

December 7, 2021

Cannabis Advisory Committee  
Dept. of Cannabis Control  
Attn: Ashlynn.Blackshire@cannabis.ca.gov

Re: Public Comment – Monday, December 13, 2021

Good afternoon Chair Ferro and committee members,

It has now been nearly 4 years of repeated requests for this committee to formerly address the issues our consumption lounges experience, yet, as of today, this topic has never been put onto an agenda. Yes, we know you have to deal with retailers and the supply chain, but if you continue to disregard the topic of consumption, our lounges will never be able to open in the way they were designed, therefore, continuing to perpetuate the illegality of public consumption of cannabis on our streets, in our parks, our back alleys and our neighborhoods. All we have ever asked for is for you to recommend the DCC amend the regulations to accommodate the specific needs of our lounges as it relates to serving non-infused food and beverage to customers. Should be a fairly simple procedure...that is, if you ever take it up.

Below please find public comment in regards to **Section 15407 - Sale of Non-Cannabis Goods**, specifically the ability for non-cannabis food and beverage to be sold alongside cannabis products in a licensed cannabis consumption lounge.

In addition to my comments below, attached are letters submitted to the DCC Legal Affairs and the OAL during the September 2021 Emergency Regulations public comment period by Assembly Member Richard Bloom (Attachment A) and by the City of West Hollywood (Attachment B). As you can see, we are all in alignment.

Together, we hereby request the proposed additional language (*in blue italics*):

**§15407. Sale of Non-Cannabis Goods.**

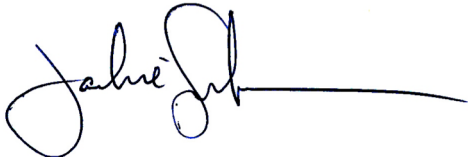
In addition to cannabis goods, a licensed retailer may sell only cannabis accessories and the branded merchandise of any licensee. Licensed retailers may provide customers with promotional materials.

*Notwithstanding the above, a local jurisdiction may allow the preparation or sale of non-cannabis food and beverage products in compliance with all applicable provisions of the California Retail Food Code (Chapter 1 (commencing with Section 113700) of Part 7 of Division 104 of the Health and Safety Code) by a retailer or microbusiness licensed under this division in the area where the consumption of cannabis is allowed, provided all of the following conditions are met:*

- (A) Access to the area where cannabis consumption is allowed is restricted to persons 21 years of age or older.*
- (B) Cannabis consumption is not visible from any public place or nonage-restricted area.*
- (C) Sale or consumption of alcohol or tobacco is not allowed on the premises.*

Given it is critical to the build-out and operation of a licensed consumption lounge, we have been requesting this administrative change since 2018. With the existing restriction in place, licensed consumption lounges are prohibited from serving non-cannabis food and beverage to their customers, including something as simple as a bottle of water, despite the fact that cannabis consumption is known to cause both dehydration and serve as an appetite stimulant. Therefore in the interest of public safety, local jurisdictions should be able to authorize licensed retailers with consumption lounges to be able to prepare and sell non-cannabis food and beverage to guests of their venue.

Respectfully,

A handwritten signature in blue ink, appearing to read "Jackie Subeck", followed by a long horizontal line.

Jackie Subeck  
Hey Jackpot, LLC  
[jsubeck@gmail.com](mailto:jsubeck@gmail.com)  
310.849.4403

Please see below for ATTACHMENTS

## ATTACHMENT A: ASM RICHARD BLOOM

STATE CAPITOL  
P.O. BOX 942849  
SACRAMENTO, CA 94249-0050  
(916) 319-2050  
FAX (916) 319-2150

DISTRICT OFFICE  
2800 28TH STREET, SUITE 105  
SANTA MONICA, CA 90405  
(310) 450-0041 AND (818) 596-4141  
FAX (310) 450-6090

E-MAIL  
Assemblymember.Bloom@assembly.ca.gov

### Assembly California Legislature



#### RICHARD BLOOM

CHAIR: BUDGET SUBCOMMITTEE NO. 3 ON CLIMATE CRISIS,  
RESOURCES, ENERGY AND TRANSPORTATION  
ASSEMBLYMEMBER, FIFTIETH DISTRICT

COMMITTEES  
ARTS, ENTERTAINMENT, SPORTS  
TOURISM AND INTERNET MEDIA  
BUDGET  
BUDGET SUBCOMMITTEE NO. 6  
BUDGET PROCESS OVERSIGHT  
AND PROGRAM EVALUATION  
BUSINESS AND PROFESSIONS  
HIGHER EDUCATION

SELECT COMMITTEES  
CHAIR: STATE OF HATE

September 20, 2021

OAL Reference Attorney  
300 Capitol Mall, Suite 1250  
Sacramento, CA 95814  
[staff@oal.ca.gov](mailto:staff@oal.ca.gov)

DCC Legal Affairs Division  
2920 Kilgore Road  
Rancho Cordova, CA 95670  
[publiccomment@cannabis.ca.gov](mailto:publiccomment@cannabis.ca.gov)

### RE: Comments on DCC Emergency Commercial Cannabis Regulations

Good Afternoon,

With this letter I would like to submit formal written comments regarding the DCC Emergency Commercial Cannabis Regulations that were posted on September 15, 2021. I am requesting the addition of language into the regulations allowing local control over the preparation and sale of non-cannabis food and beverages within the area of a licensed cannabis business where the consumption of cannabis is permitted. Specifically, I'm requesting the addition of the following language:

#### §15407. Sale of Non-Cannabis Goods.

In addition to cannabis goods, a licensed retailer may sell only cannabis accessories and the branded merchandise of any licensee. Licensed retailers may provide customers with promotional materials.

Notwithstanding the above, a local jurisdiction may allow the preparation or sale of non-cannabis food and beverage products in compliance with all applicable provisions of the California Retail Food Code (Chapter 1 (commencing with Section 113700) of Part 7 of Division 104 of the Health and Safety Code) by a retailer or microbusiness licensed under this division in the area where the consumption of cannabis is allowed, provided all of the following conditions are met:

- (A) Access to the area where cannabis consumption is allowed is restricted to persons 21 years of age or older.
- (B) Cannabis consumption is not visible from any public place or nonage-restricted area.
- (C) Sale or consumption of alcohol or tobacco is not allowed on the premises.

This is a very important change that the City of West Hollywood has been working on and seeking since 2018. Currently, local jurisdictions can permit cannabis consumption lounges, however, there is no consumption lounge license at the state level, so local lounges must receive a state retail license. But this requires the lounges to fully align with state retail regulations, which can be difficult to do because the business practices of cannabis consumption lounges are different than retail dispensaries. Specifically, consumption lounges operate as hospitality businesses, similar to bars and restaurants, not retail outlets. With this in mind, the most critical difference is that most cannabis consumption lounges would like to sell non-cannabis food and beverages (non-alcoholic), similar to how bars and restaurants operate. Since the current state regulations do not allow for the sale of anything but cannabis products (or licensed merchandise) consumption lounges are unable to prepare and sell non-cannabis food and beverages on-site.

In the City of West Hollywood up to sixteen cannabis consumption lounges are in the process of being permitted, and the only way that they will be able to provide non-cannabis food and beverages will be to have those items delivered in from other nearby businesses, similar to having food delivered to your home. This is an inefficient business model and does not allow cannabis consumption lounges to be full-service hospitality businesses. As cannabis consumption lounges increase as a type of business in the state, now is the time to clarify the regulations. This way, as the businesses complete their tenant improvements, they will know that they will be able to prepare and sell non-cannabis food and beverages on-site. The changes requested would allow local control over this decision, and communities that don't want cannabis lounges will not be impacted and can continue to prohibit such a use. I ask that these changes be included in the Emergency Commercial Cannabis Regulations, so that this matter can be clarified and cannabis consumption lounges can flourish in the state.

If you have any questions, you can contact my chief of staff, Guy Strahl at [guy.strahl@asm.ca.gov](mailto:guy.strahl@asm.ca.gov).

Sincerely,

A handwritten signature in black ink, appearing to read 'Richard Bloom', with a stylized flourish at the end.

**Richard Bloom**  
Assemblymember, 50<sup>th</sup> District

Cc: Guy Strahl, Chief of Staff  
John Leonard, Community and Legislative Affairs Manager, City of West Hollywood  
Nicole Elliott, Director, Department of Cannabis Control  
Christina Dempsey, External Affairs Division, Department of Cannabis Control

## ATTACHMENT B: CITY OF WEST HOLLYWOOD



# City of West Hollywood

City Hall  
8300 Santa Monica Blvd.  
West Hollywood, CA  
90069-6216  
Tel. (323) 848-6460  
FAX (323) 848 6562

### OFFICE OF THE CITY MANAGER

DAVID A. WILSON  
CITY MANAGER

September 20, 2021

OAL Reference Attorney  
300 Capitol Mall, Suite 1250  
Sacramento, CA 95814  
[staff@oal.ca.gov](mailto:staff@oal.ca.gov)

DCC Legal Affairs Division  
2920 Kilgore Road  
Rancho Cordova, CA 95670  
[publiccomment@cannabis.ca.gov](mailto:publiccomment@cannabis.ca.gov)

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If you have any questions you can contact me at [jleonard@weho.org](mailto:jleonard@weho.org) or 323-848-6446.

Sincerely,  
John Leonard



Community and Legislative Affairs Manager  
City Cannabis Lead  
City Manager's Department

Cc: Guy Strahl, Chief of Staff Assemblymember Richard Bloom (AD-50)  
Nicole Elliott, Director, Department of Cannabis Control  
Christina Dempsey, External Affairs Division, Department of Cannabis Control