



**CITY MANAGER REGULATIONS
FOR MEDICAL MARIJUANA**

Issued and Amended by the City Manager

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David Sykes, Assistant City Manager

EFFECTIVE: March 10, 2017

PART I - GENERAL PROVISIONS

SECTION 1-1. PURPOSE AND AUTHORITY.

Chapter 6.88 of the San Jose Municipal Code (“Code”) sets forth the requirements and procedures for the collective and cooperative cultivation, storage, manufacturing, processing, dispensing, transferring, and transportation of Medical Marijuana in the City of San Jose (“City”). These regulations implement the provisions of Chapter 6.88 and are issued by the City Manager under the authorization granted pursuant to Section 6.88.315 of the Code. These regulations are not intended to be exhaustive and can be amended at any time by the City Manager.

These regulations shall be referred to as the “City Manager Regulations for Medical Marijuana.” Any persons interested in collectively or cooperatively cultivating, storing, manufacturing, processing, dispensing, transferring or transporting Medical Marijuana shall review these regulations carefully. Failure to comply with any of these regulations may impact a person’s ability to raise an affirmative defense to prosecution by the City under its Code for unlawful cultivation, storage, manufacture, processing, dispensing, transferring, or transporting Medical Marijuana in the City.

SECTION 1-2. DEFINITIONS AND CONSTRUCTION.

The definitions set forth in Chapter 6.88, and herein, shall govern the application and interpretation of these regulations. Any reference to federal, state or local statutes and ordinances includes any regulations promulgated thereunder and is deemed to include any successor or amended version of the referenced statute, ordinance or regulatory provision.

PART II – REGISTRATION AS A MEDICAL MARIJUANA COLLECTIVE

SECTION 2-1. THE REGISTRATION PROCESS.

The City is not currently accepting applications for registration, and no new marijuana businesses are allowed in the City.

SECTION 2-2. REGISTRATION AMENDMENT PROCESS

Any time a collective desires to change or add a location or premises for dispensing, cultivation, manufacturing and/or extraction, or share a cultivation location with another registered collective, or engage in medical marijuana deliveries, it shall follow the following procedures, submit all required forms and plans, and pay all required fees.

A. Change of location within the City of San Jose

- a. Any time a collective desires to change its cultivation location or premises within the City of San Jose, it shall first obtain a zoning code verification certificate pursuant to Title 20 of this Code.
- b. Prior to beginning operations at the new location or premises, the collective will complete the following:
 - i. Submit an Application for Amendment: Cultivation Site identifying the new location;

- ii. Submit an amended operations plan identifying any changes in the collective's operations pertaining to the new location or premises (e.g. security plans including security camera information, alarm information, cultivation plans);
- iii. Submit updated site and floor plans; and
- iv. Submit any other relevant forms or plans related to operations at the new location or premises deemed necessary by the Chief of Police;
- v. Pass an inspection by the Chief of Police, and any other City official charged with enforcing the provisions of the Code;
- vi. Pay all fees related to the review and inspection of the proposed location or premises;
- c. Upon completion of all requirements, the Chief of Police will issue an Amended Notice of Completed Registration.

B. Add a location or premises for cultivation, manufacturing and/or extraction within the City of San Jose

- a. Any time a collective desires to add a location or premises for cultivation, manufacturing and/or extraction within the City of San Jose, it shall first obtain a zoning code verification certificate pursuant to Title 20 of this Code.
- b. Prior to beginning operations at the new location or premises, the collective will complete the following:
 - i. Submit an Application for Amendment: Cultivation Site identifying the new location;
 - ii. Submit an amended operations plan identifying any changes in the collective's operations pertaining to the new location or premises (e.g. security plans including security camera information, alarm information, cultivation plans);
 - iii. Submit updated site and floor plans; and
 - iv. Submit any other relevant forms or plans related to operations at the new location or premises deemed necessary by the Chief of Police;
 - v. Pass an inspection by the Chief of Police, and any other City official charged with enforcing the provisions of the Code;
 - vi. Pay all fees related to the review and inspection of the proposed location or premises;
- c. Upon completion of all requirements, the Chief of Police will issue an Amended Notice of Completed Registration.

C. Add a location or premises for cultivation, manufacturing and/or extraction outside of the City of San Jose

- a. Any time a collective desires to add a location or premises for cultivation, manufacturing and/or extraction outside the City of San Jose, it shall first obtain written documentation that the intended use of the location or premises does not violate the local law of the jurisdiction within which the location or premises is located.

- b. Prior to beginning operations at the new location or premises, the collective will complete the following:
 - i. Submit an Application for Amendment: Cultivation Site identifying the new location;
 - ii. Submit an amended operations plan identifying any changes in the collective's operations pertaining to the new location or premises (e.g. security plans including security camera information, alarm information, cultivation plans);
 - iii. Submit updated site and floor plans; and
 - iv. Submit any other relevant forms or plans related to operations at the new location or premises deemed necessary by the Chief of Police;
 - v. Submit written documentation that the intended use of the location or premises does not violate the local law of the jurisdiction within which the location or premises is located;
 - vi. Pass an inspection by the Chief of Police, and any other City official charged with enforcing the provisions of the Code;
 - vii. Pay all fees related to the review and inspection of the proposed location or premises;
- c. Upon completion of all requirements, the Chief of Police will issue an Amended Notice of Completed Registration.

D. Change of location or premises for cultivation, manufacturing and/or extraction outside the City of San Jose

- a. Any time a collective desires to change a location or premises for cultivation, manufacturing and/or extraction outside the City of San Jose, it shall first obtain written documentation that the intended use of the location or premises does not violate the local law of the jurisdiction within which the location or premises is located.
- b. Prior to beginning operations at the new location or premises, the collective will complete the following:
 - i. Submit an Application for Amendment: Cultivation Site identifying the new location;
 - ii. Submit an amended operations plan identifying any changes in the collective's operations pertaining to the new location or premises (for example security plans including security camera information, alarm information, cultivation plans, etc);
 - iii. Submit updated site and floor plans; and
 - iv. Submit any other relevant forms or plans related to operations at the new location or premises deemed necessary by the Chief of Police;
 - v. Submit written documentation that the intended use of the location or premises does not violate the local law of the jurisdiction within which the location or premises is located;
 - vi. Pass an inspection by the Chief of Police, and any other City official charged with enforcing the provisions of the Code;
 - vii. Pay all fees related to the review and inspection of the proposed location or premises;

- c. Upon completion of all requirements, the Chief of Police will issue an Amended Notice of Completed Registration.

E. Share a cultivation location with another registered collective within the City of San Jose

- a. Any time two registered collectives desire to share a location or premises for cultivation within the City of San Jose, they shall first obtain a zoning code verification certificate pursuant to Title 20 of this Code.
- b. Prior to beginning operations at the shared location or premises, the collectives will complete the following:
 - i. Each collective submits their own Application for Amendment: Cultivation Site with all required plans and attachments;
 - ii. Both collectives submit one, jointly signed Application for Amendment: Shared Cultivation Site;
 - iii. Each collective must submit any other relevant forms or plans related to operations at the shared location or premises deemed necessary by the Chief of Police;
 - iv. Pass an inspection by the Chief of Police, and any other City official charged with enforcing the provisions of the Code;
 - v. Pay all fees related to the review and inspection of the proposed location or premises;
- c. Upon completion of all requirements, the Chief of Police will issue an Amended Notice of Completed Registration.

F. Engage in medical marijuana deliveries

- a. Prior to engaging in medical marijuana deliveries, the collective shall complete the following:
 - i. Submit an Application for Amendment: Delivery Service identifying how they will meet all delivery requirements;
 - ii. Submit a complete Delivery Surveillance Login Information Form;
 - iii. Submit a Delivery Vehicle Information Form for each delivery vehicle;
 - iv. Have each driver for the collective submit a Delivery Driver Application, and receive a Delivery Driver badge (in addition to submitting an Employee Application and completing a background investigation, if one is not already on file);
 - v. Have each delivery vehicle pass an inspection conducted by the Chief of Police;
 - vi. Submit any other relevant forms or plans related to delivery operations deemed necessary by the Chief of Police;
 - vii. Pay all fees related to the review and inspection of the proposed location or premises;
- b. Upon completion of all requirements, the Chief of Police will issue an Amended Notice of Completed Registration.

PART III – DISQUALIFICATION FROM THE REGISTRATION PROCESS

SECTION 3-1. CRIMES OF MORAL TURPITUDE.

Pursuant to Section 6.88.330E(1)(k)(2) of the Code, a Collective may be disqualified from the registration process if the Collective has, as a Collective Owner or Manager, or as a Collective member who is participating in the cultivation, processing, manufacturing, transporting or dispensing of Medical Marijuana, a person who has been convicted of a crime of moral turpitude. For purposes of Chapter 6.88 of the Code, moral turpitude shall include crimes which evidence a general readiness to do evil or corrupt others. By way of example only and not as an exhaustive list, crimes involving an act of baseness, vileness or depravity in the private and social duties which a person owes to other individuals or to society in general are crimes of moral turpitude. Moral turpitude may also include crimes without excuse and crimes involving dishonesty or immoral acts. The essential question that shall be considered is whether the crime indicates the type of dishonest or immoral character that suggests that the business or individual seeking registration with the City would not live up to the standards of conduct required for registration.

PART IV – OPERATING REGULATIONS AND CONDITIONS

SECTION 4-1. SECURITY

A. Surveillance Recordings

Recordings of the monitoring required by Section 6.88.420 of the Code shall be maintained in an unalterable format with a documented system for regular information backup that is satisfactory to the City Manager.

B. Fire Alarm System

The centrally-monitored fire alarm system required by Section 6.88.420B of the Code shall comply with the Building standards set forth in the Code.

SECTION 4-2. VENDOR TRANSACTIONS AND TRANSFERS

Section 6.88.440C of the Code requires Collectives to dispense only that Medical Marijuana which was collectively cultivated by its members at the Location or Premises designated for cultivation by the Collective. On October 18, 2016, the City Council approved an ordinance allowing collectives to conduct transfers of medical marijuana with registered, licensed or otherwise permitted cultivators, manufacturers and collectives located within the state of California. Such transactions and transfers are subject to the following restrictions:

- A. **No later than March 1, 2017**, each registered collective shall obtain and record, pursuant to Section 6.88.500, the following information from each cultivator, manufacturer, or collective with whom medical marijuana transfers are conducted:
 - a. The full name of the qualified patient or primary caregiver member conducting the transfer of medical marijuana;

- b. If the qualified patient or primary caregiver member is conducting the transfer of medical marijuana on behalf of a collective, the complete legal name, including “dba,” of the collective;
 - c. The full address of the location where the medical marijuana was cultivated or manufactured, or of the collective from where the medical marijuana was obtained. A P.O. Box does not satisfy this requirement;
 - d. A contact phone number for the person or entity described in (a) or (b) above, as applicable;
 - e. The State Board of Equalization Seller’s Permit number for the cultivator, manufacturer or collective;
 - f. The date and time of the transfer of medical marijuana;
 - g. The amount and form of medical marijuana transferred;
 - h. The amount or value of consideration provided to the qualified patient, primary caregiver, or collective.
- B. **No later than January 31, 2018**, each cultivator, manufacturer, or collective is in possession of a local permit, registration, or other authorization.
- C. **No later than July 1, 2018**, each cultivator, manufacturer, or collective has submitted an application for state licensure.
- D. **By January 1, 2019**, each cultivator, manufacturer, or collective is in possession of all applicable state licenses in compliance with the Medical Cannabis Regulation and Safety Act.

SECTION 4-3. CHILD-RESISTANT PACKAGING.

Pursuant to Section 6.88.460A of the Code, all Medical Marijuana shall be packaged in an opaque child-resistant container which is required to maintain the child-resistant properties appropriate with the intended number of uses of the product. For the purposes of child resistant packaging, a product containing 10 mg or less of THC is considered a single use product. For the purposes of child resistant packaging, a product containing more than 10 mg of THC is considered a multiple use product.

Single use products can be dispensed in a container that is child-resistant for one use. As an alternative, single use product may be dispensed in a container that is child-resistant across multiple uses.

Multiple use products must be dispensed in a container that is child-resistant across multiple uses. Multiple use products shall not be dispensed in a container that is child-resistant for one use.

For purposes of Chapter 6.88, opaque container shall mean packaging that is constructed or coated in such a manner as to ensure the contents inside are shielded from view.

In addition, child-resistant container shall mean a container that meets the standards set forth in Part 1700 of Title 16 of the Code of Federal Regulations, found at:

	Single Use Child Resistant Opaque Package	Multiple Use Child Resistant Opaque Package
	Examples: tear open foil pouch; most beverage containers	Examples: Pharmacy-style pill bottle; child-resistant “pop-top” container; “Exit bag”
All dried flower, including pre-rolls	DOES NOT MEET STANDARD	MEETS STANDARD
All concentrates, except pre-packaged vape cartridges	DOES NOT MEET STANDARD	MEETS STANDARD
Pre-packaged, sealed vape cartridge	MEETS STANDARD	MEETS STANDARD
Edible product 10mg THC or less	MEETS STANDARD	MEETS STANDARD
Edible product more than 10mg THC	DOES NOT MEET STANDARD	MEETS STANDARD
Tinctures, lotions, salves, etc	DOES NOT MEET STANDARD	MEETS STANDARD
Any product in a non-opaque or otherwise non-compliant container	DOES NOT MEET STANDARD	MEETS STANDARD
Not sure?	DOES NOT MEET STANDARD	MEETS STANDARD

SECTION 4-4. DELIVERIES OF MEDICAL MARIJUANA

Pursuant to section 6.88.445 of the Code, Collectives registered pursuant to this Chapter may apply for registration to deliver Medical Marijuana. The City Manager shall promulgate regulations to establish an application process and procedures to allow a registered collective in San Jose in possession of a Notice of Complete Registration to deliver medical marijuana to qualified patients or primary caregivers in San Jose. Unless otherwise specified in the City Manager Regulations, delivery of marijuana in San Jose is prohibited.

A. Definitions

- a) Delivery – “Delivery” means the use by a registered collective of a delivery vehicle to facilitate the transfer by a registered collective of medical marijuana to members of the collective who meet the requirements for possession of cannabis under applicable state laws.

- b) Delivery driver – “Delivery driver” means a patient member or primary caregiver member of a registered collective working directly for the registered collective who has applied for and received approval from the Chief of Police to drive a delivery vehicle.
- c) Delivery Log - “Delivery Log” means a list of all deliveries of medical marijuana completed per delivery vehicle. The purpose of the Delivery Log is to be a summary of the day’s activity for a particular delivery vehicle/driver/shift.
- d) Delivery Manifest – “Delivery Manifest” means a detailed accounting of the medical marijuana authorized by the collective to be in the delivery vehicle. The purpose of the Delivery Manifest is to be an accounting of the total amount of medical marijuana contained in the delivery vehicle at the time of departure from the collective and at the time of return to the collective.
- e) Delivery vehicle – “Delivery vehicle” means a vehicle used to facilitate a delivery.
- f) Registered collective – “Registered collective” means a collective located within the City of San Jose which has obtained a valid Notice of Completed Registration from the City Manager.
- g) Secure container – “Secure container” means an enclosed container affixed to a vehicle, the contents of which are not visible from the outside of the vehicle, which is made of sufficient material and design so as to prevent entry without key or combination, and cannot be easily removed from the vehicle.

B. Delivery registration process

Prior to conducting any medical marijuana deliveries pursuant to this chapter, the Collective shall submit an Application for Amendment: Delivery Service with a delivery plan identifying how they will meet all delivery requirements pursuant to the requirements set forth in Section 4-4 of the City Manager Regulations. Upon completion of all requirements, the Chief of Police will issue an Amended Notice of Completed Registration for Delivery Service.

Prior to engaging in delivery operations, and at any time during normal business hours, each delivery vehicle shall be inspected and approved by the Chief of Police.

Violations of any of the provisions of this code or these regulations could lead to administrative actions including, but not limited to, fines and/or suspension of the ability for a collective to engage in delivery operations as deemed necessary by the Chief of Police.

Prior to engaging in delivery operations, registered collectives shall submit to the Chief of Police a delivery plan identifying the following information:

- a) The steps the collective will take to ensure that prior to the transfer of any medical marijuana during a delivery, the patient placing the order is a member of the Collective who has submitted an agreement with the collective pursuant to SJMC Section 6.88.450B in a format approved by the Chief of Police;
- b) The steps the collective will take to ensure that medical marijuana will be dispensed only to qualified patient members and primary caregiver members pursuant to the requirements of this chapter;
- c) The year, make, model, body style, color, license plate number, vehicle identification number (VIN), and registered owner of each vehicle designated for delivery;

- d) Description of the methods and materials used to meet the secure container requirement of their delivery vehicle(s);
- e) List of delivery drivers;
- f) Proof of required auto insurance for each delivery driver/vehicle;
- g) The hours of the day and days of the week the collective will be conducting deliveries;
- h) Procedures for verifying the person submitting a delivery order is a member of the collective in good standing;
- i) At the time and location of delivery, the procedures used by the delivery driver for verifying the receiving person's government issued identification, doctor's recommendation, and collective membership;
- j) Procedures to ensure the safety of patients and drivers;
- k) Security procedures, including safeguards for handling medical marijuana and cash;
- l) Practices and procedures to ensure that delivered medical marijuana is subject to the same traceability requirements that otherwise apply to marijuana sold by the collective at the collective's dispensing premises or location;

C. General Provisions

- a) Only a registered collective in San Jose in possession of a Notice of Completed Registration approved for deliveries may deliver medical marijuana to qualified patients or primary caregivers in San Jose;
- b) Deliveries shall only be made to members of the collective;
- c) It shall be unlawful for any person other than a delivery driver for a registered collective to conduct a delivery originating or terminating in San Jose;
- d) "Delivery only" medical marijuana dispensaries/collectives/businesses are prohibited;
- e) A collective may receive orders for medical marijuana delivery via any technology platform owned and controlled by the dispensary, or independently approved by the Chief of Police, that enables qualified patients or primary caregivers to arrange for or facilitate the transfer by a registered collective of medical marijuana to qualified patient and caregiver members of the collective;
- f) Orders for medical marijuana delivery shall be made with the collective in San Jose, and cannot be made directly with the delivery driver;
- g) The collective shall take steps to verify the identity, membership status and qualified patient or primary caregiver status when the order is placed;
- h) Medical marijuana transferred via delivery is subject to all other restrictions and requirements of State and local law, including being subject to all State and local taxes, including San Jose's Marijuana Business Tax;
- i) No medical marijuana shall be removed from the vehicle until it is being transferred to the intended qualified patient or returned to the collective;
- j) No medical marijuana shall be visible from outside of the vehicle;
- k) Deliveries shall only be made to members of the collective between 8:00am and midnight;
- l) The delivery driver shall only transfer medical marijuana to the individual member who placed the order;
- m) No medical marijuana shall be delivered to individuals who are under 21 years of age.
- n) The delivery driver shall not deliver medical marijuana to an individual who is visibly intoxicated at the time of delivery;

- o) The delivery driver shall not deliver medical marijuana to an individual if there is reason to believe the medical marijuana will be diverted to a non-member, person under 21 years of age, or a person who is not a qualified medical marijuana patient;
- p) Prior to transfer of medical marijuana to the qualified patient or primary caregiver who placed the order, the delivery driver shall verify the receiving member's identity and doctor's recommendation for medical marijuana;
- q) Prior to transfer of medical marijuana to the qualified patient, all medical marijuana orders shall meet all packaging and labeling requirements;
- r) The receiving patient member shall sign a receipt, Delivery Log, or other document confirming that they received their order. This can be accomplished electronically or via hard copy. This becomes part of the records of the delivery, and must be kept in accordance with all other record keeping requirements in accordance with section 6.88.500;
- s) All money received by the delivery driver shall be promptly stored in the delivery vehicle's secure container;
- t) Upon returning to the collective's dispensing location, the delivery driver and a collective manager shall reconcile the delivery manifest, delivery log, remaining inventory, and all money received;
- u) Prior to the close of business for the day, the collective manager shall ensure that all delivery information is entered into the collective's records in accordance with section 6.88.500.

D. Requirements prior to delivery

- a) Prior to leaving the collective's location or premises, all medical marijuana shall be placed in a secure container inside the delivery vehicle;
- b) Prior to leaving the collective's location or premises, the delivery driver shall ensure that no medical marijuana is visible from outside of the vehicle;
- c) Prior to leaving the collective's location or premises, the delivery driver shall ensure that there are no markings indicating that medical marijuana is in the vehicle,

E. Documentation Requirements

- a) Every Collective engaging in deliveries is required to complete a daily Delivery Log for each delivery vehicle deployed that day and maintain the Delivery Log in accordance with all other record keeping requirements.
 - a. The Delivery Log shall contain the following information;
 - i. Name of the collective;
 - ii. Address of the collective;
 - iii. Phone number of the collective;
 - iv. Date of the delivery or deliveries;
 - v. Time of departure from the collective of the delivery vehicle;
 - vi. Time of return to the collective of the delivery vehicle;
 - vii. Name, Chief of Police issued ID Badge number, and delivery driver endorsement number of the delivery driver;
 - viii. Make, model, license plate number, and GPS tracking device ID assigned to the vehicle;
 - ix. Order number associated with each unique delivery;

- x. Address of the delivery for each order number;
- xi. Time of delivery for each order number;
- xii. Price or total value for each order number;
- xiii. Total price or value of all completed orders delivered;
- xiv. Name and signature of a collective manager certifying that the Delivery Log is complete and accurate;
- xv. Signature of the delivery driver certifying that the Delivery Log is complete and accurate;
- xvi. Total number of deliveries completed for that vehicle during that shift;
- xvii. Explanation and information concerning any unanticipated circumstances that occurred during the delivery trip (e.g. vehicle accident, flat tire, theft of product).

b) Every Collective engaging in deliveries is required to complete a Delivery Manifest for each delivery vehicle deployed that day and maintain the Delivery Manifest in accordance with all other record keeping requirements. During delivery, a Delivery Manifest shall accompany the driver for the duration of the delivery and shall be made available upon request to the Chief of Police, and any other city official charged with enforcing the provisions of this Code;

a. The Delivery Manifest shall contain the following information:

- i. Name of the collective;
- ii. Address of the collective;
- iii. Phone number of the collective;
- iv. Date of departure from the collective and the time of return to the collective;
- v. Time of departure from the collective and the time of return to the collective;
- vi. Name, Chief of Police issued ID Badge number, and delivery driver endorsement number of the delivery driver;
- vii. Make, model, license plate number, and GPS tracking device ID assigned to the vehicle;
- viii. Type of product (e.g. flower, concentrate, edible, infused product);
- ix. Itemized product description (e.g. strain; manufacturer; description of edible such as candy bar, cookie; description of infused product such as tincture, lotion);
- x. Itemized amount of product by quantity or weight as appropriate for the type of product;
- xi. Itemized value of product by quantity or weight as appropriate for the type of product;
- xii. Total amount of product by quantity or weight as appropriate for the type of product at the time of departure from the collective and at the time of return to the collective;
- xiii. Total value of all medical marijuana products in the vehicle at the time of departure from the collective and at the time of return to the collective;
- xiv. Amount of money leaving the collective (for example, to be used as change);

- xv. Amount of money returned to the collective;
 - xvi. Name and signature of a collective manager certifying that the Delivery Manifest is complete and accurate at the time of departure from the collective;
 - xvii. Name and signature of the delivery driver certifying that the Delivery Manifest is complete and accurate at the time of departure from the collective;
 - xviii. Name and signature of a collective manager certifying that the Delivery Manifest is complete and accurate at the time of return to the collective;
 - xix. Name and signature of the delivery driver certifying that the Delivery Manifest is complete and accurate at the time of return to the collective;
 - xx. Explanation and information concerning any unanticipated circumstances that occurred during the delivery trip (e.g. vehicle accident, flat tire, theft of product).
- c) In addition to the Delivery Log and Delivery Manifest, every collective engaging in deliveries shall maintain detailed records of transfers of medical marijuana in accordance with 6.88.500.

F. Delivery Vehicle Requirements

- a) Each delivery vehicle shall not have any identification or markings relating to marijuana or the collective;
- b) Each delivery vehicle shall be equipped with a secure container;
- c) The delivery vehicle shall not carry or transport at any one time more than a total of \$3,000 worth of medical marijuana, in any combination;
- d) Each delivery vehicle shall carry or transport medical marijuana for only one registered collective at a time;
- e) Each delivery vehicle shall be equipped with a functioning dual-facing video camera and recording system affixed to the vehicle and positioned in such a way so as to capture the driver/interior of the vehicle, as well as the front outside of the vehicle;
- f) Video recordings from each delivery vehicle recording system shall be retained for thirty (30) days;
- g) The delivery vehicle video and recording system must be of adequate quality, color rendition, resolution, and position to allow the ready identification of any individual driving the delivery vehicle, approaching the delivery vehicle, or occupying the passenger compartment of the delivery vehicle;
- h) Delivery vehicle video recordings shall be made available and accessible to the Chief of Police and any other city official charged with enforcing the provisions of this Code immediately upon request for review and copying;
- i) All delivery vehicles shall be subject to inspection by the Chief of Police or any law enforcement officer;
- j) The delivery vehicle shall be equipped with a GPS tracking system provided by the Chief of Police. The purpose of the GPS tracking system is to provide the Chief of Police with:
 - i. Live remote monitoring of the delivery vehicle from when it leaves the collective to when it returns to the collective and is no longer in service as a delivery vehicle,
 - ii. Historical driving data for at least 30 days.

- k) A cell phone does not meet the GPS tracking system requirement (in addition to the GPS tracking system provided by the Chief of Police, a cell phone or other device may be used for routing, order management or other functions; however, it cannot be used as a substitute for the GPS tracking system provided by the Chief of Police);
- l) Costs associated with the GPS tracking system shall be borne by the Collective;
- m) The GPS tracking device shall be the property of the San Jose Police Department;
- n) The Chief of Police shall be notified within 24 hours of the discontinued use of a GPS tracking device, along with the reason for the discontinued use of the device;
- o) The GPS tracking device shall be returned to the Chief of Police within 72 hours of the discontinued use of the GPS tracking device or of the discontinued use of the delivery vehicle associated with the GPS tracking device;
- p) The Collective shall reimburse the San Jose police Department for all costs associated with lost, stolen, or unreturned GPS tracking devices;
- q) The collective shall obtain and maintain for each delivery vehicle and driver all of the insurance requirements as may be presently or in the future required by any financial responsibility laws of the State of California;
- r) Should the insurance coverage for any particular driver or vehicle be revoked or cancelled, such driver or vehicle shall be taken out of service immediately.

G. Delivery Driver Requirements

Every delivery driver shall meet the following requirements:

- a) Be a member of the registered collective;
- b) Been issued an ID badge by the Chief of Police in accordance with 6.88.425 indicating that they are an approved delivery driver;
- c) A delivery driver shall only conduct deliveries on behalf of one registered collective during their shift;
- d) Hold a valid California Driver's License appropriate for the class of vehicle he or she will be driving;
- e) Have completed a background investigation by the Chief of Police that includes a driver's license review;
- f) Have in their possession while conducting deliveries:
 - i. California Driver's License;
 - ii. Police Department issued ID badge indicating that they are an approved delivery driver;
 - iii. Vehicle's registration and proof of required insurance;
 - iv. Valid doctor's recommendation for medical marijuana or State medical marijuana identification card;
 - v. Copy of the registered collective's Amended Notice of Completed Registration for Delivery Service;
 - vi. The Delivery Manifest;
- g) Present those documents to any peace officer or City official enforcing this code upon request;
- h) The delivery driver shall at all times during deliveries carry an operating cell phone to connect with the collective or emergency services as needed.

H. Delivery Location Restrictions

- a) Delivery of medical marijuana to any jurisdiction that prohibits medical marijuana deliveries or mobile dispensaries is prohibited;
- b) No medical marijuana may be delivered to or within one thousand (1000) feet of the grounds of a public or private preschool, elementary school, or secondary school, a child day care center, a community or recreation center, a park, or a library unless the delivery occurs at a private residence.

I. Incident Reporting Requirements

- a) Any vehicle accident resulting in injury to any person shall be reported to the local Police Department, and a collective manager immediately, and to the Chief of Police within 24 hours by emailing dmmc@sanjoseca.gov including the date, time, location, involved vehicle and driver, circumstances and local police department case number.
- b) For any vehicle accident resulting in property damage only, the delivery driver shall exchange driver, vehicle, and insurance information with all involved parties, and the accident may be reported to the local Police Department. In addition, the accident shall be reported to a collective manager immediately and to the Chief of Police within 24 hours by emailing dmmc@sanjoseca.gov including the date, time, location, involved vehicle and driver, circumstances, and local police department case number, as applicable.
- c) Any loss or theft of medical marijuana or money shall be reported to the local Police Department and a collective manager immediately, and to the Chief of Police within 24 hours by emailing dmmc@sanjoseca.gov including the date, time, location, involved vehicle and driver, circumstances and local police department case number.

SECTION 4-5. CRIME AND INCIDENT REPORTING

A. Pursuant to section 6.88.450 E of the Code, no collective owner, manager, or individual member of the collective participating in the cultivation, processing, manufacturing, transporting or dispensing of medical marijuana shall fail to make a report to the San José police department, immediately upon discovery of any conduct which raises a reasonable suspicion that a misdemeanor or felony crime has been committed on the collective's premises or location. For the purposes of this section, reports shall be made online (www.sjpd.org) where applicable, or by calling 3-1-1 or (408) 277-8900 for non-emergencies, or 9-1-1 or (408) 277-8911 for emergencies.

B. Pursuant to section 6.88.450 F of the Code, no collective owner, manager, or individual member of the collective participating in the cultivation, processing, manufacturing, transporting or dispensing of medical marijuana shall fail to report any conduct which raises a reasonable suspicion of a violation of this Chapter to the San Jose police department within twenty-four hours of its discovery. For the purposes of this section, reports shall be made online (www.sjpd.org) where applicable, or by calling 3-1-1 or (408) 277-8900 for non-emergencies, or 9-1-1 or (408) 277-8911 for emergencies.

C. No collective owner, manager, or individual member of the collective participating in the cultivation, processing, manufacturing, transporting or dispensing of medical marijuana shall fail to report within twenty-four hours of discovery any significant discrepancies of inventory, unauthorized destruction of medical marijuana, any unlawful transfer of medical marijuana to persons under 21 years of age, or any violation of the integrity of collective operations. Reports may be made electronically by emailing dmmc@sanjoseca.gov.

D. Pursuant to section 6.88.490 B of the Code, each collective shall maintain a log of any public nuisance activity on the Premises and Location or within three hundred feet of the Premises and Location. The log shall include any information required by the Chief of Police, including but not limited to the date and time of the occurrence; the type of activity; the circumstances surrounding the activity; the identity of any Persons involved in the activity, if known; the corrective action taken by the Collective; and the police case number, if applicable. The log shall be maintained in accordance with all other record keeping requirements of the Code, and shall be made available for inspection by the Chief of Police or any other official charged with enforcing the provisions of the Code.

SECTION 4-6. PROPER DISPOSAL OF MEDICAL MARIJUANA WASTE

Pursuant to Section 6.88.315.A.4, in order to promote the safe cultivation of medical marijuana and to prevent unauthorized access to medical marijuana, including medical marijuana waste, the collective shall properly dispose of all marijuana waste generated from the premises and location. Marijuana waste includes marijuana plants, flowers, trim, leaves, stems, seeds, any marijuana concentrate, and any product containing medical marijuana intended to be destroyed.

A. The Collective is required to keep a detailed record of the amount of marijuana waste rendered unusable along with the final destination of all marijuana waste.

B. Effective January 1, 2017, prior to leaving the medical marijuana's cultivation premises or location, all marijuana waste shall be rendered unusable and unrecognizable through mixing the waste with a non-consumable medium, including but not limited to one or more of those listed below, so that the resulting mixture is at least 50 percent non-marijuana waste. The resulting mixture may then be composted onsite, placed in the facility's wet bin for pickup or transferred to a waste disposal facility approved by the Chief of Police. The following inert mediums may be used in the mixture:

- a) Paper waste;
- b) Plastic waste;
- c) Cardboard waste;
- d) Food waste;
- e) Grease or other compostable oil waste;
- f) Bokashi or other compost activators;
- g) Soil;
- h) Other medium approved by the Division that will render Marijuana waste unusable and unrecognizable.