

Draft Zoning Code Amendment CA 25-02

Redline Version (Deleted language is ~~struck~~, new language is underlined)

Sec. 7-9-103. County of Orange commercial cannabis activities and outdoor personal cultivation prohibition ordinance.

(a) *Definitions.* For the purposes of this section, the following definitions shall apply:

- (1) "*Cannabis*" or "*Marijuana*" means all parts of the plant *Cannabis sativa* Linnaeus, *Cannabis Indica*, or *Cannabis ruderalis*, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. "*Cannabis*" also means the separated resin, whether crude or purified, obtained from cannabis. "*Cannabis*" also means marijuana as defined by Section 11018 of the Health and Safety Code, as may be amended, as enacted by Chapter 1407 of the Statutes of 1972. The term "*cannabis*" shall also have the same meaning as set forth in Section 19300.5(f) of the California Business and Professions Code, as may be amended from time to time. "*Cannabis*" does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. For the purpose of this chapter, "*cannabis*" does not mean "*industrial hemp*" as defined by Section 81000 of the Food and Agricultural Code or Section 11018.5 of the Health and Safety Code, as may be amended.
- (2) "*Cannabis cultivation*" shall mean any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis, and shall also include the possession, manufacturing, processing, storing, laboratory testing, transporting, distribution, delivery, or sale of cannabis, whether all or any combination of those activities, and whether for medical or non-medical purposes or sale.
- (3) "*Cannabis dispensary*" shall mean a facility or location, whether fixed or mobile, where cannabis or cannabis products are offered, made available to, or provided, either individually, or in any combination, with or without remuneration, for medical purposes or otherwise. A dispensary includes those facilities defined as "*dispensary*" by Business and Professions Code section 19300.5, as enacted, or as hereafter amended. Cannabis dispensary or marijuana dispensary shall also mean "*Retailer*" and "*Distributor*" and "*Microbusiness*" as defined by Business and Professions Code section 26070, as enacted, or as hereafter amended.
- (4) "*Commercial Cannabis activity*" includes the cultivation, manufacture, distribution, processing, storing, laboratory testing, packaging, labeling, transportation, delivery or sale of cannabis and cannabis products whether for medical or non-medical purposes.
- (5) "*Commercial cannabis cultivation*" or "*Commercial marijuana cultivation*" shall mean cannabis cultivation, as defined in this section, for commercial use or purposes, and whether for medical or non-medical purposes. For the purpose of this subsection, "*processing*" (as contained in the definition of cannabis cultivation) shall mean any method used to prepare cannabis or its by-products for commercial retail and/or wholesale sale, including without limitation drying, cleaning, curing, packaging, and extraction of active ingredients to create cannabis products or cannabis-related products and concentrates.
- (6) "*Cannabis products*" shall mean cannabis that has undergone a process whereby the plant material has been transformed into concentrate, including, but not limited to, concentrated cannabis, edible or topical product containing cannabis or concentrated cannabis and other ingredients.

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- (7) *"Delivery"* shall mean the commercial transfer of cannabis or cannabis products to a customer whether for medical or non-medical purposes. "Delivery" also includes the use by a retailer of any technology platform owned and controlled by the retailer.
 - (8) *"Distribution"* means the procurement, sale, and transport of cannabis and cannabis products between licensees whether for medical or non-medical purposes.
 - (9) *"License"* means a state license issued under the Medicinal and Adult-Use Cannabis Regulation and Safety Act, Business and Professions Code, section 26000, et seq, as may be amended.
 - (10) *Manufacture* means to compound, blend, extract, infuse, or otherwise make or prepare a cannabis product whether for medical or non-medical purposes.
 - (11) *"Manufacturer"* means the production, preparation, propagation, or compounding of cannabis or cannabis products either directly or indirectly or by extraction methods, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis at a fixed location that packages or repackages cannabis or cannabis products, or labels or relabels its container.
 - (12) *"Operation"* means any act encompassing commercial cannabis activity, as defined herein, or any commercial transfer of cannabis or cannabis products.
 - (13) *"Personal cannabis cultivation"* or *"Personal marijuana cultivation"* shall mean cannabis cultivation for personal use, medicinal use, or purposes in accordance with all applicable State laws.
 - (14) *"Testing Laboratory"* means a laboratory, facility or entity that offers or performs tests of cannabis or cannabis products.
- (b) *Prohibited activities.*
- (1) A cannabis dispensary, as defined in this chapter, is expressly prohibited and not an allowable activity within any zoning district within unincorporated areas of Orange County.
 - (2) Commercial cannabis cultivation, as defined in this chapter, is expressly prohibited and not an allowable activity within any zoning district within unincorporated areas of Orange County.
 - (3) Delivery services shall not locate their distribution center within any zoning district within unincorporated areas of Orange County.
 - (4) A Manufacturer, as defined in this chapter, is expressly prohibited and not an allowable activity within any zoning district within unincorporated areas of Orange County.
 - (5) Testing Laboratories, as defined in this chapter, are expressly prohibited and not an allowable activity within any zoning district within unincorporated areas of Orange County.
 - (6) Personal cannabis cultivation, as defined in this chapter, shall not exceed the number of living plants permitted by California Health and Safety Code Sections 11362.1 and 11362.2, as may be amended. Personal cannabis cultivation is limited solely to inside a person's private residence, or inside an accessory structure to a private residence located on the grounds of the private residence, that is fully enclosed and secure. Personal cannabis cultivation is expressly prohibited outdoors upon the grounds of any private residence or any other outdoor location within unincorporated.
- (c) *Public Nuisance.* Any activity or condition caused, or permitted to exist, in violation of any provision of this chapter shall be, and is hereby declared to be, a public nuisance and may be summarily abated by the County pursuant to Section 731, as may be amended, of the California Code of Civil Procedure or any other remedy available at law.
- (d) *Violations.*
- (1) In addition to any other remedies permitted by this chapter or available at law, County Counsel may assist the Director in seeking an inspection and nuisance abatement warrant allowing County
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personnel or a private contractor hired for that purpose by the County to abate a public nuisance caused by a violation of this chapter.

- (2) In addition to any other remedies permitted by this chapter or available at law, County Counsel may refer cases involving unlicensed commercial activity to the Attorney General to undertake civil enforcement action as authorized by Government Code section 53069.4, Business and Professions Code section 26038, as may be amended, or any other applicable law.
- ~~(13)~~ In addition to any other remedies permitted by this chapter or available at law, the County Counsel may bring a civil action for injunctive relief and civil penalties against any person who violates any provision of this chapter. In any civil action that is brought pursuant to this chapter, a court of competent jurisdiction may award civil penalties and costs to the prevailing party.
- ~~(24)~~ Any violation of this chapter shall be a misdemeanor, punishable as provided by State law.