

- C. [Counties only or cities with health departments: Expenditures from the special account shall be managed by the [County Department of Public Health].]

## Sec. [XX.100]. Special Cannabis Tax Community Advisory Board

- A. The [City Council/Board of Supervisors] shall establish a Special Cannabis Tax Community Advisory Board of nine residents of the [City/County unincorporated area] to recommend priorities for funding, make annual recommendations on the spending of tax proceeds under this chapter, recommend appropriate efforts to evaluate previous expenditures, and to review the annual report and related records and to make such other comments and other recommendations as the [City Council/Board of Supervisors] may request to ensure compliance with this Chapter. Spending decisions shall remain with the [City Council/Board of Supervisors] which may choose not to accept any particular recommendation of the Special Cannabis Tax Community Advisory Board.
1. The Board shall have at least one public health professional, one expert in addiction or substance use prevention and treatment, one physician, a representative of a community based organization, a representative of community clinics, a school nurse or school-based mental health professional, a representative of a community based organization serving low income people, the county health officer or his or her designee. At least two members shall be residents of communities disproportionately affected by drug-related incarceration.

**COMMENT:** These criteria will be workable for large cities and urban counties. Rural counties and smaller cities should consider whether all of these skill sets are available in their communities in sufficient numbers that the commission can be staffed over time and adjust as needed.

2. Members shall serve four-year terms. No member shall serve more than 2 consecutive four-year terms. The initial four-year term shall commence when the first 6 members have been appointed.
3. Presence of 5 members shall constitute a quorum.
4. Unexcused absence from three consecutive meetings or from four meetings during a calendar year shall constitute resignation from the Board.
5. Members of the Board shall be subject to all applicable conflicts of interest provisions under local and state law. No person employed in the cannabis industry, or who has an economic interest in that industry which would be required to be reported on an annual statement of economic interests (Form 700) under the Political Reform Act, shall serve on the Board.
6. Members of the Board shall serve without pay.
7. The Board shall meet at least quarterly.
8. The [City Manager/County Health Department] shall provide clerical assistance and administrative and technical support to the Board. All [City/County] agencies, departments, boards and commissions shall reasonably assist and cooperate with the work of the Board as directed by the [City Manager/County Administrative Officer].

**COMMENT:** The cannabis industry is excluded from the community advisory board because the board may make recommendations on funding for community measures to reduce substance abuse and to educate community members. This may necessarily include, for example, educating the public on harms associated with cannabis use. The presence of the industry would therefore constitute a conflict of interest in relation to reducing risks of substance abuse.

- B. The Board shall advise and make recommendations on how to best to spend funds subject to section XX.010 B of this chapter to the [City Council/Board of Supervisors], to:
1. Prevent cannabis consumption by youth, during pregnancy or in excessive or harmful ways;
  2. Prevent other forms of substance abuse or addiction;
  3. Prevent other leading causes of illness, injury and premature death in the community whether or not arising from cannabis use; and/or
  4. Promote wellness and reduce inequity in health conditions.
- C. The Board shall advise and make recommendations on how to best to spend funds subject to section XX.010 C. of this chapter to the [City Council/Board of Supervisors] to meet other specified priorities to reduce negative social impact of substance abuse and reduce incarceration, including:
1. Support for diversion programs to reduce new drug-related incarceration;
  2. Programs to assist residents in expungement or reclassification of records of marijuana convictions allowable pursuant to MAUCRSA;
  3. Re-entry programs for those released from incarceration to avoid recidivism;
  4. Job training programs and other community-based and educational programs, especially those that will minimize drug-related incarceration.
- D. Funded activities may include promoting or implementing policy, systems or environmental changes to create a healthier community or to reduce drug-related incarceration, providing education, or community-based programs serving residents of the [City/unincorporated area of the County] with a focus on low-income communities.

## Sec. [XX.110]. Refunds.

- A. No refund shall be made of any tax collected pursuant to this chapter, except as provided in this section.
- B. No refund of any tax collected pursuant to this chapter shall be made because of the discontinuation, dissolution, or other termination of a cannabis business.
- C. Any person entitled to a refund of sums paid under this chapter may elect to have such refund applied as a credit against future obligations under this chapter.
- D. Whenever any tax, fee, penalty, or interest under this chapter has been overpaid, paid more than once, or has been erroneously or illegally collected or received by the [City/County], such amount shall be refunded to the person who paid the tax upon a timely written claim for refund filed with the [City manager/County administrative officer].