



County of Santa Barbara Cannabis Business Licensing Criminal History Check & Security Plan

The Santa Barbara County Sheriff's Office functions as the lead reviewer for all site security plans and background checks for applicants involved in the cannabis business license process for the county. This includes the Sheriff's Office participating in all renewals and compliance checks for cannabis business licenses for distributor, cultivation, retail operations, and microbusinesses¹, as well as assisting other county departments as needed. In order to streamline the site security plans and criminal history background component of the licensing and renewal process, the Sheriff's Office is providing the following guidelines, which are based on Chapter 50, Sections 11 and 25 of the Santa Barbara County Code, California Code of Regulations, Title 16, Division 42, and California Business and Professions Code Section 26057, et seq. These guidelines are not all inclusive and are intended to provide basic information on areas the Sheriff's Office will review during the licensing and inspection process.

Criminal History Checks

All applicants and personnel associated with, or employed by, a cannabis business must submit to a criminal history check prior to the issuance of a business license or employee ID card. This includes all applicants, owners, persons having at least a 20% financial interest, managers, supervisors, and all employees of a cannabis operation². Please list all names in the table provided on page 3 of this document.

Background checks will be conducted by the California Department of Justice and Federal Bureau of Investigation, via the Live Scan program. All persons subject to this background check must contact the Sheriff's Office for this service, or submit to a designated service provide (<https://oag.ca.gov/fingerprints/locations>)³. The California Department of Justice and Federal Bureau of Investigation will return the background check via email to the Sheriff's Office. Therefore, it is imperative the Live Scan form for this service be obtained from the County of Santa Barbara Cannabis Regulation and Licensing section (<http://cannabis.countyofsb.org>), or the Sheriff's Office (www.sbsheriff.org). Failure to use the County's specific form will result in unnecessary licensing delays and possibly existing license suspension and/or revocation.

Disqualifiers are typically felony convictions, or other crimes set forth in 26057 of the Business and Professions Code. These convictions may include, but are not limited to the following:

¹ Santa Barbara County Code § 50-11(a) ; Application review by Sheriff's Office - Criminal History Check and Security Plan

² Santa Barbara County Code § 50-11(b)(1); Persons required to complete background check – Live Scan

³ A designated service provider is either another law enforcement agency, or contract service licensed with DOJ/FBI for Live Scan services

- Violent felony, serious felony, fraud, deceit, embezzlement, drug trafficking, crimes involving sexual assault and crimes against public decency and good morals⁴
- Health and Safety Code 11350 et al (controlled substances, with exception of marijuana related offenses)
- Penal Code 187 (Homicide)
- Penal Code 207 (Kidnapping)
- Penal Code 211 (Robbery)
- Penal Code 240 thru 248 (Assault and Battery)
- Penal Code 261 thru 289 (sexual assault crimes)
- Penal Code 451 (Arson)
- Penal Code 458 thru 464 (Burglary)
- Penal Code 470 thru 483.5 (Forgery)
- Penal Code 484 thru 502.9 (Larceny)
- Penal Code 503 thru 515 (Embezzlement)
- Other reasons not specifically listed including, but not limited to, prior cannabis licensing conviction, crimes against natural resources, and prior sanctioning⁵.

Once the completed Live Scan background check is returned to the Sheriff's Office, we will review the background and ensure no disqualifying convictions exist. Some exceptions to disqualifiers do exist and require a specific review of the conviction and evidence of rehabilitation⁶. Please provide the following, if applicable:

History of convictions.

Evidence of dismissal under section 1203.4, 1203.4a, and 1203.41 of the Penal Code or another state's similar law.

Certificate of rehabilitation under section 4852.01 of the Penal Code and dated letters of reference.

A statement of rehabilitation for each conviction, including any documentation to support rehabilitation.

All qualifying persons will then be issued an employee identification card, which is to be worn at all times while at the licensed cannabis site/premise. Employees or applicants who do not meet these requirements will not be issued an identification card and must be excluded from employment⁷.

⁴ California Penal Code § 667.5 and 1192.7; listed serious felony and serious crimes

⁵ California Business and Professions (B&P) Code § 26057; Additional disqualifiers for non-listed convictions

⁶ California B&P Code § 26057 (a)(4); Licensing disqualifier exception/review

⁷ Santa Barbara County Code § 50-11(b)(5); Background check disqualifiers (reference to B&P Code § 26057)

Please list all applicants, owners, persons having at least a 20% financial interest, managers, supervisors, and all employees of a cannabis operation in the table below.

LAST NAME	FIRST NAME	LIVE SCAN COMPLETED? (Y/N)	SHERIFF APPROVAL FOR EMPLOYEE ID CARD (FIELD TO BE COMPLETED BY SHERIFF'S OFFICE? (Y/N)

(Please attach additional pages if necessary.)

Site Security Plan

All applicants must present a completed security plan for review; this will be routed from the County Executive Office to the Sheriff’s Office during the business-licensing phase⁸. The following, at a minimum, will be required to be present and functioning upon review, and will be evaluated during a site inspection by the Sheriff’s Office Cannabis Compliance Team, or other members of the county or state:

- 1) Perimeter Security System (i.e. physical fencing, locks, alarms, or other methods of limited access). Please note all fencing must strictly comply with the County’s Land Use and Development Code requirements as shown below for both Ag Zones, as well as Non-Ag Zones.

Table 3-3 Fence Height and Permit Requirements in Agricultural Zones

Fence Location	Permit Requirement		
	Exempt from Planning Permit (1) (2)	Land Use or Coastal Development Permit Required (2)	Minor Conditional Use Permit Required
Within required front setback	Fence 6 ft or less in height; gatepost 8 ft or less in height	Fence more than 6 ft high; gatepost more than 8 ft high	Not Applicable
Within side and rear setbacks	Fence 8 ft or less in height; gatepost 10 ft or less in height	Fence more than 8 ft high; gatepost more than 10 ft high	Not Applicable
Within interior lot setback 20 ft or less from a street right-of-way	Fence 6 ft or less in height; gatepost 8 ft or less in height	Fence more than 6 ft high; gatepost more than 8 ft high	Not Applicable
Within interior lot setback more than 20 ft from a street right-of-way	Fence 8 ft or less in height; gatepost 10 ft or less in height	Fence more than 8 ft high; gatepost more than 10 ft high	Not Applicable
Outside of a required setback	Fence 8 ft or less in height; gatepost 10 ft or less in height	Fence more than 8 ft high; gatepost more than 10 ft high	Not Applicable

Notes:

- (1) Within the Coastal Zone, fences shall be exempt only if the development will:
 - a. Not be located within or adjacent to a wetland, beach, environmentally sensitive habitat area or on or within 50 feet of a coastal bluff; and
 - b. Not result in any potential adverse effects to public access to the beach or public hiking and equestrian trails (including where there is substantive evidence of prescriptive rights); and
 - c. Not result in significant adverse impacts to scenic views from beaches, parklands, public viewing areas, and public roadways.

If the fence does not meet the preceding criteria for an exemption, than a Coastal Development Permit in compliance with [Section 35.82.050 \(Coastal Development Permits\)](#) is required.

- (2) See Subsection C.2.a regarding entrance gates on property zoned AG-II located in the Inland area.

⁸ Santa Barbara County Code § 50-11(c)(1); Applicants requirement to submit a security plan

**Table 3-2 - Fence, Gate, Gatepost, and Wall Height and Permit Requirements
In All Zones Except In Agricultural Zones**

Fence Location	Permit Requirement		
	Exempt from Planning Permit (1)	Coastal Development or Land Use Permit Required	Minor Conditional Use Permit Required (2)
Within required front setback	Fence, gate, or wall 6 ft or less in height; gatepost 8 ft or less in height (3)	Not Applicable (4)	Fence more than 6 ft high; gatepost more than 8 ft high
Within side and rear setbacks	Fence 8 ft or less in height; gatepost 10 ft or less in height	Not Applicable	Fence more than 8 ft high; gatepost more than 10 ft high
Within interior lot setback 20 ft or less from a street right-of-way	Fence 6 ft or less in height; gatepost 8 ft or less in height.	Not Applicable	Fence more than 6 ft high; gatepost more than 8 ft high
Within interior lot setback more than 20 ft from a street right-of-way	Fence 8 ft or less in height; gatepost 10 ft or less in height	Not Applicable	Fence more than 8 ft high; gatepost more than 10 ft high
Outside of a required setback	Fence 8 ft or less in height; gatepost 10 ft or less in height	Fence more than 8 ft high; gatepost more than 10 ft high	Not Applicable

Notes:

(1) Within the Coastal Zone, fences shall be exempt only if the development will:

- a. Not be located within or adjacent to a wetland, beach, environmentally sensitive habitat or on or within 50 feet of a coastal bluff; and
- b. Not result in any potential adverse effects to public access to the beach or public hiking and equestrian trails (including where there is substantive evidence of prescriptive rights); and
- c. Not result in significant adverse impacts to scenic views from beaches, parklands, public viewing areas, and public roadways.

If the fence does not meet the preceding criteria for an exemption, than a Coastal Development Permit in compliance with [Section 35.82.050 \(Coastal Development Permits\)](#) is required.

(2) Within the Naples Townsite zone, additional height may not be allowed with a Minor Conditional Use Permit.

(3) **Mission Canyon Plan area** - Within the Mission Canyon Plan area, only fences, gates, and walls 3.5 feet or less in height, and gateposts four feet or less in height, are exempt from a planning permit.

(4) **Mission Canyon Plan area** - Within the Mission Canyon Plan area, fences, gates, and walls greater than 3.5 feet in height, and gateposts greater than four feet in height, require the issuance of a Land Use Permit.

2) Adequate perimeter lighting must be inside and around the exterior of the premises and maintained in working order. All lighting must strictly comply with the County’s Land Use and Development Code which states that the Lighting Plan shall include the following:

- a) Plans that identify all lighting on the lot demonstrating that all lighting will comply with the standards set forth in this Section and all applicable Community Plans.
- b) Lighting necessary for security shall consist solely of motion-sensor lights and avoid adverse impacts on properties surrounding the lot on which the cannabis activity is located.
- c) Any outdoor lighting used for the illumination of parking areas and/or loading areas, and/or for security, shall be fully shielded and directed downward.
- d) Lighting is prohibited in hoop structures.

- 3) Alarm system, maintained by a licensed company with central monitoring capabilities⁹
- 4) Video Security System, 24 hour video monitoring, with minimum of 45 days of archiving¹⁰
 - a) Must be a minimum of 1280 x 720 pixels
 - b) The surveillance system storage device or cameras must be transmission control protocol (TCP) capable of being accessed from the internet
 - c) Each camera shall be permanently mounted and in fixed location
 - d) Each camera shall be located within 20 feet of all points of entry and exit of the licensed facility
 - e) Shall allow for the clear identification of persons, in or around, all limited access areas, security rooms, surveillance storage area, and anywhere cannabis is present (grown, processed, weighed, stored and/or sold)
 - f) Entrances and exits to the premises shall be recorded from both indoor and outdoor vantage points
 - g) Must record 24 hours a day, 7 days a week and at a minimum of 15 frames per second
 - h) Recordings are subject to review and inspection by licensing authorities
 - i) Date and time to be clear and accurate on recorded images
 - j) Must contain a failure notification system
- 5) Limited Access Areas; identify security, locking and escort protocols for non-employee access¹¹
- 6) Provide an employee training plan that will include¹²
 - a) Burglary prevention
 - b) Employee loss prevention
 - c) Armed robbery prevention, security breaches, and response
 - d) Protocols for storage of large amounts of currency and/or cannabis
 - e) Cannabis laws and employee responsibilities
 - f) Identification and management of color coded identification card and appropriate access areas
 - g) Application and Live Scan process and procedures
 - h) Policies for handling employees that do not wear identification cards on premise
 - i) Inspection procedures for compliance checks and license renewals
 - j) Escort policy for non-employee, or contractor visits
 - k) Identification of limited access areas
- 7) Security Personnel – Required for store front retail and microbusinesses engaging in store front retail¹³
 - a) Personnel must be at least 21 years of age
 - b) Must conform to Business and Professions Code Chapters 11.4 and 11.5 of division 3, and CCR Title 16, division 42, section 5045.

⁹ CCR Title 16, div 42, § 5047; Alarm System must meet the requirements under Business and Professions Code § 7590.1(n)

¹⁰ CCR Title 16, div 42, § 5044; Video Surveillance Systems (state requirements); Santa Barbara County Code § 50-11(c)(3) references county requirements

¹¹ CCR Title 16, div 42, § 5042; Limited Access Area and all requirements for access, security and documentation

¹² Santa Barbara County Code § 50-11(c)(3); Defines the minimum standards for employee training

¹³ CCR Title 16, div 42, section 5045; Security Personnel must meet state licensing requirements, Santa Barbara County Code § 50-25(5) identifies additional responsibilities