to demonstrate, upon request, that said workers have been background checked and issued a temporary ID card. Persons in this category shall not work in any sensitive areas, handle money or remain on the licensed cannabis premise unsupervised.~~

~~(4) Licensees are required to notify sheriff of any changes to persons listed in subsections (2) above and timely perform any criminal history checks of new persons prior to start of employment.~~

~~(2)~~ (5) The sheriff's department may conduct further investigation of the applicant and owners ~~employees~~ as deemed appropriate and shall consider compliance with Business and Professions Code Section 26057, as may be amended. During the criminal history check process, the sheriff's department may also obtain a copy of criminal records in the United States, if any, and may obtain a copy of criminal records in any other country, if obtaining such foreign criminal records is feasible. Upon the satisfactory review of the criminal history, the sheriffs department will issue each qualified person an identification (ID) card.

~~(3)~~ (6) If the sheriff disapproves the application, the sheriff shall notify the county executive office in writing giving the reason(s) for the disapproval.

~~(4)~~ (7) No applicant, owner, or person having at least a twenty percent financial interest, ~~manager, supervisor or employee~~ engaged in the operation of the commercial cannabis operation may have been convicted of a felony or other crime as set forth in Business and Professions Code Section 26057, as may be amended.

SECTION 3. Chapter 50 of the Santa Barbara County Code, titled “Licensing of Cannabis Operations,” Section 50-23, Change in Ownership, subsection (a), is hereby amended and shall read as follows:

- (a) Any new applicants, owners, ~~managers, supervisors, employees,~~ or other persons having at least a twenty percent financial interest must submit to a live scan check conducted by any entity authorized by the California Department of Justice to perform Live Scan fingerprinting services in accordance with the Department of Cannabis Control CCR Title 4, Division 19, as may be amended. their fingerprints and/or other necessary information for a criminal background check pursuant to section 50-11, to Live scan results must be submitted to, reviewed, and approved by the sheriff prior to the proposed change. Once the sheriff has approved the new person's criminal history and before the new person engages in any activity related to the cannabis business license, the licensee shall submit this approval along with the new person's contact information to the county executive office.

SECTION 4. Chapter 50 of the Santa Barbara County Code, titled “Licensing of Cannabis Operations,” Section 50-25, Cannabis business license operating requirements, subsection (a)(2)(iii) and (a)(10) are hereby amended and shall read as follows:

- (a) Throughout the term of the cannabis business license, each and every licensee shall comply with this chapter, the County Code, and state law, including, but not limited to, all of the following:

...

- (2) Display License and ID Cards.

...

- iii. ~~The sheriff's department shall be notified of any changes to employment and any new employees shall be subject to criminal history checks in accordance with section 50-11.~~

...

Ordinance Amending Chapter 50 – Licensing of Commercial Cannabis Operations

Adopted: May 1, 2018

Amended: April 9, 2019, August 27, 2019, December 17, 2019, February 2, 2021, November 2, 2021, March 1, 2022, November 29, 2022, July 18, 2023, and April 1, 2025

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~~(10) API key. A licensee, including operators with state provisional licenses only, shall provide the county executive office with the Application Programming Interface (API) key to the state's track and trace system within ten days of receiving a state license or of the county's request to obtain the API key.~~

SECTION 5. Except as amended by this Ordinance the Santa Barbara County Code shall remain unchanged and shall continue in full force and effect.

SECTION 6. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The Board of Supervisors hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

SECTION 7. This Ordinance shall take effect and become operative 30 days from the date of its adoption by the Board of Supervisors. Before the expiration of 15 days after its passage a summary of it shall be published once together with the names of the members of the Board of Supervisors voting for and against the same in the Santa Barbara Independent and in the Santa Maria Times, newspapers of general circulation published in the County of Santa Barbara.

SECTION 8. Cannabis activities already are highly regulated by both the state and federal governments, and their regulation of cannabis activities is subject to rapid changes. Even if the Board of Supervisors adopts this Ordinance, the Board of Supervisors retains all of its statutory authority concerning cannabis activities. For example, even if the Ordinance becomes operative, the Board of Supervisors still may take action(s) later to change the zoning and/or licensing of cannabis activities to being prohibited. Changing the zoning and/or licensing of cannabis activities to being prohibited, could occur -- for example, but is not limited to -- if: 1) the County Treasurer is not able to deposit cannabis-related funds in a suitable financial institution; and/or 2) the Board of Supervisors submits a proposed County tax on commercial cannabis activity to the voters and the voters do not approve the tax. In part because cannabis activities are highly regulated by both the state and federal governments and their regulation of cannabis activities is subject to rapid changes, the Board of Supervisors later may need to change the zoning and/or licensing of cannabis activities to being prohibited and may need to

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do so without cannabis activities receiving: 1) an amortization period; and/or 2) legal nonconforming use status.

PASSED, APPROVED, AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this 10th day of June, 2025, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

LAURA CAPPS, CHAIR
BOARD OF SUPERVISORS
COUNTY OF SANTA BARBARA

ATTEST:
MONA MIYASATO, COUNTY EXECUTIVE OFFICER
CLERK OF THE BOARD

By _____
Deputy Clerk

APPROVED AS TO FORM:
RACHEL VAN MULLEM
COUNTY COUNSEL

By _____
Deputy County Counsel