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# CITY OF HAWTHORNE

## Commercial Cannabis Business FAQ

While this document may not be exhaustive, it is intended to provide general guidance for all Cannabis Business Permit Applicants. The provisions below are expressly written in the City of Hawthorne Municipal Code, California Building Code, National Fire Fighter Protection Agency manual or interpretations thereof.

### **I have a question, comment, or concern. How do I reach the City of Hawthorne Cannabis Working Committee (CWC)?**

You MUST submit **all** correspondence via email to [cannabis@cityofhawthorne.com](mailto:cannabis@cityofhawthorne.com) . If you fail to submit your correspondence via email, it may go unanswered. Please allow staff 3 business days to respond to your e-mail message before re-submitting. If you do not receive a response within 3 business days, please resubmit your email with “2<sup>nd</sup> Request” in the subject line. **Please note that calling City Hall, the consulting team, or emailing any address other than the official cannabis inquiry email, is in direct violation of the cannabis business application guidelines and the City’s communication policy.** More information regarding the City’s cannabis application guidelines will be provided when the application is posted.

### **When will the City’s application for Commercial Cannabis Business be available?**

The CWC will discuss timelines for application release during upcoming meetings. You may attend these meetings virtually every second and fourth Thursday at 11am. The CWC calendar and agenda can be found [here](#).

## When are applications due?

Information regarding application deadlines will be updated as directed by the City of Hawthorne Cannabis Working Committee. Please check this page often for updates.

## How can I register to attend a Community Outreach Workshop?

The City is hosting four community outreach workshops to allow residents to learn more about the proposed cannabis business program. The workshops will be held at the Hawthorne Memorial Center, located at 3901 West El Segundo Boulevard, Hawthorne, CA 90250. The workshop dates and times are in the table below. All attendees must register, as space is limited. Please use the link below to secure your ticket to this workshop event.

City of Hawthorn Community Outreach Workshop Schedule		
Day/Date	Time	<a href="#">Registration Link</a>
Saturday, February 26th	1PM-3PM	<a href="https://www.eventbrite.com/e/268251927737">https://www.eventbrite.com/e/268251927737</a>
Thursday, March 3 <sup>rd</sup>	11AM-1PM	
Saturday, March 12 <sup>th</sup>	3PM-5PM	
Wednesday, March 30 <sup>th</sup>	6PM-8PM	

## Which Commercial Cannabis Activities are allowed in the City of Hawthorne?

The City Council has directed staff to draft an ordinance that allows for cultivation, manufacturing, distribution (1<sup>st</sup> and 3<sup>rd</sup> party), non-storefront retail delivery (closed to the public), storefront retail (previously known as dispensaries), testing and consumption lounges, and ancillary delivery services to said classifications as allowed by the state. **More information regarding the City's Cannabis Ordinance will be posted as information becomes available.**

## Where is the “green zone”?

The City has not adopted a new zoning district or overlay for commercial cannabis businesses, at this time. However, the state and City “sensitive” use setbacks will apply.

## What is the cost for a Commercial Cannabis Business permit?

The Commercial Cannabis Business Permit application process will be determined by the City Council and fees will be posted with the application materials, when available.

## Are fees refundable if my application is not approved?

No. Application screening fees are non-refundable. However, deposits made for processing will be refunded, as stipulated in the reimbursement, if an applicant withdraws a project application.

## What do I need to open a cannabis business?

A legal cannabis business must obtain a license from BOTH the State and local jurisdiction, such as a city or county. Local jurisdictions have substantial authority to regulate commercial cannabis within their jurisdiction including local zoning and land use requirements, as well as

cannabis business license requirements. Cities and counties may have stricter laws than the state and can ban the growing, manufacturing and selling of cannabis completely.

### **Can I open a business now and get a license later?**

No. It is illegal to operate a cannabis business or engage in commercial cannabis activity without first obtaining both the required state and local licenses. State and City are looking to impose hefty fines for illegal cannabis businesses.

Operating an unlicensed commercial cannabis business may impact your ability to receive a commercial cannabis license in the future.

### **Where can I buy cannabis legally?**

You can only buy cannabis at retail outlets licensed by the California Department of Cannabis Control and the local licensing authority, such as a city or county. Adults 21 years old and over can buy cannabis at retail dispensaries with an “A” adult use license. Medical users 18 years old and over with a California physician’s recommendation, can buy at cannabis dispensaries with an “M” medical use license.

### **How can I determine which businesses are licensed?**

All cannabis businesses must display their cannabis business licenses. You can scan the QR code displayed at the business to verify if the business is in fact licensed. You can also verify a license at [www.CApotcheck.com](http://www.CApotcheck.com).

### **Are cannabis products required to be tested for potency and quality?**

Yes. Testing is required for all cannabis products cultivated or manufactured after January 1, 2018. The state also has detailed requirements for labeling and packaging, including warning labels, dosage information and child-resistant packaging.

### **How much and where can I consume cannabis?**

You can consume cannabis on private property. It is illegal to smoke, vape or ingest cannabis in any form in a public space. If you rent, keep in mind that landlords have the right to limit or prohibit cannabis use on their privately-owned properties. You cannot smoke cannabis or use cannabis products in places where it is illegal to smoke tobacco. You can carry up to one ounce (28.5 grams) of dried cannabis flower and up to eight grams of concentrated cannabis. You cannot smoke cannabis within 1,000 feet of a school, day care center, or youth center while children are present.

### **Can I grow cannabis in my home?**

Under state law, adults 21 or older can cultivate up to six cannabis plants for personal use in or on the grounds of their private residence. The plants must be in a locked space that is not visible to the public. Many cities and counties limit or prohibit outdoor cannabis cultivation. Check with your local jurisdiction to find out their rules. Remember that it is illegal to sell any amount of cannabis without obtaining state and local licenses. It is also illegal and extremely dangerous, having caused damage to property and even loss of life, to use volatile solvents such as butane for manufacturing concentrated cannabis at home.

### **Can I carry cannabis in my car?**

Yes, you can transport your closed, packaged, personal cannabis, but it is illegal to use cannabis while driving. It is illegal to smoke cannabis in an operating vehicle. It is illegal to have an open container of cannabis in the car while driving, operating or riding in the passenger seat. If you have cannabis in a vehicle, it must be in an approved sealed package or container. Otherwise, it must be kept in the trunk of the vehicle. Do not drive after consuming cannabis. If you operate a vehicle while under the influence of cannabis, you may be subject to arrest. A law enforcement officer can pull you over and conduct a sobriety test. Police departments will continue to treat driving under the influence of cannabis the same as any other controlled substance, such as alcohol.

### **Is my medical marijuana identification card or doctor's recommendation still valid?**

Yes, it is still valid. It is legal to purchase medical cannabis if you are 18 years of age or older and you have a current physician's recommendation. Possession, cultivation, transport and administration of medicinal cannabis is also legal for persons 18 years of age and older who have been designated as a Primary Caregiver of a patient with a valid physician's recommendation.

You can possess up to eight ounces of dried cannabis and up to six mature and 12 immature cannabis plants, unless the physician's recommendation specifies a higher amount.

### **Can I lease space to a cannabis business?**

You can lease your property to fully licensed cannabis businesses. It is a landowner's responsibility to verify that a tenant is fully licensed. You may check state licenses by visiting [Search for a licensed business - Department of Cannabis Control](#)

### **Can I prevent my tenants from growing or using cannabis in my units?**

Under state law, property owners have the right to limit or prohibit the cultivation and/or use of cannabis on their properties. Landlords are advised to address cannabis use in contracts with new tenants to avoid any misunderstandings.

A condominium building has the right to restrict cannabis use on the property and in an owner's unit. Refer to the condominium building's Rules and Regulations for specifics.

Because federal law views cannabis as an illegal, controlled substance, tenants receiving rent subsidies through Section 8 run the risk of losing their Section 8 vouchers if they possess or use cannabis. This is true even when using medical cannabis and even when the landlord permits cannabis use.

### **Can I leave California with cannabis?**

No. It is illegal to take cannabis across state lines, even if you are traveling to another state where cannabis is legal.

### **Are there state mandated cannabis sensitive use restrictions?**

The state mandates there must be 600 feet distance between any licensed cannabis business and school grades K-12, daycare or youth center. The City has not set additional sensitive uses at this time, but all distance requirements will be identified in the City's commercial cannabis ordinance and may include other sensitive locations such as drug rehabilitation centers, residential neighborhoods, churches, parks, etc.

### **Now that cannabis is legal, can my employer prohibit me from using?**

Even though it is legal under California law, employers are not required to accommodate cannabis use, including as a medical treatment for a disability or injury. Know your workplace cannabis policies.

### **Are there regulations regarding advertising to kids and schools?**

Yes. Proposition 64 prohibits the marketing and advertising of cannabis to minors and within 1,000 feet of schools, day care centers and youth centers.

There are strict packaging/labeling standards, including warning labels and child-resistant packaging to keep cannabis products out of the hands of children.

Proposition 64 does not allow smoking cannabis or cannabis products within 1,000 feet of a school, day care center, or youth center while children are present at such a school, day care center, or youth center, except in or upon the grounds of a private residence or in accordance with Section 26200 of the Business and Professions Code **and** only if such smoking is not detectable by others on the grounds of such a school, day care center, or youth center while children are present.

For purposes of this section, "smoke" means to inhale, exhale, burn, or carry any lighted or heated device or pipe, or any other lighted or heated marijuana or marijuana product intended for inhalation, whether natural or synthetic, in any manner or in any form. "Smoke" includes the use of an electronic smoking device that creates an aerosol or vapor, in any manner or in any form, or the use of any oral smoking device for the purpose of circumventing the prohibition of smoking in a place. **(AUMA/Proposition 64, Section 11362.3(a)(3)) Updated May 3, 2022.**

[https://leginfo.legislature.ca.gov/faces/codes\\_displaySection.xhtml?sectionNum=11362.3.&lawCode=HSC](https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=11362.3.&lawCode=HSC)

**Is cannabis federally illegal?**

Yes, cannabis is still illegal because it is a Schedule 1 drug. You cannot consume or possess cannabis on federal lands such as, national parks.

**Are cannabis retailers required to have security guards?**

Yes. All retail operators are required to have security personnel. The Department of Cannabis Control (DCC) requires each licensed retailer or retail license applicant, to submit a comprehensive security plan. This plan must be reviewed and approved by DCC prior to operation. Local municipalities may require additional or more restrictive security measures than the state requirements. **Updated March 1, 2022**

**All questions asked during the community workshop will be addressed during the workshop and will also be added to web FAQ sheet.**

**For More Information Regarding Cannabis Consumption visit [Responsible cannabis use - Department of Cannabis Control](#)**