

Chapter 5.66

COMMERCIAL MARIJUANA ACTIVITY~~MEDICAL MARIJUANA DISPENSARIES~~

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5.66.010 Definitions.

“Commercial marijuana activity” includes cultivation, possession, manufacture, processing, storing, testing, labeling, transporting, distribution, delivery, dispensing, and/or the sale of marijuana or marijuana product, whether for medical or recreational purpose, except as set forth in California Business and Professions Code Section 19319, related to qualifying patients and primary caregivers.

“Cultivation” means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of marijuana, and any and all associated business and/or operational activities, including the production of clones, immature plants, seeds and other agricultural products as described in the definition of “Nursery” below.

“Delivery” means the commercial transfer of marijuana or marijuana products to or from any location within the jurisdictional limits of the City of Chula Vista, and any and all associated business and/or operational activities, including the use of any technology to arrange for or facilitate the commercial transfer of cannabis to or from any location within the jurisdictional limits of the City of Chula Vista.

“Dispensing” means providing, selling, making available or otherwise distributing marijuana or marijuana products from any facility or location, whether fixed or mobile.

“Distribution” means the procurement, sale, and transport of marijuana and marijuana products.

“Manufacture” means to compound, blend, extract, infuse, or otherwise make or prepare a marijuana product.

“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.

“Marijuana product” means marijuana that has undergone a process whereby the plant material has been transformed into a concentrate, including, but not limited to concentrated cannabis, or an edible or topical product containing marijuana or concentrated cannabis and other ingredients.

“Nursery” means a licensee that produces only clones, immature plants, seeds, and other agricultural products used specifically for the planting, propagation, and cultivation of marijuana.

“Processing” means any method used to prepare marijuana and/or marijuana products for commercial retail and/or wholesale sales, including but not limited to: cleaning, curing, preparation, laboratory testing, manufacturing, packaging and extraction of active ingredients to create marijuana related products and concentrates.

“Sell,” “sale,” and “to sell” include any transaction whereby, for any consideration, title to marijuana is transferred from one person to another, and includes the delivery of marijuana or marijuana products pursuant to an order placed for the purchase of the same and soliciting or receiving an order for the same, but does not include the return of marijuana or marijuana products by a licensee to the licensee from whom such marijuana or marijuana product was purchased.~~“Medical marijuana dispensary” is any fixed facility or location where, under the purported authority of California Health and Safety Code Section 11362.5 et seq. or otherwise, marijuana is cultivated, made available, sold, transmitted, distributed, given or otherwise provided to, by, or among three or more persons for medical purposes.~~

~~“Medical marijuana dispensary” shall not include the following uses, so long as such uses comply with this code, Health and Safety Code Section 11362.5 et seq., and other applicable law:~~

- ~~1. A clinic licensed pursuant to Chapter 1 of Division 2 of the Health and Safety Code.~~
- ~~2. A health care facility licensed pursuant to Chapter 2 of Division 2 of the Health and Safety Code.~~
- ~~3. A residential care facility for persons with chronic life-threatening illness licensed pursuant to Chapter 3.01 of Division 2 of the Health and Safety Code.~~
- ~~4. A residential care facility for the elderly licensed pursuant to Chapter 3.2 of Division 2 of the Health and Safety Code.~~
- ~~5. A hospice or a home health agency licensed pursuant to Chapter 8 of Division 2 of the Health and Safety Code.~~

~~“Persons” shall include any individual or entity regardless of status as a qualified patient or primary caregiver.~~

~~“Primary caregiver” shall be defined in the same manner as such term is defined in California Health and Safety Code Section 11362.5.~~

~~“Qualified patient” shall be defined as any individual who obtains and uses marijuana for medical purposes upon the recommendation of a physician. (Ord. 3204 § 2, 2011).~~

5.66.020 Commercial marijuana activity~~Operation of medical marijuana dispensaries~~ prohibited.

A. ~~Commercial marijuana activity~~The operation of a medical marijuana dispensary, as defined in this chapter, is prohibited in the City of Chula Vista, and no person or association of persons, however formed, shall operate, perform, participate in or locate a commercial marijuana activity ~~medical marijuana dispensary~~ in the City. The City shall not issue, approve, or grant any permit, license or other entitlement for the establishment or operation of a ~~medical marijuana dispensary~~commercial marijuana activity in the City of Chula Vista.

B. This chapter does not apply where preempted by state or federal law. (Ord. 3204 § 2, 2011).

5.66.030 Violation—Penalty~~Provision for delivery services.~~

~~Notwithstanding the foregoing, the delivery of marijuana or marijuana product originating from a dispensary licensed in accordance with California Business and Professions Code section 19334(a)(1) is permitted, so long as the delivery originates from a licensed dispensary outside the City of Chula Vista, and is conducted in accordance with all codified and administrative state and local regulations.~~Repealed by Ord. 3377 § 1, 2016. (Ord. 3204 § 2, 2011).

5.66.040 Public nuisance – Penalties.

Any use or condition caused or permitted to exist in violation of any of the provisions of this chapter shall be, and is hereby declared, a public nuisance, which may be abated by the City pursuant to the procedures set forth in this code, and be subject to any associated civil or criminal remedies, including but not limited to injunctive relief, except to the extent expressly and validly preempted by state or federal law. (Ord. 3377 § 1, 2016; Ord. 3204 § 2, 2011).