

Attachment E

ATTACHMENT E**§50-11 LIVE SCAN AND CRIMINAL BACKGROUND CHECK****CEO/SBSO SIDE-BY-SIDE COMPARISON OF PROPOSED AMENDMENT LANGUAGE**

Issue Area County Code Section	Current Language	Option 1 CEO Proposed Amendment	Option 2 SBSO Proposed Amendment
Definitions § 50-2(ii)	1. There is currently no Chapter 50 definition for “sensitive areas”.	1. New language not recommended by CEO.	1. Defined as locations where cannabis is stored, prepared for sale or displayed for purchase; where cash is counted or stored; where surveillance recording and data storage systems are housed; and other areas designated as a sensitive area during the application review process.
Application content for annual business license § 50-8(b)(6)(ii)	2. States that all business owners, supervisors, employees, and any other persons having at least twenty percent financial interest must go through a live scan background check.	2. States that all business owners and any other persons having at least twenty percent financial interest must go through a live scan background check.	2. Removes existing language and states, criminal background checks in compliance with section 50-11.
Criminal history checks § 50-11(b)(1)	3. States that live scans are required for applicants, owners, persons with at least twenty percent financial interest, managers and supervisors. Checks must be completed prior to the issuance of a business license or subsequent renewal.	3. States that live scans are required for applicants, owners, and persons with at least twenty percent financial interest in accordance with the Department of Cannabis Control. Adds that scans must be conducted prior to employment and prior to engaging in the cannabis operation.	3. States that live scans are required for applicants, owners, and persons with at least twenty percent financial interest, managers, supervisors and persons with access to programs used to record inventory from seed to sale. Adds that scans must be approved by SBSO before working on premise.
Criminal history checks § 50-11(b)(1)	4. States that live scan checks will be performed by the sheriff's cannabis team.	4. States that live scan checks must be 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.	4. States that live scan checks can be conducted by SBSO or by any entity authorized by the Department of Justice to perform live scans. Live scan forms must be obtained from SBSO.

Criminal history checks § 50-11(b)(2)	5. States that all permanent, direct employees (not including applicants, owners, persons with at least twenty percent financial interest, managers and supervisors) must complete a criminal history check that is equivalent to, and may include the use of, live scan. Criminal history checks must be available on-site for SBSO review. SBSO will issue IDs for employees.	5. Deleted. Criminal background checks and live scan equivalent requirements are removed for permanent, direct employees.	5. New requirement that “any person” (not including applicants, owners, persons with at least twenty percent financial interest, managers and supervisors) must provide a criminal check equivalent to a live scan. If said persons are not live scanned, the individuals must undergo annual criminal history checks. Criminal history checks must be available on-site for SBSO review and must be sent to SBSO for review. SBSO will issue IDs to “qualifying persons”.
Criminal history checks § 50-11(b)(3)	6. States that criminal history checks are required for all third-party laborers, seasonal or temporary workers who move from premise to premise during the cultivation season, or who work for four months or less. Workers must be free from felony convictions and cannot work in sensitive areas, handle money or remain unsupervised on-site.	6. Deleted. Criminal history checks are removed for all third-party laborers, seasonal or temporary workers who move from premise to premise during the cultivation season, or who work for four months or less.	6. States that persons hired for the sole purpose of manual labor on a cannabis premise are not subject to background requirements. Persons in this category shall not have supervisory or managerial responsibilities and can’t work in sensitive areas, handle money or funds concerning cannabis operations or remain on premise unsupervised.
Criminal history checks § 50-11(b)(4)	7. States that licensees must notify SBSO of any changes to persons listed in 50-11(b)(1)(2) and perform criminal history checks of new persons prior to employment.	7. Deleted. Requirement to perform criminal history checks of new persons prior to employment or involvement in the cannabis industry added to §50-11(b)(1).	7. Adds that applicants must promptly notify SBSO of changes and criminal history checks must be performed prior to involvement in the cannabis operation.
Criminal history checks § 50-11(b)(5)	8. States that SBSO can conduct further investigation of applicants, owners or employees. SBSO can obtain U.S. or foreign country criminal records if applicable.	8. States that SBSO can conduct further investigation of applicants and owners. SBSO can obtain U.S. or foreign criminal records if applicable.	8. States that SBSO can conduct further investigation of applicants, owners, and persons with at least twenty percent financial interest, managers, supervisors and persons with access to programs used to record inventory from seed to sale as stated in §50-11(b)(1) and “any person” as stated in §50-11(b)(2). SBSO can obtain U.S. or

			foreign country criminal records if applicable.
Criminal history checks § 50-11(b)(7)	9. States that no applicant, owner, person having at least twenty percent financial interest, manager, supervisor or employee engaged in cannabis may have been convicted of a felony.	9. States that no applicant, owner, or person having at least twenty percent financial interest engaged in cannabis may have been convicted of a felony.	9. States that applicants, owners, and persons with at least twenty percent financial interest, managers, supervisors, persons with access to programs used to record inventory from seed to sale as stated in §50-11(b)(1) and “any person” as stated in §50-11(b)(2) may have been convicted of a felony and shall not work on the premise or be involved in any capacity with the cannabis operation.
Criminal history checks § 50-11(b)(8)	10. Not part of Chapter 50.	10. New language not recommended by CEO.	10. Adds that applicants, owners, and persons with at least twenty percent financial interest, managers, supervisors, persons with access to programs used to record inventory from seed to sale as stated in §50-11(b)(1) and “any person” as stated in §50-11(b)(2) above shall provide a copy of the primary identification documents required by the State of California Employment Development Department before commencing work at the cannabis operation or premises. Licensee shall, upon the request of the sheriff’s department, provide a copy of the primary identification documents for the purposes of verifying identity and conducting criminal history checks pursuant to subsection (5) above.
Change in ownership § 50-23(a)	11. States that fingerprints for new owners, managers, supervisors, and employees must be submitted to the	11. States that live scan checks for new owners must be completed by any entity authorized by the California Department of Justice to	11. States that criminal background checks are required pursuant to §50-11 and maintains SBSO review and approval prior to the proposed change.

	Sheriff for review prior to the proposed change.	perform Live Scan fingerprinting services and must be reviewed and approved by the Sheriff prior to the proposed change.	
Cannabis business license operating requirements § 50-25(a)(2)(iii)	12. States that SBSO will be notified of any changes to employment and new employees are subject to criminal history checks as required under §50-11.	12. Deleted. Requirement to notify SBSO of employee changes is removed. Criminal history checks are removed for employees.	12. Updates language to state “any changes to staffing” and “any new persons working at the premises and/or cannabis operation” in lieu of “any changes to employment” and in lieu of “any new employees” at the premises and/or cannabis operation” in lieu of “any changes to employment” per §50-11(b)(1) and (b)(2).