



City of Cambridge

DEPARTMENT OF PUBLIC WORKS

PLANNING & ZONING

1025 N. WASHINGTON STREET

CAMBRIDGE, MARYLAND 21613

TELEPHONE: 410-228-3790 EXT 103

FAX: 410-228-3814

Memorandum

Date: July 6, 2021
To: Planning Commissioners
From: Pat Escher, A.I.C.P., City Planner
Regarding: Processing Medical Edible Cannabis Products in General Commercial Zoning District

Mr. David Lilly has discussed the refinement process in the preparation of edible medical cannabis products. Staff has included some sections of the State's regulation regarding their licensing requirements.

This is some of the relevant the language in the UDC that addresses Medical Cannabis.

Medical Cannabis Processing Facility Permitted Use with Conditions in the Industrial Zone District

The facility shall:

- a. *Not be located within one-thousand (1,000) feet of a school.*

Medical Cannabis - any product containing usable cannabis or medical cannabis finished product.

Medical Cannabis concentrate - a product derived from medical cannabis concentrate means a product derived from medical cannabis that is kief, hashish, bubble hash, oil, wax or other product, produced by extracting cannabinoids from the plant through use of solvents; carbon dioxide or heat, screens, presses or steam distillation.

Medical Cannabis finished product - any product containing a medical cannabis concentrate or medical cannabis-infused product packaged and labeled for release to a qualifying patient.

Medical Cannabis-infused product - oil, wax, ointment, salve, tincture, capsule, suppository, dermal patch, cartridge or other product containing medical cannabis concentrate or usable cannabis that has been processed so that the dried leaves and flowers are integrated into another material. It does not include a food as the term is defined in Health General Article 21-101, annotated Maryland Code.

Staff proposes the following language to the UDC to permit these facilities in the City.

Medical Cannabis Processing Facility of Consumer Package Goods is a Permitted Use with Conditions in the General Commercial Zoning District.

1. Any new facility shall come to the Planning Commission for review and approval.
2. Any new facility shall be located within very close proximity of the US Rte. 50 corridor, limited to the areas shown below.
3. The Planning Commission can impose additional conditions on the facility as part of their review process.
4. There shall be no more than **XX** number of these facilities within Cambridge.



.05 Application Review.

- A. The burden of proving an applicant's qualifications rests on the applicant.
- B. The Commission may deny an application that contains a misstatement, omission, misrepresentation, or untruth.
- C. An application shall be complete in every material detail.
- D. The Commission may request any additional information the Commission determines is necessary to process and fully investigate an application.
- E. The applicant shall provide requested additional information by the close of business of the 14th business day after the request has been received by the applicant.
- F. If the applicant does not provide the requested information within 14 business days, the Commission may consider the application to be suspended.
- G. The Commission intends to award the licenses to the best applications that most efficiently and effectively ensure public safety and safe access to medical cannabis.
- H. The Commission shall provide guidelines and detailed instructions for submitting the application form for the Commission's consideration.
- I. The Commission, or a Commission independent contractor, shall review for a pre-approval for a license the submitted applications as described in Regulations .02B and .05E of this chapter. The applications shall be ranked based on the following weighted criteria:
 - (1) Operational factors will be afforded 20 percent weight, including:
 - (a) A detailed operational plan for the cultivation of medical cannabis; and
 - (b) Summaries of policies and procedures for:
 - (i) Cultivation;
 - (ii) Growth;
 - (iii) Processing; and
 - (iv) Packaging;
 - (2) Safety and Security factors will be afforded 20 percent weight, including:
 - (a) Detailed plan or information describing the security features and procedures;
 - (b) Detailed plan describing how the grower will prevent diversion; and
 - (c) Detailed plan describing safety procedures;
 - (3) Commercial horticultural or agricultural factors will be afforded 15 percent weight, including, experience, knowledge and training in:
 - (a) Horticultural production; or
 - (b) Agricultural production;
 - (4) Production control factors will be afforded 15 percent weight, including:
 - (a) A detailed quality control plan;
 - (b) A detailed inventory control plan; and
 - (c) A detailed medical cannabis waste disposal plan;

(5) Business and economic factors will be afforded 15 percent weight, including:

(a) A business plan demonstrating a likelihood of success, a sufficient business ability and experience on the part of the applicant, and providing for appropriate employee working conditions, benefits and training;

(b) Demonstration of adequate capitalization; and

(c) A detailed plan evidencing how the grower will enforce the alcohol and drug free workplace policy;

(6) Additional factors that will be afforded 15 percent weight, including:

(a) A diversity plan as defined in COMAR 10.62.01.01;

(b) Documentation that the applicant:

(i) Has at least 51 percent of its ownership interest held by one or more individuals who are disadvantaged equity applicants;
or

(ii) Made good faith efforts to have at least 51 percent of its ownership interest held by disadvantaged equity applicants, including a list of the names and addresses of all potential owners interviewed and identifying those who qualify as disadvantaged equity applicants and whether any of those potential owners have purchased an equity share in the entity submitting an application;

(c) Documentation that the applicant:

(i) Has at least 25 percent and not more than 50 percent of its ownership interest held by one or more individuals who are members of the most disadvantaged groups in the medical cannabis industry, as identified by the Commission; or

(ii) Made good faith efforts to have at least 25 and not more than 50 percent of its ownership interest held by members of the most disadvantaged groups in the medical cannabis industry, including a list of the names and addresses of all potential owners interviewed and identifying those who are members of the most disadvantaged groups and whether any of those potential owners have purchased an equity share in the entity submitting an application;

(d) Documentation that the applicant:

(i) Has at least 51 percent of its ownership interest held by one or more individuals who are members of the most disadvantaged groups in the medical cannabis industry, as identified by the Commission; or

(ii) Made good faith efforts to have at least 51 percent of its ownership interest held by members of the most disadvantaged groups in the medical cannabis industry, including a list of the names and addresses of all potential owners interviewed and identifying those who are members of the most disadvantaged groups and whether any of those potential owners have purchased an equity share in the entity submitting an application; and

(e) Demonstration that the applicant meets three or more of the following criteria:

(i) At least 51 percent of its ownership interest is held by one or more individuals who have lived in an economically disadvantaged area for 5 of the preceding 10 years;

(ii) A majority of the current employees live in an economically disadvantaged area;

(iii) A majority of the current contractors live in an economically disadvantaged area;

(iv) At least 51 percent of its ownership interest is held by one or more individuals who are a member of a household that earns no more than 80 percent of the State median household income; and

(v) The applicant has significant past experiences in or business practices that promote economic development and empowerment in economically disadvantaged areas.

J. For scoring purposes, the Commission may take into account the geographic location of the growing operation to ensure there is geographic diversity in the award of licenses.

K. The Commission shall apply the application provisions set forth in §I(6)(b), (c), and (d) of this regulation to any pre-approval issued by the Commission on or before July 1, 2022.

10.62.10.04

.04 Security of Premises.

A licensed premises shall be constructed to prevent unauthorized entry.

.06 Security Alarm Systems.

- A. A licensee shall maintain a security alarm system that covers all perimeter entry points and portals at all premises.
- B. A security system shall be:
 - (1) Continuously monitored;
 - (2) Capable of detecting smoke and fire; and
 - (3) Capable of detecting power loss.
- C. A security alarm system shall include panic alarm devices mounted at convenient, readily-accessible locations throughout the licensed premises.
- D. A second, independent security alarm system shall be used to protect:
 - (1) A location where records are stored on-site;
 - (2) A location where records are stored off-site; and
 - (3) A cabinet or room that holds medical cannabis.
- E. A security alarm system shall remain operational until a licensed premises no longer has any medical cannabis, seeds, or cuttings on the premises.
- F. A security alarm system shall be equipped with auxiliary power sufficient to maintain operation for at least 48 hours.

.07 Video Surveillance Requirements.

A. A licensee shall maintain a motion-activated video surveillance recording system at all premises that:

- (1) Records all activity in images of high quality and high resolution capable of clearly revealing facial detail;
- (2) Operates 24-hours a day, 365 days a year without interruption; and
- (3) Provides a date and time stamp for every recorded frame.

B. A licensee shall post appropriate notices advising visitors of the video surveillance.

C. A surveillance camera shall be located and operated to capture each exit from the premises.

D. A surveillance camera shall capture activity at each:

- (1) Entrance to an area where medical cannabis is grown, tested, cured, manufactured, processed, or stored; and
- (2) Area where medical cannabis is trimmed, packaged, cured, or stored.

E. The storage of all recordings of security video surveillance shall be:

- (1) Access-limited;
- (2) Secured by a security alarm system that is independent of the main premises security alarm system;
- (3) In a format that can be easily accessed for investigational purposes; and
- (4) Retained for a minimum of 90 calendar days.

F. Any recording of security video surveillance shall be made available to the Commission or law enforcement agency for just cause as requested within 48 hours.

G. Violation.

(1) Failure to provide the Commission with any recording of video surveillance within 48 hours of a request from the Commission is a violation of COMAR 10.62.34.01.

(2) Each day of recording that a licensee fails to provide to the Commission, within the minimum of 90 calendar days that shall be retained, constitutes a separate violation.

10.62.21.04

.04 Security Lighting.

Lighting fixtures of the licensee shall be designed and installed to ensure proper surveillance.

.02 Licensee Records.

A. A licensee shall maintain, independent of the inventory control, a searchable, secure, tamper-evident record of each distribution that contains:

- (1) The name and address of the recipient;
- (2) The quantity delivered; and
- (3) The name, strength, batch number and lot number of the product.

B. Upon request, a licensee shall provide in a reasonable time and manner to a certifying provider a copy of the record of each distribution by the licensee to a qualifying patient of the certifying provider of the quantity delivered, name, strength, batch number, and lot number of medical cannabis.

C. A licensee shall retain the records of production and distribution of each batch and lot and of daily checklists to maintain uniformity from batch to batch, and lot to lot.

D. A licensee shall maintain a record of test methods and test results for each batch and lot, including graphs, charts, or spectra from laboratory instrumentation.

E. A licensee shall maintain a log of individuals visiting each premises.

F. A licensee shall maintain a duplicate set of all records at a secure, off site location.