

**ORDINANCE NO. SCC 2016-01**

**AN ORDINANCE OF THE BOARD OF SUPERVISORS OF  
THE COUNTY OF SHASTA  
ADDING SECTION 17.88.315, *MEDICAL MARIJUANA DELIVERIES* AND  
AMENDING SECTION 17.88.320, *MEDICAL MARIJUANA CULTIVATION*  
OF CHAPTER 17.88, *SPECIAL USES***

The Board of Supervisors of the County of Shasta ordains as follows:

**SECTION I.**

Section 17.88.315 of the Shasta County Code is enacted to read in its entirety as follows:

**17.88.315 Medical Cannabis Deliveries**

A. For purposes of this section only, the following definitions shall be applicable.

**“Delivery”** shall have the same definition as set forth in Business & Professions Code section 19300.5.

**“Dispensary”** shall have the same definition as set forth in Business & Professions Code section 19300.5.

**“Medical Cannabis”** shall have the same definition as set forth in Business & Professions Code section 19300.5.

**“Medical Cannabis Product”** shall have the same definition as set forth in Business & Professions Code section 19300.5.

**“Person”** shall have the same definition as set forth in Business & Professions Code section 19300.5

**“Primary Caregiver”** shall have the same definition as set forth in Health & Safety Code section 11362.7(d).

**“Qualified Patient”** shall have the same definition as set forth in Health & Safety Code sections 11362.7(c) and (f).

**“Transfer”** shall mean to make available, sell, transmit, give, distribute, or otherwise provide.

B. The delivery by any dispensary of medical cannabis or medical cannabis products to a qualified patient or primary caregiver is prohibited.

- C. The transfer of medical cannabis or medical cannabis products by any person to a qualified patient or primary caregiver is prohibited.
- D. The provisions of this section shall not apply when both of the following requirements are met: (1) The transfer of medical cannabis or medical cannabis products is authorized under Shasta County Code section 17.88.310; and (2) the transfer is between qualified patients and primary caregivers who are exempt from the licensure requirements of Chapter 3.5 of Division 8 of the Business & Professions Code (commencing at Business & Professions Code section 19300), pursuant to Business & Professions Code section 19319.
- E. All references to statutes and ordinances in this section refer to statutes and ordinances as they currently exist and as they may be amended.
- F. The provisions of this Section shall not be construed to protect Qualified Patients, Primary Caregivers, or any other person from prosecution pursuant to any laws that may prohibit the cultivation, sale, distribution, possession and/or use of controlled substances, or to authorize conduct that is unlawful under state or federal law. Moreover, cultivation, sale, possession, distribution, and use of marijuana remain violations of federal law as of the date of adoption of the ordinance creating this Section and this Section is not intended to, and does not authorize conduct or acts that violate federal law and does not protect any of the above described persons from arrest or prosecution under those federal laws. Qualified Patients, Primary Caregivers, and any other persons assume any and all risk and any and all liability that may arise or result under state and federal laws from the cultivation, sale, possession, distribution, and/or use of Medical Cannabis and Medical Cannabis Products. Further, to the fullest extent permitted by law, any actions taken under the provisions of this Section by any public officer or employee of the County of Shasta or Shasta County itself, shall not become a personal liability of such person or a liability of the county.
- G. Any person or entity violating any provision of this section 17.88.315 of the Shasta County Code shall be guilty of a misdemeanor.

## **SECTION II.**

Subsection (D) of Section 17.88.320 of the Shasta County Code is amended to add the following provisions to the existing provisions of that subsection:

- 14. Cultivation shall be subject to the following permitting requirements:

- a. Cultivation shall only occur after the issuance of a zoning permit, in accordance with Shasta County Code section 17.92.060. Cultivation without a valid zoning permit is prohibited.
- b. The term of any zoning permit issued for Cultivation pursuant to this subsection shall be two (2) years. The permit may be renewed for two (2) additional two-year terms (for a total of six (6) years) provided that for each renewal an application shall be made prior to expiration of the permit, which shall include: i) payment of a renewal and/or special inspection fee as set by the Board of Supervisors; and ii) verification that the Cultivation is in full compliance with all applicable standards and regulations. The Cultivation shall cease at the end of the term or any applicable renewal term, but a new zoning permit may be granted in accordance with Shasta County Code section 17.92.060 and this Section.

### **SECTION III.**

The County finds that this ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15061(b)(3) (there is no possibility the activity in question may have a significant effect on the environment). In addition to the foregoing general exemptions, the following categorical exemptions apply: sections 15308 (actions taken as authorized by local ordinance to assure protection of the environment), 15321 (action by agency for enforcement of a law, general rule, standard or objective administered or adopted by the agency, including, but not limited to, by direct referral to the County Counsel as appropriate for judicial enforcement), and 15303 (new construction or conversion of small structures, e.g., a residential accessory building). Each exemption stands as a separate and independent basis for determining that this ordinance is not subject to CEQA.

### **SECTION IV.**

If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

### **SECTION V.**

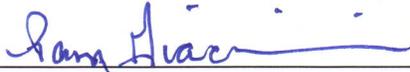
The adoption of this ordinance shall not in any manner affect any action or prosecution for violation of ordinances, which violations were committed prior to the effective date hereof, be construed as a waiver of any license, fee, or penalty required by or resulting from any such ordinance, or affect the validity of any bond (or cash deposit in lieu thereof) required to be posted, filed, or deposited pursuant to such ordinance.

**SECTION VI.**

This ordinance shall take effect and be in full force and effect 30 days after its passage. The Clerk shall cause this ordinance to be published as required by law.

**DULY PASSED AND ADOPTED** this 2nd day of February, 2016 by the Board of Supervisors of the County of Shasta by the following vote:

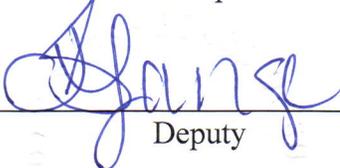
AYES: Supervisors Kehoe, Moty, Giacomini, Schappell, and Baugh  
NOES: None  
ABSENT: None  
ABSTAIN: None  
RECUSE: None

  
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PAM GIACOMINI, CHAIRMAN  
Board of Supervisors  
County of Shasta  
State of California

ATTEST:

LAWRENCE G. LEES  
Clerk of the Board of Supervisors

By: \_\_\_\_\_

  
Deputy