



MEDICINAL CANNABIS DELIVERY SERVICE LICENSE APPLICATION

P-41

Community Development

Planning Division

1635 Faraday Avenue

Carlsbad, CA 92008

442-339-2600

This application provides a process for the establishment and operation of a non-retail medicinal cannabis delivery service business within the City of Carlsbad, pursuant to Carlsbad Municipal Code Chapter 8.95 and California Business & Professions Code Division 10, Chapter 26 (the Medicinal Cannabis Patients’ Right to Access Act). To be accepted for processing, a completed medicinal cannabis delivery service license application (P-41) must be submitted to the Planning Division of the Community Development Department, accompanied by a completed supplemental application packet (P-41(A)) and indemnification agreement (P-41(B)). A City of Carlsbad business license is also required should a cannabis delivery service license be issued.

The Planning Division shall conduct the initial review to ensure compliance with required land use regulations before forwarding the application to the Carlsbad Police Department for final processing and issuance. Additional information, materials or both may be requested following the city’s initial application review. The standard operating conditions in this application form shall apply to all medicinal cannabis delivery service businesses. The City may impose additional conditions following review of the proposed application.

Each delivery business location in the City of Carlsbad requires a separate medicinal cannabis delivery service license. Each license issued under these regulations shall be valid for one year from the date of issuance. A license is non-renewable. A new application and associated fees must be submitted for subsequent license years. Applicants are encouraged to file an application at least 45 days before the medicinal cannabis delivery service business intends to start/continue doing business to ensure timely processing.

Ready to Submit? Email completed P-41, P-41(A) & (B) and all requirement documents to Planning@carlsbadca.gov.

BUSINESS ENTITY INFORMATION

| | | | |
|---------------------|-------------------|---------------------|-------------------------------|
| Corporation | Limited Liability | Limited Partnership | Limited Liability Part. (LLP) |
| General Partnership | Sole Proprietor | Other | |

Applicant/business owner* contact information

(Attach additional pages as necessary)

Business information

| | |
|------------------------------------|---------------------------------------|
| Legal business name: _____ | Full legal name: _____ |
| Doing Business As (DBA): _____ | Cell phone number: _____ |
| Place/date of DBA filing: _____ | Email address: _____ |
| Sec. of State Reg Entity ID: _____ | Mailing address (street): _____ |
| Taxpayer ID Number: _____ | Mailing address (city/st./zip): _____ |

BUSINESS SITE INFORMATION

Property information

Record property owner contact information

| | |
|------------------------------------|---------------------------------------|
| Assessor Parcel Nos (APN): _____ | Full legal name: _____ |
| Site Address (street): _____ | Cell phone number: _____ |
| Site address (city/st./zip): _____ | Email address: _____ |
| | Mailing address (street): _____ |
| | Mailing address (city/st./zip): _____ |

**“Business owner” is defined in Carlsbad Municipal Code Section 8.90.020 as: (1) A person with an aggregate ownership interest of twenty percent or more in the medicinal cannabis delivery service business, unless the interest is solely a security, lien, or encumbrance; (2) the chief executive officer of a nonprofit or other entity applying for, or holding, such license; (3) a member of the board of directors of a nonprofit applying for, or holding, such license; or (4) an individual participating in the direction, control, or management of the person applying for, or holding, such license.*

Business Owner Certification: I certify I am the business owner and authorized to bind the company by my signature alone. If additional signatures are required, they are attached separately. Under penalty of perjury, I declare that the information contained within and submitted with this application is complete, true, and correct. I understand that a false statement or misrepresentation of fact is cause for rejection of this application, denial of a license, or revocation of a license issued. I also understand that there is no guarantee that by submitting a medicinal cannabis delivery service license application and paying any required application fee that my business will obtain any land use entitlements or a license to operate a medicinal cannabis delivery service business in the City of Carlsbad. I also understand a separate valid city business license is required and will be on file with the city. By signing below, I also hereby declare that I have read the application information packet and will adhere to the guidelines and requirements included in it.

Business owner name (print)

Business owner signature

Date

(Attach additional pages as necessary for additional business owners)

Record Property Owner Certification: I certify that I am the record property owner of the property address listed above where the medicinal cannabis delivery service business will be located. I am familiar with the proposed medicinal cannabis delivery service business as described in this application form and associated documents, I have reviewed Carlsbad Municipal Code Chapter 8.95, and authorize the applicant to use my property for the proposed use.

Record property owner name (print)

Record property owner signature

Date

(Attach additional pages as necessary for additional record property owners)

STANDARD OPERATING CONDITIONS

Medicinal Cannabis Delivery Service License

By signing the medicinal cannabis delivery service license application form (P-41) declaration below, the business owner(s) and record property owners(s) agree to comply with all conditions below for the duration of the medicinal cannabis delivery service business operations in the City of Carlsbad.

1. The business owner shall ensure ongoing compliance with all local, county, and state laws and regulations, including all conditions that have been imposed on the medicinal cannabis delivery service license. Any failure to do so, of whatever magnitude or materiality, can result in the immediate suspension and/or revocation of the license(s) issued by the city.
2. Prior to license issuance, the business owner(s) and record property owner(s) must pass a criminal background check conducted by the Carlsbad Police Department verifying that they do not have a prior conviction of any crimes listed in California Business and Professions Code Section 19323(b)(5). Additionally, the business owner(s) and record property owner(s) may not be convicted of any crimes listed in California Business and Professions Code Section 19323(b)(5) while operating a medicinal cannabis delivery service business.
3. The business owner(s) shall operate the medicinal cannabis delivery service business consistent with the materials provided in the Supplemental Application Package, P-41(A), that was approved as part of the medicinal cannabis delivery service license. The business owner(s) shall notify the Carlsbad Police Department of any modifications/changes to the information provided in the Supplemental Application Package within 30 days of the proposed modification/change.
4. Prior to making a delivery of medicinal cannabis or medicinal cannabis products, verify that the requestor and recipient is 18 years of age or older and is a person with an identification card, as defined in Carlsbad Municipal Code Section 8.90.020.
5. All vehicles used for delivery shall be maintained and operated in a manner and in a condition required by law and applicable regulations.
6. Persons involved in making deliveries must have a copy of a city-approved medicinal cannabis delivery service license in their possession and available upon request.
7. Deliveries shall be directly to the residence or lodging unit of the recipient. Deliveries to any other locations are prohibited.
8. Deliveries may occur only between the hours of 6:00 a.m. and 10:00 p.m., or as otherwise amended by state law.
9. The original copy of a City of Carlsbad medicinal cannabis delivery service license, business license, and the business's state cannabis license shall be readily available upon request and not visible to the public.
10. All cannabis and cannabis products sold or distributed in the city shall be cultivated, manufactured, and transported by licensed facilities that maintain operations in full conformance with state and local regulations.
11. No markings or indications of cannabis or cannabis products being delivered shall be displayed on delivery service vehicles, nor shall any markings or indications of cannabis or cannabis products be visible from the public right-of-way or the exterior of the structure(s) associated with the medicinal cannabis delivery service business.
12. Odor control devices and techniques per the Odor Control Plan on the Supplemental Information Form shall be incorporated and maintained in all medicinal cannabis delivery service businesses to ensure that odors from cannabis are not detectable off-site.

13. There shall not be a physician located in or near the business's physical address location at any time for the purpose of evaluating patients for the issuance of a medicinal cannabis prescription or card.
 14. Do not cause or permit the sale, dispensing, or consumption of alcoholic beverages or cannabis at or within 200 feet of the business's physical address location.
 15. Security Measures:
 - a. Ensure that all medicinal cannabis and medicinal cannabis products are kept in a manner to prevent diversion, theft, and loss.
 - b. Ensure no outdoor storage of cannabis or cannabis products.
 - c. Install and maintain surveillance cameras that comply with California Code of Regulations, Title 16, Division 42, Section 5044 and ensure that the footage is accessible by the city upon request.
 - d. Ensure that all entrances and exits of the medicinal cannabis delivery service business are locked at all times, with entry strictly controlled.
 16. The business owner(s) shall maintain a current Recordkeeping Plan onsite and available upon request. The plan shall include the following minimum information:
 - a. Reporting and tracking of product and gross sales using a track-and-trace system, as required under state law. The system must have the capability to produce historical transactional data relevant to the City of Carlsbad for review as requested.
 - b. A current register of the names and contact information (including the address and telephone number) of anyone owning or holding an interest in the cannabis delivery business and all officers, managers, employees, agents, and volunteers currently employed or otherwise engaged by the cannabis delivery business.
 - c. A record of all persons, qualified patients, collectives, and primary caregivers served by the cannabis business for a period of no less than four years.
 - d. Records of the business's inventory acquired, including the name and address of each supplier, the date of acquisition and the quantity acquired from each supplier, the location of the cultivation of the supplier, and a copy of the supplier's state license to cultivate (if required), for a period of no less than four years.
 17. Consent to Inspect. All medicinal cannabis delivery service businesses shall be subject to and facilitate the following inspections by the city to ensure compliance with this chapter. The inspections in subsections (a) and (b) may be conducted with or without prior notice:
 - a. Inspections of the medicinal cannabis delivery service business and delivery vehicle(s), as well as any recordings and records required to be maintained.
 - b. Obtaining of cannabis product samples to test for public safety purposes.
 - c. Inspections scheduled by the building official and/or fire marshal at any time before, during, or after the medicinal cannabis delivery service licensing process.
 18. The business owner(s) and record property owner(s) shall notify the police department in writing of any civil judgment or order, criminal conviction, administrative order, or revocation or suspension of a state or local license, permit, or other authorization within 48 hours of the date of conviction, judgment, order, or final decision.
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Declaration: By signing below, we acknowledge that we have read, understand, and agree to abide by all operating requirements for medicinal cannabis delivery service businesses in the City of Carlsbad for the duration of the business operations in the City of Carlsbad, as set forth above and more fully in Carlsbad Municipal Code Chapter 8.95. Failure to operate in the manner prescribed by these requirements, and any other applicable requirements under state or local law, may result in penalties being imposed, including, but not limited to, citations, civil penalties, suspension, and/or revocation of the medicinal cannabis delivery service license, and/or criminal prosecution.

| | | |
|--|--------------------------|-------|
| _____ | _____ | _____ |
| Business owner name (print) | Business owner signature | Date |
| <i>(Attach additional pages as necessary for additional business owners)</i> | | |

| | | |
|---|---------------------------------|-------|
| _____ | _____ | _____ |
| Record property owner name (print) | Record property owner signature | Date |
| <i>(Attach additional pages as necessary for additional record property owners)</i> | | |