

Status Report on the Ad Hoc Subcommittee on Cannabis Activities

Santa Barbara County
Board of Supervisors
July 11, 2017



Update on State & Federal Regulations

- Senate Bill (SB) 94
 - Establishes a single system of administration at the State for both medical and recreational cannabis licensing activities
 - Significant changes to State law designed to:
 - Improve public safety
 - Regulate tax compliance
 - Set standards for testing & packaging of cannabis products, and
 - Establish the collection of data related to driving under the influence
- Federal status remains unchanged

Ad Hoc Subcommittee Status

- Met with staff ten times since March
- Department staff support for Ad Hoc Subcommittee
- Conducted two Town Hall meetings
- Established five working groups to expedite the work:
 - Land use & development code amendments
 - Business licensing
 - Tax measure
 - Health impacts
 - Enforcement planning
- More details from these group leaders will be provided later in this presentation

Cannabis Registry

- Ordinance establishing registry approved in April 2017
- Closed on June 30th
- Purpose: Collect data on past, present & future operations
- Economic & environmental consultants will use data to inform their studies
- Preliminary data:
 - Total received = 534
 - Past cultivators = 240 Current = 216 Future = 506
 - Current under 1,000 ft² = 55 Current over one acre = 105
 - Current acres = 396 Future acres = 1,126
 - Current in Carpinteria = 52 Other South Coast = 38 Buellton = 33
Lompoc Valley = 58 Orcutt/Santa Maria = 20 Tepusquet = 21

Land Use & Development Code

- Objective: Develop a comprehensive land use regulatory program for the entire cannabis industry (medicinal and recreational)
- Currently only legal non-conforming medicinal operations and cultivation for personal use is permissible, pursuant to Article X (Chapter 35) and the urgency ordinance (adopted on April 4, 2017)
- Involves amendments to the Land Use Development Code, Coastal Zoning Ordinance, and Montecito Land Use Development Code
- Preparation of an environmental impact report to inform decision-makers about the environmental impacts of permitting and licensing regulatory options

Legal Non-Conforming Determinations and Amortization

- Medicinal cultivation is currently allowed if:
 - Established prior to January 19, 2016
 - Compliant with existing state laws
- No existing process for determining that an operation is legal non-conforming
- No sunset date for when legal non-conforming medicinal cannabis cultivation operations must comply with new regulations

Legal Non-Conforming Determinations and Amortization

- **Establish a process:**
 - Direct staff to prepare ordinance amendments (Chapter 35, Article X) that set forth a process for existing cultivators to apply for determinations regarding legal non-conforming status
- **Establish an amortization period:**
 - Direct staff to include in the ordinance amendments a date by which all legal nonconforming cultivation sites must either obtain County entitlements and licenses, or cease operations
- **Return for approval:**
 - Planning Commission hearing for recommendation to the Board of Supervisors
 - Board of Supervisors hearing for approval

Business Licenses

- Who is conducting the business?
- What business can they conduct?
- Possible licensing requirements presented by Ad Hoc:
 - Live Scans for every employee
 - Promote vertical integration
 - Licenses issued by Treasurer-Tax Collector
 - Limited retail licenses are okay
 - Connect delivery to brick and mortar retail (if deliveries are allowed at all)
 - Consider license caps
 - Allow multiple licenses per premises for cultivation
 - Production, retail or deliveries require a weighing device permit
 - Determine whether edible cannabis products should be available through retail licensees

Tax Measure & Fee Study

- Possible June 2018 ballot measure
- Economic analysis is underway to identify possible options for taxation of cannabis operations
- Possible fees for land use permits would likely already be part of fee schedules
- Possible licensing fees would be at cost reimbursement for providing the possible licenses

Health Effects of Cannabis

Sources:

- National Academies of Sciences, Engineering, Medicine , Feb 2017 Report
- Colorado, Oregon Research Findings



YOUTH



PREGNANCY



MENTAL HEALTH

Charity Dean MD, MPH

Health Officer

Santa Barbara County Public Health Dept.

Conclusive/ Substantial Evidence: Positive Therapeutic Effects

- Chronic pain
- Anti-nausea for chemotherapy
- Multiple sclerosis spasticity

Conclusive/ Substantial Evidence: Negative Health Effects

- Increased risk motor vehicle crashes
- Lower birth weight
- Development of schizophrenia, other psychoses
 - Highest risk among frequent users
- Chronic Bronchitis
 - Worse symptoms, more frequent episodes

Conclusive/ Substantial Evidence: Problem Cannabis Use

- **Risk factors for problem cannabis use:**
 - Being male + smoking cigarettes
 - Initiating cannabis use at earlier age
 - Increased frequency of use
 - Association between being male and severity of problem cannabis use

Moderate Evidence:

Risk Factors for Youth

- **Risk factors for problem cannabis use during adolescence**
 - Frequency of use
 - Oppositional behaviors
 - Younger age of first alcohol use
 - Nicotine use
 - Parental substance abuse
 - Poor school performance
 - Antisocial behaviors
 - Childhood sexual abuse

Moderate Evidence:

Negative Health Effects

- **Pediatric overdose injuries**
 - In U.S. states where cannabis is legal
- **Impairment in learning, memory, attention**
- **Mental Health Disorders**
 - Bipolar- increased mania + hypomania
 - Development of depressive disorder
 - Suicidal ideation, attempts, completion
 - Heavy users
 - Social Anxiety Disorder
- **Development of Substance Abuse Disorders**
 - Alcohol, Tobacco, Illicit Drugs

THC: Pregnancy and Breastfeeding

- Pregnant mother → baby
- Breastfeeding mother → baby
- THC stored in body fat of mother/ baby (long half life)
 - “Pump and dump” doesn’t work
- THC may affect baby’s brain development

Need for More Research

Challenge of Schedule I Drug Classification

- Medical Effects?
- Public Health Impacts?
 - At-risk youth
 - Pregnant women
 - Mental health



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MENTAL HEALTH

- Barriers to Research
 - Regulatory: federal classification (Schedule I)
 - Funding
 - Standardization of research methodologies

Preparing the Community for the Health Impacts of Cannabis

- Public Health + Behavioral Wellness Workgroup
- Share fact-based information based on research
- Gather local data to measure and monitor local impacts of cannabis use
- Promote messages to protect those most at risk
- We propose three initial activities before January 2018:
 - Surveillance
 - Healthcare provider education
 - Community education

Surveillance

- Gather data to understand population health
- Use existing valid data points without the need for additional resources
- Examples:
 - EMS data on cannabis use and paraphernalia at the scenes of emergency transports
 - Toxicology screen for newly admitted PHF patients
 - Client report at Substance Abuse Treatment Programs
 - Toxicology screens at hospitals

Healthcare Provider Education

- Hold an educational workshop for providers with a keynote from an expert in the field of cannabis (Fall 2017)
- Invite a range of local providers of health, substance abuse, and youth services
- Seek financial support from community stakeholder organizations
- Focus on concerns related to at-risk populations (youth and pregnant/breastfeeding women)

Community Education

- Partner with schools and local service providers to host community meetings with parents and youth
- Offer regional meetings
- Support parent participation by having meetings in early evening hours, serve food and provide child care
- Provide information in both English and Spanish

After January 2018

- Develop a prevention campaign for at-risk populations
- Bring the prevention campaign into both English and Spanish speaking communities in Santa Barbara County
- 1-5 years: Analyze trends in longitudinal data to assess where population-based interventions might be most effective

	Ad Hoc
	Land Use
	Taxes
	Other

No later than:	Activity
July 7, 2017	First draft of code section outlines to check for gaps and overlaps
July 11, 2017	Board of Supervisors Cannabis update; Receive Board direction on legal, non-conforming process and amortization
July 12, 2017	Publish Notice of Preparation (NOP) for Cannabis EIR with Draft Ordinance Chapter 35 (all LUDCs) and Chapters 22 & 24A (business licensing) based on broad scope of state license types and equivalent land uses
July 26, 2017	Public workshop/scoping meeting for Cannabis EIR – South County
July 27, 2017	Public workshop/scoping meeting for Cannabis EIR – North County
August 15, 2017	Finalize Draft EIR and review with County Counsel
September 5, 2017	Publish Draft EIR; Begin 45-day Public Review Period
September 19, 2017	Hold evening public meeting on EIR
September 19, 2017	Board of Supervisors Cannabis update and further direction
September 30, 2017	Public meetings on code amendments Chapters 22 & 24A
October 20, 2017	Prepare responses to comments on Draft EIR
October 31, 2017	First drafts of assorted other code section amendments (e.g. Article X, etc.)
October 31, 2017	First draft of ballot measure for cannabis taxes
November 7, 2017	Board of Supervisors Cannabis update and further direction
November 13, 2017	Staff and consultants prepare Final EIR
November 15, 2017	Prepare staff's recommendations for code amendments for Chapters 24A and 22
November 30, 2017	Final drafts of assorted other code section amendments
November 30, 2017	Final draft of ballot measure for cannabis taxes
December 13, 2017	Montecito Planning Commission Hearing on LUDC amendments
December 13, 2017	Public meetings on Chapters 22 & 24A
January 9, 2018*	Board hearing on assorted other county code amendments
January 10, 2018	County Planning Commission Hearing on LUDC amendments
February 6, 2018*	Board hearing on EIR and LUDC amendments to the County Code
February 6, 2018*	Board hearing on Business Licensing Amendments to County
February 6, 2018*	Board action to consolidate election with full text of the tax measure and exact form of the ballot question
February 18, 2018*	Publication-Notice of Election Notice to Submit ballot arguments
February 28, 2018*	Deadline for direct arguments and impartial analysis of ballot measure
March 12, 2018*	Deadline for rebuttal arguments
March 9, 2018*	Deadline for Board directions to Auditor-Controller to prepare Financial Statement
March 26, 2018	Ballot measure goes to the printer
May 7, 2019	Coastal Commission Certification Hearing (Subject to Commission schedule)

* Subject to Board of Supervisors' adopted 2018 Meeting Calendar

Recommended Actions

- Receive report on the status of the Board-appointed Ad Hoc Subcommittee on Cannabis Operations;
- Direct staff to prepare and return to the Board with ordinance amendments to Chapter 35, Article X that:
 - Establish a process for the determination of legal non-conforming status pursuant to County Code Section 35-1003.A.2 for existing medicinal cannabis cultivators; and
 - Establish a date by which all legal non-conforming cultivation sites must either obtain County permits or cease operations.
- Provide other direction to staff; and
- Determine pursuant to the California Environmental Quality Act (CEQA) Guidelines 15378(b)(5) that the above actions are not a project subject to CEQA review