

ORDINANCE NO. ORD-24-0024

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LONG BEACH AMENDING THE LONG BEACH MUNICIPAL CODE BY AMENDING SECTION 5.92.420 RELATING TO THE REINSTATEMENT OF AN ONE THOUSAND FOOT DISPENSARY BUFFER RADIUS, AMENDING SECTIONS 5.92.910. AND 5.92.960 RELATING TO THE EXISTING DELIVERY SERVICE PROVISIONS FOR STOREFRONT DISPENSARIES WITH OPERATING CONDITIONS FOR DELIVERY-ONLY DISPENSARIES, AND ADDING DIVISION XII TO CHAPTER 5.92 RELATING TO THE REGULATION OF ADULT-USE CANNABIS DELIVERY-ONLY DISPENSARY (RETAIL) BUSINESS LICENSES

WHEREAS, on August 17, 2021, the Office of Cannabis Oversight released a memorandum on the feasibility of allowing cannabis delivery-only dispensary (retail) licenses; and

WHEREAS, on October 12, 2021, an analysis was presented to the City Council which included the feasibility analysis for eight (8) equity dispensary (storefront retail) licenses; and

WHEREAS, City Council authorized a recommendation directed to the City Attorney to prepare an ordinance to allow cannabis delivery-only dispensary (retail) licenses exclusive to equity applicants; and

NOW, THEREFORE, the City Council of the City of Long Beach ordains as follows:

Section 1. Section 5.92.420 of the City of Long Beach Municipal Code is amended to read as follows:

5.92.420 Location requirements.

A. Except as otherwise provided for in this Chapter, a premises shall comply with zoning districts in Title 21 (Zoning Ordinance) of this Code, Specific Plans, or Planned developments.

B. Adult-Use Cannabis Dispensary premises shall not be located within:

1. A six hundred foot (600') radius of a public or private school (as defined in California Health and Safety Code Section 11362.768(h)).

2. A six hundred foot (600') radius of a day care center.

3. A six hundred foot (600') radius of a playground or community center.

4. A six hundred foot (600') radius of a library.

5. An one thousand foot (1,000') radius of any other Dispensary.

6. Within a building which contains a dwelling unit, with the exception of adult-use cannabis dispensaries, as otherwise permitted on ground floors of mixed-use buildings within the Downtown Planned Development District (PD-30).

7. A building which contains a dwelling unit, with the exception of those dispensaries otherwise permitted on ground floors of mixed-use buildings within the Downtown Planned Development District (PD-30).

8. A dwelling unit within a zoning district.

C. A premises for a cannabis business that is not an Adult-Use Cannabis Dispensary shall not be located within:

1. An one thousand foot (1,000') radius of a public or private school (as defined in California Health and Safety Code Section

1 11362.768(h)).

2 2. An one thousand foot (1,000') radius of a public beach.

3 3. A six hundred foot (600') radius of a public park, public
4 library, or day care center.

5 4. A building which contains a dwelling unit.

6 5. A dwelling unit within any zoning district.

7 D. Youth center buffer. Pursuant to its authority under California
8 Business and Professions Code Section 26054, the City hereby establishes
9 a zero-foot (0') radius buffer for youth centers for Adult-Use Cannabis
10 Businesses licensed under this Chapter; therefore, there is no buffer distance
11 requirement for youth centers for Adult-Use Cannabis Business within the
12 City.

13 Section 2. Section 5.92.910 of the City of Long Beach Municipal Code is
14 amended to read as follows:

15 5.92.910 Compliance.

16 Dispensaries may sell, distribute, dispense, provide, deliver, or transport
17 Cannabis, only in accordance with all applicable laws and regulations, including but not
18 limited to, this Code, any regulations implemented by the Department of Cannabis Control,
19 California Business and Professions Code Sections 26000 et seq., and all other applicable
20 State, federal and local laws and regulations.

21 Section 3. Section 5.92.960 of the City of Long Beach Municipal Code is
22 amended to read as follows:

23 5.92.960 Delivery services.

24 In addition to the requirements set forth in this Chapter for Dispensaries, the
25 delivery of cannabis goods shall be subject to the following requirements:

26 A. Compliance. Delivery services shall be conducted in
27 accordance with any relevant State and local laws and regulations, any
28 applicable local laws in the delivery location, and any conditions imposed

1 upon a Dispensary.

2 B. Delivery services may operate as a part of, and in conjunction
3 with, a Dispensary with a storefront open to the public during business hours
4 and permitted pursuant to this Chapter and Chapter 5.90 of this Code and
5 any applicable State laws and regulations.

6 C. Any application for a Dispensary shall include a statement as
7 to whether the proposed use will include delivery of cannabis goods to
8 customers.

9 D. Vehicle standards. Dispensaries shall only allow delivery of
10 cannabis goods in a vehicle that:

11 1. Is capable of securing (locking) the cannabis goods
12 during transportation.

13 2. Is capable of being time and/or temperature controlled,
14 if perishable cannabis goods are being transported.

15 3. Does not display advertising or symbols visible from the
16 exterior of the vehicle that suggest the vehicle is used for cannabis delivery
17 or affiliation with a Dispensary.

18 4. Shall only be operated by the delivery employee of the
19 Dispensary.

20 5. Only the licensee or an employee of the Dispensary for
21 whom delivery is being performed shall be in the delivery vehicle.

22 E. Inspections. Any motor vehicle used by a Dispensary to deliver
23 cannabis goods is subject to inspection by the City Manager or Chief of Police
24 and may be stopped at the premises or during the delivery for inspection.

25 F. Delivery employees. Every delivery employee of a Dispensary
26 shall be at least twenty-one (21) years of age and shall have a valid California
27 Driver's License.

28 G. Documentation during transport. Delivery employees of a

1 Dispensary shall carry a physical or electronic copy of the delivery request
2 receipt with details regarding the delivery, a copy of the Dispensary's current
3 permits and/or licenses required by the State and City, the employee's
4 government-issued identification, and an identification badge provided by the
5 Dispensary. All documentation shall be made available upon request to the
6 City Manager or Chief of Police.

7 H. Dispensaries shall maintain a database, and provide to the City
8 Manager upon verbal or written request, a list of delivery employees and
9 vehicles authorized to conduct deliveries on behalf of the Dispensary.

10 I. Delivery employees shall personally verify, for each individual
11 transaction, that the identity of the customer receiving cannabis goods from
12 the Dispensary is the same as the person who ordered the delivery, and that
13 said person is twenty-one (21) years of age or older, via the presentation of
14 a valid government-issued identification.

15 J. Limitations.

16 1. While making deliveries, a Dispensary's delivery
17 employee shall not carry cannabis goods worth more than limits imposed by
18 the State at any time. This value shall be determined using the current retail
19 price of all cannabis goods carried by the delivery employee.

20 2. Direct route only. Except where a delivery employee
21 requires rest, fuel, vehicle repair, or where the road conditions make the
22 continued use of the road unsafe, impossible, or impracticable, a delivery
23 employee may only travel to and from the Dispensary, to the delivery
24 address, and between delivery addresses while delivering cannabis goods.

25 3. Dispensaries and delivery employees may only deliver
26 cannabis goods to customers within a city or county that does not expressly
27 prohibit such delivery by ordinance.

28 4. Consumption prohibited. No person shall consume or

1 otherwise ingest cannabis goods, alcohol, any controlled substance, or
2 intoxicants while transporting or delivering cannabis goods.

3 5. The Dispensary shall prepare a delivery request receipt
4 for each delivery of cannabis goods that shall include the following:

- 5 a. The name and address of the Dispensary;
6 b. The first name and employee number of the
7 Dispensary's delivery employee who delivered the order;
8 c. The first name and employee number of the
9 Dispensary's employee who prepared the order for delivery;
10 d. The first name of the customer and a Dispensary-
11 assigned customer number for the person who requested the delivery;
12 e. The date and time the delivery request was
13 made;
14 f. The delivery address;
15 g. A detailed description of all cannabis goods
16 requested for delivery. The description shall include the weight, volume, or
17 any other accurate measure of the amount of all cannabis goods requested;
18 h. The total amount paid for the delivery, including
19 any taxes or fees, the cost of the cannabis goods, and any other charges
20 related to the delivery; and
21 i. Upon delivery, the date and time the delivery was
22 made, and the signature of the customer who received the delivery.

23 6. A vehicle used for the delivery of cannabis goods shall
24 be outfitted with a dedicated Global Positioning System (GPS) device for
25 identifying the geographic location of the delivery vehicle in compliance with
26 all applicable State laws and regulations.

- 27 a. The dedicated GPS device must be owned by the
28 Dispensary and used for delivery only. A personal or business phone or tablet

1 is not an acceptable GPS device.

2 b. The device shall be either permanently or
3 temporarily affixed to the delivery vehicle, shall remain active, and inside of
4 the delivery vehicle at all times during delivery.

5 c. At all times, the Dispensary shall be able to
6 identify the geographic location of all delivery vehicles that are making
7 deliveries for the Dispensary and shall provide that information to the City
8 Manager or Chief of Police upon request. The history of all locations traveled
9 to by a delivery employee while engaging in delivery shall be maintained by
10 the licensee for a minimum of ninety (90) days.

11 K. All cannabis and all cannabis products being delivered must be
12 obtained from the site of the licensed Dispensary or Delivery-Only
13 Dispensary that is authorized to deliver cannabis. No cannabis or cannabis
14 products may be delivered from any other facility, such as a separate storage
15 facility or a cannabis product manufacturing facility. Loading and unloading
16 of cannabis products must only take place within the designated and
17 approved secured loading area.

18 L. Deliveries Facilitated by Technology Platforms. A delivery
19 license retailer shall not sell or otherwise transfer any cannabis goods to a
20 customer through the use of an unlicensed third party, intermediary business,
21 broker, or any other business or entity.

22 Section 4. The Long Beach Municipal Code is hereby amended by adding
23 Division XII to Chapter 5.92 to read as follows:

24
25 DIVISION XII – DELIVERY-ONLY DISPENSARY OPERATING CONDITIONS

26 In addition to the general operating requirements set forth in Division III of this
27 Chapter, this Division provides additional requirements for Delivery-Only Dispensaries.

28 5.92.1710 Compliance.

1 Delivery-Only Dispensaries may sell, distribute, dispense, provide, deliver, or
2 transport Cannabis, only in accordance with all applicable laws and regulations, including
3 but not limited to, this Code, any regulations implemented by the Department of Cannabis
4 Control, California Business and Professions Code Sections 26000 et seq., and all other
5 applicable State, federal and local laws and regulations.

6 5.92.1715 Hours of operation.

7 Delivery-Only Dispensaries may only conduct deliveries between the hours of 9:00
8 a.m. to 10:00 p.m. up to seven (7) days per week.

9 5.92.1720 Point-of-sale tracking required.

10 A Delivery-Only Dispensary shall facilitate the dispensing, making available, sale,
11 and delivery of cannabis goods with a technology platform that uses point-of-sale
12 technology to track, and database technology to record and store, the following information
13 for each transaction involving the exchange of cannabis goods between the Delivery-Only
14 Dispensary and customer:

15 A. The date and time of transaction.

16 B. The first name and employee number of the Delivery-Only
17 Dispensary employee who processed the sale of cannabis goods on behalf
18 of the Delivery-Only Dispensary.

19 C. A list of all the cannabis goods purchased, including the
20 quantity purchased.

21 D. The total amount paid for the sale, including the individual
22 prices paid for cannabis or cannabis products purchased, and any amounts
23 paid for taxes.

24 5.92.1725 Taxes.

25 Transactions for Delivery-Only Dispensaries shall be taxed at the non-medical
26 marijuana tax rate pursuant to Section 3.80.261.C.2 of this Code, unless the Dispensary is
27 able to prove by reasonable and verifiable standards which portion of the gross receipts
28 are tied to the sale of the adult-use cannabis goods and which portion are tied to the sale

of medicinal cannabis goods.

5.92.1730 Cannabis goods.

A. A Delivery-Only Dispensary shall not make any cannabis goods available for sale or delivery to a customer unless the cannabis goods were received from a State licensed Distributor.

B. Prior to making cannabis goods available to customers, Delivery-Only Dispensaries shall ensure that all cannabis goods dispensed, sold, delivered, or made available by the Delivery-Only Dispensary, at a minimum:

1. Are packaged and sealed in tamper-evident packaging that includes a unique identifier, such as a batch number and lot number or bar code, to identify and track the cannabis goods.

2. For manufactured cannabis products, that the product complies with all requirements of California Business and Professions Code Section 26130 and all other applicable laws and regulations.

3. The Dispensary has verified that the cannabis goods have not exceeded their expiration or sell-by date, if one is provided.

4. For edible cannabis product, that the products comply with State packaging and labeling requirements, including, but not limited to:

a. Edible cannabis products shall not exceed 10 milligrams of tetrahydrocannabinol (THC) per serving.

b. The THC content for the cannabis product in its entirety is printed on the package.

c. All applicable requirements pursuant to California Business and Professions Code Sections 26120 and 26121 and any regulations promulgated thereunder.

C. Secure storage of cannabis goods. Cannabis goods that are not used for immediate sale shall be stored in a limited-access area, such as

a secure and locked room, safe, or vault, and in a manner reasonably designed to prevent diversion, theft, and loss.

D. Edible cannabis products.

1. Delivery-Only Dispensaries may only dispense, sell, provide, or make available those edible cannabis products authorized by the State Department of Public Health and the City Health Officer.

2. The sale, distribution, and delivery of edible cannabis products shall be conducted in a manner that complies with all applicable food safety laws for the protection of humans consuming cannabis.

E. No sales of expired cannabis products. Delivery-Only Dispensaries are prohibited from selling any expired cannabis goods. It is unlawful for any person to alter, edit, or adjust, in any manner, an expiration date on any item or cannabis product once affixed by its Manufacturer.

5.92.1735 No free adult-use cannabis goods.

A Delivery-Only Dispensary shall not provide free adult-use cannabis goods to any person. A Delivery-Only Dispensary shall not allow individuals that are not employed by the Delivery-Only Dispensary to provide free adult-use cannabis goods to any person on the permitted premises. In this Section, "free adult-use cannabis goods" shall mean any amount of cannabis goods provided to any person without cost or payment in exchange of any other thing of value.

5.92.1740 Delivery services.

In addition to the requirements set forth in this Chapter for Delivery-Only Dispensaries, the delivery of cannabis goods shall be subject to the following requirements:

A. Compliance. Delivery services shall be conducted in accordance with any relevant State and local laws and regulations, any applicable local laws in the delivery location, and any conditions imposed upon a Delivery-Only Dispensary.

B. No person shall conduct sales of cannabis goods exclusively

1 by delivery, unless they are a verified equity business.

2 C. No Delivery-Only Dispensary shall open their site to the public
3 or conduct any retail sales of any goods and services to any person on the
4 Delivery-Only Dispensary site.

5 D. Any application for a Delivery-Only Dispensary shall include a
6 statement as to whether the proposed use will include delivery of cannabis
7 goods to customers.

8 E. Vehicle standards. A Delivery-Only Dispensary shall only allow
9 delivery of cannabis goods in a vehicle that:

10 1. Is capable of securing (locking) the cannabis goods
11 during transportation.

12 2. Is capable of being time and/or temperature controlled,
13 if perishable cannabis goods are being transported.

14 3. Does not display advertising or symbols visible from the
15 exterior of the vehicle that suggest the vehicle is used for cannabis delivery
16 or affiliation with a Delivery-Only Dispensary.

17 4. Shall only be operated by the delivery employee of the
18 Delivery-Only Dispensary.

19 5. Only the licensee or an employee of the Delivery-Only
20 Dispensary licensee for whom delivery is being performed shall be in the
21 delivery vehicle.

22 F. Inspections. Any motor vehicle used by a Delivery-Only
23 Dispensary to deliver cannabis goods is subject to inspection by the City
24 Manager or Chief of Police and may be stopped at the premises or during
25 the delivery for inspection.

26 G. Delivery employees. Every delivery employee of a Delivery-
27 Only Dispensary shall be at least twenty-one (21) years of age and shall have
28 a valid California Driver's License.

1 H. Documentation during transport. Delivery employees of a
2 Delivery-Only Dispensary shall carry a physical or electronic copy of the
3 delivery request receipt with details regarding the delivery, a copy of the
4 Delivery-Only Dispensary's current permits and/or licenses required by the
5 State and City, the employee's government-issued identification, and an
6 identification badge provided by the Delivery-Only Dispensary. All
7 documentation shall be made available upon request to the City Manager or
8 Chief of Police.

9 I. A Delivery-Only Dispensary shall maintain a database, and
10 provide to the City Manager upon verbal or written request, a list of delivery
11 employees and vehicles authorized to conduct deliveries on behalf of the
12 Delivery-Only Dispensary.

13 J. Limitations.

14 1. While making deliveries, a Delivery-Only Dispensary's
15 delivery employee shall not carry cannabis goods worth more than limits
16 imposed by the State at any time. This value shall be determined using the
17 current retail price of all cannabis goods carried by the delivery employee.

18 2. Direct route only. Except where a delivery employee
19 requires rest, fuel, vehicle repair, or where the road conditions make the
20 continued use of the road unsafe, impossible, or impracticable, a delivery
21 employee may only travel to and from the Delivery-Only Dispensary, to the
22 delivery address, and between delivery addresses while delivering cannabis
23 goods.

24 3. Delivery-Only Dispensaries and delivery employees
25 may only deliver cannabis goods to customers within a city or county that
26 does not expressly prohibit such delivery by ordinance.

27 4. Consumption prohibited. No person shall consume or
28 otherwise ingest cannabis goods, alcohol, any controlled substance, or

intoxicants while transporting or delivering cannabis goods.

5. The Delivery-Only Dispensary shall prepare a delivery request receipt for each delivery of cannabis goods that shall include the following:

a. The name and address of the Delivery-Only Dispensary;

b. The first name and employee number of the Delivery-Only Dispensary's delivery employee who delivered the order;

c. The first name and employee number of the Delivery-Only Dispensary's employee who prepared the order for delivery;

d. The first name of the customer and a Delivery-Only Dispensary-assigned customer number for the person who requested the delivery;

e. The date and time the delivery request was made;

f. The delivery address;

g. A detailed description of all cannabis goods requested for delivery. The description shall include the weight, volume, or any other accurate measure of the amount of all cannabis goods requested;

h. The total amount paid for the delivery, including any taxes or fees, the cost of the cannabis goods, and any other charges related to the delivery; and

i. Upon delivery, the date and time the delivery was made, and the signature of the customer who received the delivery.

6. A vehicle used for the delivery of cannabis goods shall be outfitted with a dedicated Global Positioning System (GPS) device for identifying the geographic location of the delivery vehicle in compliance with all applicable State laws and regulations.

1 a. The dedicated GPS device must be owned by the
2 Delivery-Only Dispensary and used for delivery only. A personal or business
3 phone or tablet is not an acceptable GPS device.

4 b. The device shall be either permanently or
5 temporarily affixed to the delivery vehicle, shall remain active, and inside of
6 the delivery vehicle at all times during delivery.

7 c. At all times, the Delivery-Only Dispensary shall
8 be able to identify the geographic location of all delivery vehicles that are
9 making deliveries for the Dispensary and shall provide that information to the
10 City Manager or Chief of Police upon request. The history of all locations
11 traveled to by a delivery employee while engaging in delivery shall be
12 maintained by the licensee for a minimum of 90 days.

13 K. All cannabis and all cannabis products being delivered must be
14 obtained from the site of the licensed Delivery-Only Dispensary that is
15 authorized to deliver cannabis. No cannabis or cannabis products may be
16 delivered from any other facility, such as a separate storage facility or a
17 cannabis product manufacturing facility. Loading and unloading of cannabis
18 products must only take place within the designated and approved secured
19 loading area.

20 L. Deliveries Facilitated by Technology Platforms. A delivery
21 license retailer shall not sell or otherwise transfer any cannabis goods to a
22 customer through the use of an unlicensed third party, intermediary business,
23 broker, or any other business or entity.

24 M. Delivery-Only Dispensary site buildings. A Delivery-Only
25 Dispensary site must comply with the following requirements:

26 1. All entrances into the buildings on the Delivery-Only site
27 must be locked at all times with entry controlled by the Delivery-Only
28 Dispensary's managers and staff.

2. All areas in which cannabis or cannabis products are located in any building on the Delivery-Only Dispensary site must be separated from the main entrance and lobby, and must be secured by a lock accessible only to managers and staff of the Delivery-Only Dispensary.

3. Each Delivery-Only Dispensary shall have adequate storage space in a building for all its cannabis and cannabis products. The storage areas must not be shared with another delivery-only cannabis dispensary permittee, must be separated from the main entrance and lobby and must be secured by a lock accessible only to managers and staff of the Delivery-Only Dispensary.

4. Each Delivery-Only Dispensary site must ensure the secure transfer of cannabis or cannabis products between a vehicle and the restricted area in which the products are stored.

5.92.1745 Responsible Vendor Training Pilot Program.

A. Purpose and Intent. Recognizing the potential harms and public health implications associated with cannabis use, the purpose of this Section is to promote public health and safety to reduce the likelihood of the problematic use of cannabis by proactively requiring that all customer-facing employees and managers of Delivery-Only Dispensaries learn the necessary skills to protect customers, the public, employees of the Delivery-Only Dispensary, and Delivery-Only Dispensaries through a Responsible Vendor Training Program.

B. Compliance. Every customer-facing manager and employee of a permitted Delivery-Only Dispensary shall enroll in the Department of Health and Human Services' standardized training for Delivery-Only Dispensaries within ninety (90) days of the establishment of the City's Responsible Vendor Training Pilot Program. Upon completion of such training, employees and managers shall receive written confirmation from the Department of Health

1 and Human Services of successful completion of the program. Delivery-Only
2 Dispensaries shall keep a copy of said written confirmation on the permitted
3 premises for every customer-facing employee and manager.

4 C. New employees and managers. Any newly hired manager or
5 employee of a permitted Delivery-Only Dispensary shall successfully
6 complete the Responsible Vendor Training Pilot Program within sixty (60)
7 days of said individual's first day of employment.

8 D. Renewal of Training. After initial successful completion of the
9 Responsible Vendor Pilot Training Program, every manager and employee
10 of a Delivery-Only Dispensary shall successfully complete the Responsible
11 Vendor Training Pilot Program every twenty-four (24) months.

12 E. Online or in-person training is at the discretion of the
13 Department of Health and Human Services. Nothing in this Section shall
14 prevent the City from becoming a training provider under any similar program
15 for Delivery-Only Dispensaries implemented by the State.

16 F. Within three (3) years of the establishment of the program, the
17 City Council will consider the available data and determine whether and how
18 to continue the program. This Section shall remain in effect until revoked by
19 the City Council.

20 Section 5. The City Clerk shall certify to the passage of this ordinance by
21 the City Council and cause it to be posted in three (3) conspicuous places in the City of
22 Long Beach, and it shall take effect on the thirty-first (31st) day after it is approved by the
23 Mayor.

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I hereby certify that the foregoing ordinance was adopted by the City Council
of the City of Long Beach at its meeting of December 10, 2024, by the
following vote:


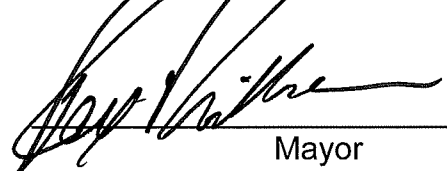
Ayes: Councilmembers: Duggan, Supernaw, Kerr, Saro, Uranga,
Allen.

Noes: Councilmembers: None.

Absent: Councilmembers: Zendejas, Austin, Ricks-Oddie.

Recusal(s): Councilmembers: None.

Approved: 12/17/24
(Date)


City Clerk

Mayor