

December 12, 2017

R. Miller #34 BOS 12/12/2017

El Dorado County  
Board of Supervisors  
330 Fair Lane  
Placerville, CA 95667

SUBJECT: Agenda Item 34 File 17-1238 version 2 Commercial Cannabis Permitting

Dear Supervisors:

It is our hope that you will have an effective ordinance that brings cannabis growing out of the gray area and within the mainstream economy of El Dorado County in place by the time this temporary ordinance expires in 45 days.

The State has declared cannabis growing an agricultural activity. Cannabis growing can easily be incorporated into the existing permitting and zoning for agriculture, retail sales and manufacturing. Section 20655(h) of the business and professions code grants the County an exemption from CEQA for cannabis-related ordinances through July 2019. Existing buildings are exempt from CEQA.

Cannabis growing will assist the goal of maintaining the rural character of the county by providing livable income to ag land operations that would otherwise need substantial development to provide a sustainable living.

The findings of the ordinance before you today are strongly biased against commercial cannabis activity. They stoke the fear and ignorance of commercial cannabis.

They state that illegal cannabis operations cause law enforcement issues while the substance of the ordinance itself is to making commercial cannabis illegal. State law and its voluminous cannabis regulations allow commercial cannabis to be legal. Voting down the ordinance will eliminate the finding.

The findings could mention the following:

- 193 million people or 60% of the US population live in states with some level of legal cannabis.
- 63 million Americans live in states that have completely legalized commercial cannabis.
- The large scope of the cannabis industry makes enforcement challenging.
- Counties in California that were the first to permit commercial cannabis had their economies revitalized by cannabis business following the crash of the timber industry.
- Estimated existing cannabis industry in El Dorado County is valued at \$300 million (300k lb. X \$1k)

The public policy urgency is to develop agricultural and ancillary permitting for the cannabis industry, stimulate the County's economy and to protect our communities from harmful and unnecessary enforcement actions.

Sincerely,

Rod Miller  
Erin O'Neil  
El Dorado County Grower's Alliance



# Fact Sheet

The proposed General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities Order (General Order) implements the requirements of the State Water Resources Control Board (State Water Board) Cannabis Cultivation Policy – Principles and Guidelines for Cannabis Cultivation (Cannabis Policy). The Cannabis Policy establishes requirements for the diversion of water and discharge of waste associated with cannabis cultivation activities. Dischargers engaged in cannabis cultivation or associated activities are subject to the requirements of the Cannabis Policy and may be required to obtain coverage under the General Order.

## General Information

### **1. What discharge activities does the General Order cover?**

The General Order addresses activities related to cannabis cultivation or associated land development. “Discharger” is defined as any person or entity engaged in developing land for cannabis cultivation, providing access to land for cultivation activities, or any person or entity engaged in the legal cultivation of cannabis that discharges or threatens to discharge waste. The requirements also apply to growers and land developers that prepare sites to allow cannabis cultivation activities to occur.

### **2. Are the Regional Water Quality Control Boards (Regional Water Boards) required to use the General Order?**

The General Order is the primary method for Regional Water Boards to permit waste discharges from cannabis cultivation activities; however, the General Order is not the only way to permit discharges from cannabis cultivation sites. In the future, some Regional Water Boards may regulate cannabis waste discharges in their Irrigated Lands Regulatory Program (ILRP). Those Regional Water Boards will have to develop ILRP waste discharge requirements (WDRs); other alternatives include site-specific WDRs issued for an individual discharger. Any WDR or waiver of WDRs issued must comply with the requirements of the Cannabis Policy, as well as address water rights for any irrigation water diversion.

### **3. How will the General Order affect dischargers enrolled under the existing North Coast Regional Water Board waiver of WDRs (R1-2015-0023) or Central Valley Regional Water Board general WDRs (R5-2015-0113)?**

All existing dischargers enrolled under either order are required to transition to the statewide General Order by July 1, 2019, a site-specific WDR, or an ILRP WDR (if available).

## General Order Coverage and Requirements

### **4. What does the General Order authorize?**

The General Order provides authorization to discharge waste generated by cannabis cultivation and associated activities. Cultivation activities may occur indoor or outdoor. Some activities that require a water quality certification (e.g., construction of a surface water diversion structure) may be covered by the General Order at the discretion of the Regional Water Board Executive Officer. The General Order does not provide a water right.



Water Body	Watercourse Class	Distance (Low Risk)
Perennial watercourses, springs, or seeps	I	150 ft.
Intermittent watercourses or wetlands	II	100 ft.
Ephemeral watercourses	III	50 ft.
Man-made irrigation/water supply, etc.	IV	Riparian Zone

**9. How do I qualify for the personal use exemption under the General Order?**

To qualify for the personal use exemption, the cultivation must be a non-commercial activity. Personal use exempt cultivators are not required to apply for the exemption; however, the activity must be consistent with the statutory exemptions for personal medical use (Health and Safety Code section 11362.77) or non-medical use (Health and Safety Code section 11362.2), and comply with the following requirements:

- Disturb less than 1,000 square feet
- The cultivation area is contiguous (all located in one area)
- Comply with the General Order setback requirements
- No part of the disturbed area is located on land with a slope greater than 20 percent
- Implement all applicable best practicable treatment or control (BPTC) measures listed in Attachment A of the General Order.

**10. How do small commercial outdoor cultivators apply for the conditional exemption?**

Small commercial outdoor cultivators apply for coverage through the Internet as described in the General Order. Only one exemption can be claimed per parcel. Growers that participate in coalitions, cooperatives, or other combinations of cultivation activities cannot claim the conditional exemption for activities on the same parcel. The cultivation activity must also meet the following criteria:

- Disturb less than 2,000 square feet
- The cultivation area is contiguous (all located in one area)
- Comply with the General Order setback requirements
- No part of the disturbed area is located on land with a slope greater than 20-percent
- Implement all applicable best practicable treatment or control (BPTC) measures listed in Attachment A of the General Order.

**11. Do commercial indoor cultivators apply for coverage?**

To be considered an indoor cultivation activity, the activity must be located entirely within a structure with a permanent roof and a permanent relatively impermeable floor (e.g., concrete or asphalt paved). Commercial indoor cultivators apply for coverage under the waiver through the Internet as described in the General Order.

Indoor cannabis cultivators either will have access to a community sewage collection system, or will discharge their wastewater to an onsite wastewater treatment system (e.g., a septic tank and leach field system). Those dischargers with access to a community sewage collection system shall obtain authorization from the wastewater operator for the discharge (typically an industrial waste discharge permit). Those dischargers that will discharge to an onsite system are required to obtain authorization from the Regional Water Board. Local agencies (e.g., environmental health departments) cannot permit cultivation wastewater discharges because cultivation wastewater discharges are not considered domestic wastewater as defined by the statewide Onsite Wastewater Treatment Systems (OWTS) Policy.

## **Monitoring and Reporting**

### **17. What monitoring and reporting requirements exist in the General Order?**

Tier 1 and Tier 2 dischargers are required to monitor and submit an annual monitoring report to the Regional Water Board. General Order Attachment B presents the monitoring and reporting program (MRP). The Regional Water Board Executive Officer may revise an MRP if site conditions warrant additional monitoring and reporting to protect water quality.

For more information on how the State and Regional Water Boards address cannabis cultivation activities through its cannabis regulatory program, please visit: <http://www.waterboards.ca.gov/cannabis>

*(This fact sheet was last updated October 16, 2017.)*

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Original proposed additions are indicated by underline.

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CALIFORNIA CODE OF REGULATIONS  
TITLE 3. FOOD AND AGRICULTURE  
DIVISION 8. CANNABIS CULTIVATION  
CHAPTER 1. CANNABIS CULTIVATION PROGRAM

### **Article 1. Definitions**

#### **§ 8000. Definitions.**

The following definitions, in addition to those stated in Section 26001 of Business and Professions Code, apply to this Chapter.

- (a) “Act” means the Medicinal and Adult-Use Cannabis Regulation and Safety Act, Business and Professions Code Section 26000, et seq.
- (b) “Applicant” means an owner of the applicant entity applying for a state license pursuant to this division.
- (c) “Applicant entity” means the entity applying for a state cannabis cultivation license.
- (d) “Batch” or “harvest batch” means a specifically identified quantity of dried flower or trim, leaves, and other cannabis plant matter that is uniform in strain, harvested in whole, or in part, at the same time, and, if applicable, cultivated using the same pesticides and other agricultural chemicals.
- (e) “Bureau” means the Bureau of Cannabis Control within the Department of Consumer affairs, formerly named the Bureau of Marijuana Control, the Bureau of Medical Cannabis Regulation, and the Bureau of Medical Marijuana Regulation.
- (f) “Canopy” means the designated area(s) at a licensed premises, except nurseries, that will contain mature plants at any point in time.
- (1) Canopy shall be calculated in square feet and measured using clearly identifiable boundaries of all area(s) that will contain mature plants at any point in time, including all of the space(s) within the boundaries;
  - (2) Canopy may be noncontiguous but each unique area included in the total canopy calculation shall be separated by an identifiable boundary which include, but are not limited to: interior walls, shelves, greenhouse walls, hoop house walls, garden benches, hedgerows, fencing, garden beds, or garden plots; and
  - (3) If mature plants are being cultivated using a shelving system, the surface area of each level shall be included in the total canopy calculation.
- (g) “Commercial cannabis activity” includes the cultivation, possession, manufacture, distribution, processing, storing,

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laboratory testing, packaging, labeling, transportation, delivery or sale of cannabis and cannabis products as provided for this Chapter.

- (h) “Cultivation” means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis.
- (i) “Cultivation site” means a location where commercial cannabis is planted, grown, harvested, dried, cured, graded, or trimmed, or that does all or any combination of those activities.
- (j) “Department” means the California Department of Food and Agriculture.
- (k) “Dried flower” means all dead cannabis that has been harvested, dried, cured, or otherwise processed, excluding leaves and stems.
- (l) “Flowering” means that a cannabis plant has formed a mass of pistils measuring greater than one half inch wide at its widest point.
- (m) “Immature plant” or “immature” means a cannabis plant that is not flowering.
- (n) “Indoor cultivation” means the cultivation of cannabis within a permanent structure using exclusively artificial light or within any type of structure using artificial light at a rate above twenty-five watts per square foot.
- (o) “Kief” means the resinous trichomes of cannabis that may accumulate in containers or be sifted from loose, dry cannabis flower with a mesh screen or sieve.
- (p) “Licensee” means any person holding a license pursuant to this Chapter.
- (q) “Lot” means a batch, or a specifically identified portion of a batch.
- (r) “Mature plant” means a cannabis plant that is flowering.
- (s) “Mixed-light cultivation” means the cultivation of mature cannabis in a greenhouse, hoop-house, glasshouse, conservatory, hothouse, or other similar structure using light deprivation and/or one of the artificial lighting models described below:
- (1) “Mixed-light Tier 1” the use of artificial light at a rate of six watts per square foot or less;
  - (2) “Mixed-light Tier 2” the use of artificial light at a rate above six and below or equal to twenty-five watts per square foot.
- (t) “Nonmanufactured cannabis product” means flower, shake, kief, leaf, and pre-rolls.
- (u) “Nursery” means a licensee that produces only clones, immature plants, seeds, and other agricultural products used specifically for the propagation and cultivation of cannabis.
- (v) “Outdoor cultivation” means the cultivation of mature cannabis without the use of artificial lighting in the canopy area at any point in time. Artificial lighting is permissible only to maintain immature plants.
- (w) “Pest” means any of the following that is, or is liable to become, dangerous or detrimental to the agricultural or nonagricultural environment of the state:
- (1) Any insect, predatory animal, rodent, nematode or weed; and



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- (2) Any form of terrestrial, aquatic, or aerial plant or animal virus, fungus, bacteria, or other microorganism (except viruses, fungi, bacteria, or other microorganisms on or in living man or other living animals).
- (x) "Premises" means the designated structure or structures and land specified in the application that is owned, leased, or otherwise held under the control of the applicant or licensee where the commercial cannabis activity will be or is conducted. The premises shall be a contiguous area and shall only be occupied by one licensee.
- (y) "Pre-roll" means nonmanufactured cannabis product(s) rolled in paper.
- (z) "Process", "Processing" and "Processes" means all activities associated with drying, curing, grading, trimming, storing, packaging, and labeling of nonmanufactured cannabis products.
- (aa) "Track-and-trace system" means the state approved system used to track commercial cannabis activity and movement.
- (ab) "Unique identifier" or "UID" means an alphanumeric code or designation used for reference to a specific plant on a licensed premises and any cannabis or cannabis product derived or manufactured from that plant.
- (ac) "Watts per square foot" means the sum of the maximum wattage of all lights identified in the designated canopy area(s) in the cultivation plan divided by the sum of the dimensions in square feet of designated canopy area(s) identified in the cultivation plan.

Authority: Sections 26012 and 26013, Business and Professions Code. Reference: Sections 26001, Business and Professions Code; and Section 12754.5, Food and Agricultural Code.

### **Article 2. Applications.**

#### **§ 8100. Temporary Licenses.**

A temporary license is a conditional license that authorizes the licensee to engage in commercial cannabis activity as would be permitted under the privileges of an annual license of the same type. A temporary licensee shall follow all applicable statutes and regulations as would be required if the licensee held an annual license of the same type.

- (a) Temporary license applications shall be completed and submitted online at [calcannabis.cdfa.ca.gov](http://calcannabis.cdfa.ca.gov) or mailed to the department at P.O. Box 942871, Sacramento, CA 94271.
- (b) An application for a temporary cultivation license shall include the following:
- (1) The license type, pursuant to section 8201 of this Chapter, for which the applicant is applying and whether the application is for an M-license or A-license;
  - (2) If the applicant has already submitted an application for annual licensure, the application number;
  - (3) The legal business name of the applicant entity;
  - (4) The full legal name, mailing address, phone number, email address, and affiliation of the designated responsible party who shall:
    - (A) Be an owner with legal authority to bind the applicant entity;

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(B) Serve as agent for service of process; and

(C) Serve as primary contact for the application.

(5) The physical address of the premises;

(6) A copy of a valid license, permit, or other authorization, issued by a local jurisdiction, that enables the applicant entity to conduct commercial cannabis activity at the location requested for the temporary license. For the purposes of this section, "other authorizations" shall include, at a minimum, a written statement or reference that clearly indicates the local jurisdiction intended to grant permission to the applicant entity to conduct commercial cannabis activity at the premises.

(c) When the applicant provides a license, permit, or other authorization from the local jurisdiction where the licensed premises will be or is located, the department will notify the contact person identified pursuant to Section 26055 of Business and Professions Code. If the local jurisdiction does not respond to the department's notification within ten (10) calendar days, the department may issue a temporary license to the applicant.

(d) A temporary license issued pursuant to this Chapter shall be valid for one-hundred twenty (120) days from the effective date. No temporary license shall be effective prior to January 1, 2018.

(e) A temporary license may be extended for additional ninety (90) day periods if a complete application for licensure has been submitted to the department pursuant to section 8102 of this Chapter.

(f) A temporary license does not obligate the department to issue an annual license nor does the temporary license create a vested right in the holder to either an extension of the temporary license or to the granting of a subsequent annual license.

(g) Temporary applications and licenses are exempt from fees.

(h) This section shall remain in effect until January 1, 2019.

Authority: Sections 26012 and 26013, Business and Professions Code. Reference: Sections 26050.1 and 26055, Business and Professions Code.

§ 8101. Annual License Application Fees.

The following are the nonrefundable application fees for the specified annual license type and shall be paid by the applicant at the time the complete application is submitted to the department:

(a) Specialty Cottage Outdoor \_\_\_\_\_ \$135

(b) Specialty Cottage Indoor \_\_\_\_\_ \$205

(c) Specialty Cottage Mixed-Light Tier 1 \_\_\_\_\_ \$340

(d) Specialty Cottage Mixed-Light Tier 2 \_\_\_\_\_ \$580

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<u>(e) Specialty Outdoor</u>	<u>\$270</u>
<u>(f) Specialty Indoor</u>	<u>\$2,170</u>
<u>(g) Specialty Mixed-Light Tier 1</u>	<u>\$655</u>
<u>(h) Specialty Mixed-Light Tier 2</u>	<u>\$1,125</u>
<u>(i) Small Outdoor</u>	<u>\$535</u>
<u>(j) Small Indoor</u>	<u>\$3,935</u>
<u>(k) Small Mixed-Light Tier 1</u>	<u>\$1,310</u>
<u>(l) Small Mixed-Light Tier 2</u>	<u>\$2,250</u>
<u>(m) Medium Outdoor</u>	<u>\$1,555</u>
<u>(n) Medium Indoor</u>	<u>\$8,655</u>
<u>(o) Medium Mixed-Light Tier 1</u>	<u>\$2,885</u>
<u>(p) Medium Mixed-Light Tier 2</u>	<u>\$4,945</u>
<u>(q) Nursery</u>	<u>\$520</u>
<u>(r) Processor</u>	<u>\$1,040</u>

Authority: Sections 26012 and 26013, Business and Professions Code. Reference: Section 26012, Business and Professions Code.

§ 8102. Annual License Application Requirements.

Applications for a cultivation license shall be completed and submitted online at [calcannabis.cdfa.ca.gov](http://calcannabis.cdfa.ca.gov) or by mailing a hard copy with the required payment to the department at P.O. Box 942872, Sacramento, CA 94271-2872, pursuant to section 8101 of this Chapter. Applications shall include the following, if applicable:

- (a) The legal business name of the applicant entity.
- (b) The license type, pursuant to in section 8201 of this Chapter, for which the applicant is applying and whether the application is for an M-license or A-license;
- (c) A list of all the types, including the license numbers of valid licenses, from the department and other cannabis licensing authorities that the applicant already holds;
- (d) The physical address of the premises;
- (e) The mailing address of the applicant;
- (f) A designated responsible party, who shall also be an owner, with legal authority to bind the applicant entity, and serves as agent for service of process and primary contact for the application. The following information shall be provided for the designated responsible party: full legal name, title, mailing address, primary contact phone number, email address, and a copy of the owner's government-issued identification. Acceptable forms of identification are a document issued

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by a federal, state, county, or municipal government, including, but not limited to, a driver's license, that contains the name, date of birth, physical description, and picture of the individual;

(g) A complete list of every owner of the applicant entity pursuant to section 8103 of this Chapter. Each individual owner named shall submit the following information:

(1) Full legal name;

(2) Title within the applicant entity;

(3) Date of birth;

(4) Social security number or individual taxpayer identification number;

(5) Home address;

(6) Primary phone number;

(7) Email address;

(8) Date ownership interest in the applicant entity was acquired;

(9) Percentage of the ownership interest held in the applicant entity by the owner;

(10) A list of all the valid licenses, including license type(s) and license number(s), from the department and other cannabis licensing authorities that the owner is listed as either an owner or financial interest holder;

(11) A copy of their government-issued identification. Acceptable forms of identification are a document issued by a federal, state, county, or municipal government, including that includes the name, date of birth, physical description, and picture of the person, such as a driver's license.

(12) If applicable, a detailed description of criminal convictions. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Convictions dismissed under Section 1203.4 of Penal Code or equivalent non-California law shall be disclosed. Juvenile adjudications and traffic infractions do not need to be included. For each conviction, all of the following shall be provided:

(A) The date of conviction;

(B) Dates of incarceration if applicable;

(C) Dates of probation if applicable;

(D) Dates of parole if applicable;

(E) A detailed description of the offense for which the owner was convicted; and

(F) A statement of rehabilitation for each conviction. The statement of rehabilitation is to be written by the owner and may contain evidence that the owner would like the department to consider that demonstrates the owner's fitness for licensure. Supporting evidence may be attached to the statement of rehabilitation and may include, but is not limited to, a certificate of rehabilitation under Section 4852.01 of Penal Code, dated letters of reference from employers, instructors, or professional counselors that contain valid contact information for the individual providing the reference.

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- (13) A copy of their completed application for electronic fingerprint images submitted to the Department of Justice.
- (h) A complete list of financial interest holders pursuant to section 8103 of this Chapter, including the following information for:
- (1) Individuals: full legal name, tax identification number (social security number, ITIN, or NIN), government identification number, and type of government identification; and
  - (2) Business entities: legal business name and employer identification number.
- (i) Copies of all documents filed with the California Secretary of State which may include, but are not limited to: articles of incorporation, operating agreement, partnership agreement, fictitious business name statement, certificate of stock, articles of organization, certificate of limited partnership, and statement of partnership authority. If an applicant is a foreign corporation, a certificate of qualification issued by the California Secretary of State pursuant to Section 2105 of Corporations Code;
- (j) A valid seller's permit number issued by the California Department of Tax and Fee Administration, or confirmation from the California Department of Tax and Fee Administration that a seller's permit is not needed. If the applicant entity has not yet received a seller's permit, the applicant entity shall attest that they are currently applying for a seller's permit;
- (k) For applicants that are a cannabis cooperative as defined by Division 10, Chapter 22 of Business and Professions Code, identification of all members;
- (l) Evidence that the applicant entity has the legal right to occupy and use the proposed location pursuant to section 8104 of this Chapter;
- (m) Evidence of having obtained a surety bond in the amount of not less than \$5,000, payable to the department. The bond shall be issued by a corporate surety licensed to transact surety business in the State of California;
- (n) Evidence of enrollment with the applicable Regional Water Quality Control Board or State Water Resources Control Board for water quality protection programs or written verification from the appropriate Board that enrollment is not necessary;
- (o) Evidence that the applicant has conducted a hazardous materials record search of the EnviroStor database for the proposed premises. If hazardous sites were encountered, the applicant shall provide documentation of protocols implemented to protect employee health and safety;
- (p) Evidence of exemption from, or compliance with Division 13 of the Public Resources Code: California Environmental Quality Act (CEQA). The evidence provided shall be one of the following:
- (1) A copy of the applicant's license, permit, or other authorization from the local jurisdiction if the local jurisdiction has adopted an ordinance, rule, or regulation pursuant to Section 26055(h) of Business and Professions Code that requires discretionary review and approval of permits, licenses, or other authorizations to engage in commercial cannabis activity.
  - (2) A copy of the Notice of Determination or Notice of Exemption and a copy of the CEQA document, or reference to

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where it can be located electronically, if the applicant does not wish to provide a copy of the license, permit, or other authorization provided by the local jurisdiction or if the local jurisdiction has not adopted an ordinance, rule, or regulation pursuant to Section 26055(h) of Business and Professions Code that requires discretionary review and approval of permits, licenses, or other authorizations to engage in commercial cannabis activity.

- (3) If an applicant does not have the evidence specified in subsections (1) or (2) of this section, or if the local jurisdiction did not prepare a CEQA document, the applicant will be responsible for the preparation of an environmental document in compliance with CEQA that can be approved or certified by the department, unless the department specifies otherwise.
- (g) For indoor and mixed light license types, identification of all power sources for cultivation activities, including but not limited to: illumination, heating, cooling, and ventilation;
- (r) A property diagram pursuant to section 8105 of this Chapter;
- (s) A proposed cultivation plan pursuant to section 8106 of this Chapter;
- (t) Identification of all of the water sources used for cultivation activities and the applicable supplemental information for each source pursuant to section 8107 of this Chapter:
- (1) A retail water supplier;
  - (2) A groundwater well;
  - (3) A rainwater catchment system;
  - (4) A diversion from a surface waterbody or an underground stream flowing in a known and definite channel;
- (u) A copy of any final lake or streambed alteration agreement issued by the California Department of Fish and Wildlife, pursuant to Sections 1602 and 1617 of Fish and Game Code, or written verification from the California Department of Fish and Wildlife that a lake and streambed alteration agreement is not required;
- (v) An attestation that the proposed location is at least a six-hundred (600) foot radius from a school providing instruction in kindergarten or any grades one (1) through twelve (12), day care center, or youth center that is in existence at the time the application is submitted, or that the premises complies with a local ordinance specifying a different radius. The distance shall be measured in the same manner as provided in subdivision (c) of Section 11362.768 of Health and Safety Code unless otherwise provided by law;
- (w) An attestation that they will enter into, or have already entered into, and will abide by the terms of a labor peace agreement if the applicant entity will have twenty (20) or more employees on payroll at any one time;
- (x) An attestation that the applicant entity is an "agricultural employer" as defined by the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975; Part 3.5 (commencing with Section 1140) Div. 2 Labor Code;
- (y) An attestation that the local fire department has been notified of the cultivation site if the applicant entity is an indoor license type;
- (z)

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- (1) Any applicant that may fall within the scope of sovereign immunity that may be asserted by a federally recognizable tribe or other sovereign entity shall waive any sovereign immunity defense that the applicant may have, may be asserted on its behalf, or may otherwise be asserted in any state or local administrative or judicial enforcement actions against the applicant or licensee, regardless of the form of relief sought, whether monetary or otherwise, under the state laws and regulations governing commercial cannabis activity; and provide documentation as may be requested that establishes that the applicant has the lawful authority to enter into the waiver described above, and has effectively done so. The limited waiver of sovereign immunity shall meet the requirements of the following:
- (A) The written limited waiver shall include that the applicant or licensee has the lawful authority to enter into the waiver required by this section, the applicant or licensee hereby waives sovereign immunity, and the applicant or licensee agrees to do all of the following:
- (i) Provide documentation to the department that establishes that the applicant or licensee has the lawful authority to enter into the waiver required by this section;
  - (ii) Conduct all commercial cannabis activity in full compliance with the state laws and regulations governing commercial cannabis activity, including submission to all enforcement provisions thereof;
  - (iii) Allow access as required by statute or regulation by persons or entities charged with duties under the state laws and regulations governing commercial cannabis activity to any premises or property at which the applicant conducts any commercial cannabis activity, including premises or property where records of commercial cannabis activity are maintained by or for the applicant or licensee;
  - (iv) Provide any and all records, reports, and other documents as may be required under the state laws and regulations governing commercial cannabis activity;
  - (v) Conduct commercial cannabis activity with other state commercial cannabis licensees only, unless otherwise specified by state law;
  - (vi) Meet all of the requirements for licensure under the state laws and regulations governing the conduct of commercial cannabis activity, and provide truthful and accurate documentation and other information of the applicant's qualifications and suitability for licensure as may be requested;
  - (vii) Submit to the personal and subject matter jurisdiction of the California courts to address any matter related to the waiver or commercial cannabis application, license, or activity, and that all such matters and proceedings shall be governed, construed and enforced in accordance with California substantive and procedural law, including but not limited to the Act;
- (B) Any applicant or licensee shall immediately notify the department of any changes that may materially affect the applicant and licensee's compliance with subdivision (1).
- (C) Any failure by an applicant or licensee to comply with the requirements of subdivisions (1) and (2) shall be a basis for denial of an application or renewal or discipline of a licensee.

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(2) The department shall not approve an application for a state license if approval of the license would violate the provisions of any local ordinance or regulation adopted in accordance with Section 26200 of Business and Professions Code that is issued by the county or, if within a city, the city, within which the licensed premise is to be located.

Authority: Sections 26012 and 26013, Business and Professions Code. Reference: Sections 26051.5, 26054, 26055, 26060.1, 26066, Business and Professions Code.

### § 8103. Owners and Financial Interests Holders.

(a) "Owner" means any of the following:

- (1) A person with an aggregate ownership interest of twenty (20) percent or more in the person applying for a license or a licensee, unless the interest is solely a security, lien, encumbrance.
- (2) The chief executive officer of a nonprofit or other entity.
- (3) A member of the board of directors of a nonprofit.
- (4) An individual who will be participating in the direction, control, or management of the person applying for a license.

(b) An owner who is an individual participating in the direction, control, or management of the commercial cannabis business includes any of the following:

- (1) A partner of a commercial cannabis business that is organized as a partnership;
- (2) A member of a limited liability company of a commercial cannabis business that is organized as a limited liability company;
- (3) An officer or director of a commercial cannabis business that is organized as a corporation.

(c) All individuals and business entities that have a financial interest in a commercial cannabis business but are not owners as defined in subsections (a) or (b) of this section shall be listed on an application for licensure under section 8102 (h) of this Chapter. "Financial interest" means an investment into a commercial cannabis business, a loan provided to a commercial cannabis business, or any other equity interest in a commercial cannabis business.

(d) Notwithstanding subsections (a), (b), or (c), the following are not considered to be owners or financial interest holders:

- (1) A bank or financial institution whose interest constitutes a loan;
- (2) Persons whose only financial interest in the commercial cannabis business is through an interest in a diversified mutual fund, blind trust, or similar instrument;
- (3) Persons whose only financial interest is a security, lien, or encumbrance on property that will be used by the commercial cannabis business; and
- (4) Persons who hold a share of stock that is less than five (5) percent of the total shares in a publicly traded company.



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Authority: Sections 26012 and 26013, Business and Professions Code. Reference: Sections 26001 and 26051, Business and Professions Code.

### § 8104. Legal Right to Occupy.

- (a) If the applicant is the owner of the property on which the premises is located, the applicant shall provide to the department a copy of the title or deed to the property.
- (b) If the applicant is not the owner of the property upon which the premises is located, the applicant shall provide the following to the department:
- (1) A document from the property owner or property owner's agent where the commercial cannabis activity will occur that states the applicant has the right to occupy the property and acknowledges that the applicant may use the property for commercial cannabis cultivation;
  - (2) The property owner's mailing address and phone number; and
  - (3) A copy of the lease or rental agreement, or other contractual documentation.

Authority: Sections 26012 and 26013, Business and Professions Code. Reference: Section 26051.5, Business and Professions Code.

### § 8105. Property Diagram.

A property diagram shall be submitted with each application and shall contain the following:

- (a) Boundaries of the property and the proposed premises wherein the license privileges will be exercised with sufficient detail to enable ready determination of the bounds of the premises showing all perimeter dimensions, entrances, and exits to both the property and premises;
- (b) If the proposed premises consists of only a portion of a property, the diagram shall be labeled indicating which part of the property is the proposed premises and what the remaining property is used for.
- (c) All roads and water crossings on the property;
- (d) If the applicant is proposing to use a diversion from a waterbody, groundwater well, or rain catchment system as a water source for cultivation, include the following locations on the property diagram with locations also provided as coordinates in either latitude and longitude or the California Coordinate System:
- (1) Sources of water used, including the location of waterbody diversion(s), pump location(s), and distribution system;  
and
  - (2) Location, type, and capacity of each storage unit to be used for cultivation.
- (e) The assessor's parcel number(s);
- (f) The diagram shall be to scale; and

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(g) The diagram shall not contain any highlighting.

Authority: Sections 26012 and 26013, Business and Professions Code. Reference: Sections 26012, 26051.5, and 26060, Business and Professions Code.

### § 8106. Cultivation Plan Requirements.

(a) The cultivation plan for Specialty Cottage, Specialty, Small and Medium licenses shall include all of the following:

(1) A detailed premises diagram showing all boundaries and dimensions in feet of the following proposed areas to scale:

(A) Canopy area(s) (which shall contain mature plants, at any point in time) including aggregate square footage;

(B) Area(s) outside of the canopy where only immature plants shall be maintained, if applicable;

(C) Designated pesticide and other agricultural chemical storage area(s);

(D) Designated processing area(s) if the licensee will process on site;

(E) Designated packaging area(s) if the licensee will package products on site;

(F) Designated composting area(s) if the licensee will compost cannabis waste on site;

(G) Designated secured area(s) for cannabis waste if different than subsection (F) above;

(H) Designated area(s) for harvested cannabis storage; and

(2) For indoor and mixed-light license type applications, a lighting diagram with the following information shall be included:

(A) Location of all lights in the canopy area(s); and

(B) Maximum wattage, or wattage equivalent, of each light.

(3) A pest management plan which shall include, but not be limited to, the following:

(A) Product name and active ingredient(s) of all pesticides to be applied to cannabis during any stage of plant growth; and

(B) Integrated pest management protocols including chemical, biological and cultural methods the applicant anticipates using to control or prevent the introduction of pests on the cultivation site.

(4) A cannabis waste management plan meeting the requirements of section 8108 of this Chapter.

(b) The cultivation plan for nursery licenses shall include the following information:

(1) A detailed premises diagram showing all boundaries and dimensions, in feet, of the following proposed areas:

(A) Area(s) which shall contain only immature plants;

(B) Designated research and development area(s) which may contain mature plants;

(C) Designated seed production area(s) which may contain mature plants;

(D) Designated pesticide and other agricultural chemical storage area(s);

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(E) Designated composting area(s) if the licensee will compost cannabis waste on site; and

(F) Designated secured area(s) for cannabis waste if different than subsection (E) above.

(2) A pest management plan which shall include, but not be limited to, the following:

(A) Product name and active ingredient(s) of all pesticides to be applied to cannabis during any stage of plant growth; and

(B) Integrated pest management protocols including chemical, biological and cultural methods the applicant anticipates using to control or prevent the introduction of pests on the cultivation site.

(3) A cannabis waste management plan pursuant to section 8108 of this Chapter.

(c) The cultivation plan for processor licenses shall include a detailed premises diagram showing all boundaries and dimensions, in feet, of the following proposed areas:

(1) Designated processing area(s);

(2) Designated packaging area(s), if the licensee will package and label products on site;

(3) Designated composting area(s) if the licensee will compost cannabis waste on site;

(4) Designated secured area(s) for cannabis waste if different than subsection (3) above; and;

(5) Designated area(s) for harvested cannabis storage;

(6) A cannabis waste management plan pursuant to section 8108 of this Chapter.

. Authority: Sections 26012 and 26013, Business and Professions Code. Reference: Sections 26012, 26051.5, 26060, and 26060.1, Business and Professions Code.

### § 8107. Supplemental Water Source Information.

The following information shall be provided for each water source identified by the applicant:

(a) Retail water supply sources:

(1) If the water source is a retail supplier, such as a municipal provider, as defined in Section 13575 of Water Code, identify the retail water supplier.

(2) If the water source is a small retail supplier, such as a delivery service, and is subject to subdivisions (a)(1)(B) of Section 26060.1 of Business and Professions Code:

(A) And if the contract is for delivery or pickup of water from a surface water body or an underground stream flowing in a known and definite channel, provide all of the following:

(i) The name of the contract water supplier;

(ii) The geographic location coordinates in either latitude and longitude or the California Coordinate System of any point of diversion used by the contract water supplier to divert water delivered to the applicant under the contract;

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- (iii) The authorized place of use for any water right used by the contract water supplier to divert water delivered to the applicant under the contract; and
- (iv) The maximum amount of water delivered to the applicant for cannabis cultivation in any year.
- (B) And if the contract is for delivery or pickup of water from a groundwater well, provide all of the following:
- (i) The name of the contract water supplier;
- (ii) The geographic location coordinates for any groundwater well used to supply water delivered to the applicant, in either latitude and longitude or the California Coordinate System;
- (iii) The maximum amount of water delivered to the applicant for cannabis cultivation in any year; and
- (iv) A copy of the well log filed with the Department of Water Resources pursuant to Section 13751 of Water Code for each percolating groundwater well used to divert water delivered to the applicant. If no well log is available, the applicant shall provide evidence from the Department of Water Resources indicating that the Department does not have a record of the well log. When no well log is available, the State Water Resources Control Board may request additional information about the well.
- (b) If the water source is a groundwater well:
- (1) The groundwater well's geographic location coordinates in either latitude and longitude or the California Coordinate System; and
- (2) A copy of the well log filed with the Department of Water Resources pursuant to Section 13751 of Water Code. If no well log is available, the applicant shall provide evidence from the Department of Water Resources indicating that the Department of Water Resources does not have a record of the well log. If no well log is available, the State Water Resources Control Board may request additional information about the well.
- (c) If the water source is a rainwater catchment system:
- (1) The total square footage of the catchment footprint area(s);
- (2) The total storage capacity, in gallons, of the catchment system(s); and
- (3) A detailed description of the type, nature, and location of each catchment surface. Examples of catchment surfaces include a rooftop and greenhouse.
- (d) If the water source is a diversion from a waterbody, provide any applicable statement, application, permit, license, or small irrigation use registration identification number(s); and either
- (1) A copy of any applicable registrations, permits, or licenses or proof of a pending application, issued under Part 2 (commencing with Section 1200) of Division 2 of the California Water Code as evidence of approval of a water diversion by the State Water Resources Control Board;
- (2) A copy of any statements of diversion and use filed with the State Water Resources Control Board before October 31, 2017 detailing the water diversion and use; or
- (3) A copy of documentation submitted to the State Water Resources Control Board before October 31, 2017.

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demonstrating that the diversion is authorized under a riparian right and that no diversion occurred in any calendar year between January 1, 2010 and January 1, 2017.

- (4) If the applicant has claimed an exception from the requirement to file a statement of diversion and use, the applicant shall provide a copy of the documentation submitted to the State Water Resources Control Board before January 1, 2019 demonstrating that the diversion is subject to subdivision (a), (c), (d), or (e) of Section 5101 of Water Code.

Authority: Sections 26012 and 26013, Business and Professions Code. Reference: Section 26060.1, Business and Professions Code; and Section 13149, Water Code.

### § 8108. Cannabis Waste Management.

- (a) For the purposes of this Chapter, "cannabis waste" is organic waste, as defined in Section 42649.8(c) of Public Resources Code.
- (b) A licensee shall manage all hazardous waste, as defined in Section 40141 of Public Resources Code, in compliance with all applicable hazardous-waste statutes and regulations.
- (c) A licensee shall manage all cannabis waste in compliance with Division 30, Part 3, Chapters 12.8, 12.9 and 13.1 of the Public Resources Code. In addition, licensees are obligated to obtain all required permits, licenses, or other clearances and comply with all orders, laws, regulations, or other requirements of other regulatory agencies, including, but not limited to local health entities, regional water quality control boards, air quality management districts or air pollution control districts, local land use authorities, and fire authorities.
- (d) A licensee shall dispose of cannabis waste in a secured waste receptacle or in a secured area on the licensed premises designated on the licensee's premises diagram and as identified in the licensee's cultivation plan. For the purposes of this section, 'secure waste receptacle' or 'secured area' means that physical access to the receptacle or area is restricted to the licensee, employees of the licensee or by the local agency or local agency franchised or contracted waste hauler only. Public access to the designated receptacle or area shall be strictly prohibited.
- (e) A licensee's cannabis waste management plan shall identify one or more of the following methods for managing cannabis waste generated on their licensed premises:
- (1) On premises composting of cannabis waste;
  - (2) Collection and processing of cannabis waste by a local agency, local agency franchised or contracted, or permitted waste hauler;
  - (3) Self-haul cannabis waste to one, or more of the following:
    - (A) A manned fully permitted solid waste landfill or transformation facility;

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- (B) A manned fully permitted composting facility or manned composting operation;
  - (C) A manned fully permitted in-vessel digestion facility or manned in-vessel digestion operation;
  - (D) A manned fully permitted transfer/processing facility or manned transfer/processing operation; or
  - (E) A manned fully permitted chip and grind operation.
- (f) If composting cannabis waste on the licensed premises, a licensee shall do so in compliance with Title 14 of the California Code of Regulations at Division 7, Chapter 3.1 (commencing with Section 17850).
- (g) If a local agency, or local agency franchised or contracted or permitted waste hauler is being used to collect and process cannabis waste, a licensee shall do all the following:
- (1) Provide the department with the following information for the local agency, local agency franchised or contracted, or permitted waste hauler who will collect and process the licensee's cannabis waste;
    - (A) Name of local agency providing waste hauling services, if applicable;
    - (B) Company name of the local agency franchised or contracted or permitted waste hauler, if applicable;
    - (C) Company business address; and
    - (D) Name of the primary contact person at the company and contact person's phone number;
  - (2) Obtain and retain documentation from the local agency, local agency franchised or contracted, or permitted waste hauler which indicates the date and time of each collection of cannabis waste at the licensed premises;
  - (3) Obtain and retain a copy of the certified weight ticket, or other documentation prepared by the local agency, or local agency franchised or contracted or permitted waste hauler evidencing receipt of the cannabis waste at one, or more, of the solid waste facilities in subsection (e)(3) above; and
  - (4) Cannabis waste may be collected from a licensee in conjunction with a regular organic waste collection route used by the local agency, or local agency franchised or contracted waste hauler.
- (h) If self-hauling cannabis waste to one, or more, of the solid waste facilities in (e)(3) above, a licensee shall obtain and retain, for each delivery of cannabis waste by the licensee, a copy of a certified weight ticket, or receipt documenting delivery, prepared by a representative(s) of the solid waste facility receiving the self-hauled cannabis waste. Transportation of self-hauled cannabis waste shall only be performed by the licensee or employees of the licensee.
- (i) In addition to all other tracking requirements set forth in sections 8405 and 8406 of this Chapter, a licensee shall use the track-and-trace system, and documentation required pursuant to this section to ensure the cannabis waste is identified, weighed, and tracked while on the licensed premises and when disposed of in accordance with subsections (f), (g) and (h) above.
- (j) A licensee shall maintain accurate and comprehensive records regarding cannabis waste that account for, reconcile, and evidence all activity related to the generation or disposition of cannabis waste. All records required by this section are records subject to inspection by the department and shall be kept pursuant to section 8400 of this Chapter.

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Authority: Sections 26012 and 26013, Business and Professions Code. Reference: Sections 26013 and 26060, Business and Professions Code; and Sections 40141 and 42649.8, Public Resources Code.

### § 8109. Applicant Track and Trace Training Requirement.

- (a) Each applicant is responsible for registering for state mandated training, as prescribed by the department, within ten (10) business days of receiving notice from the department that their application for licensure has been received and is complete.
- (b) Documentation of training completion shall be provided to the department within ten (10) business days of completion. Applicants approved for an annual license shall not have access to the track-and-trace system until the licensee's designated account manager has completed, and provided proof of completion, of the track-and-trace training prescribed by the department.

Authority: Sections 26012 and 26013, Business and Professions Code. Reference: Section 26067, Business and Professions Code.

### § 8110. Proof of Local License, Permit, or Other Authorization.

When the applicant provides a license, permit, or other authorization from the local jurisdiction where the licensed premises will be or is located, the department will notify the contact person identified pursuant to Section 26055 of Business and Professions Code. If the local jurisdiction does not respond to the department's notification within ten (10) calendar days, the department may issue a license to the applicant.

Authority: Sections 26012 and 26013, Business and Professions Code. Reference: Section 26050.1 and 26055, Business and Professions Code.

### § 8111. Priority Application Review.

- (a) Priority review of annual license applications shall be given to applicants that can demonstrate the commercial cannabis business was in compliance with the Compassionate Use Act of 1996 before September 1, 2016.
- (b) Eligibility for priority application review shall be demonstrated by any of the following, dated prior to September 1, 2016.
- (1) Local license, permit or other authorization;
  - (2) Collective or Cooperative Membership Agreement;
  - (3) Tax or business forms submitted to the California Department of Tax and Fee Administration or Franchise Tax.

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### Board;

- (4) Incorporation documents filed with the Secretary of State;
  - (5) Any other verifiable business record adequate to demonstrate the operation of the business prior to September 1, 2016; or
  - (6) Any applicant identified by the local jurisdiction pursuant to Section 26054.2(b) of Business and Professions Code.
- (c) The department may request additional documentation to verify the applicant's date of commencement of operations.

Authority: Sections 26012 and 26013, Business and Professions Code. Reference: Section 26054.2, Business and Professions Code.

### § 8112. Annual License Application Review for Completeness.

The department shall notify the applicant in writing that the application is either:

- (a) Complete and accepted for further review; or
- (b) Incomplete and the reasons for the incompleteness.
  - (1) The department shall receive the missing information from the applicant no later than ninety (90) calendar days from the date of the notification from the department. Failure to provide the designated missing information will result in disqualification of the application from further consideration.
  - (2) If disqualified, the applicant may reapply and pay a new application fee.

Authority: Sections 26012 and 26013, Business and Professions Code. Reference: Section 26012, Business and Professions Code.

### § 8113. Substantially Related Offenses Review.

- (a) The following convictions shall be considered substantially related to the qualifications, functions, or duties of the business for which the application is made and may be a basis for denying the license:
  - (1) A violent felony conviction, as specified in subdivision (c) of Section 667.5 of Penal Code;
  - (2) A serious felony conviction, as specified in subdivision (c) of Section 1192.7 of Penal Code;
  - (3) A felony conviction involving fraud, deceit, or embezzlement;
  - (4) Any felony conviction involving the hiring, employment, or use of children in transporting, carrying, selling, giving away, preparing for sale or peddling any controlled substance to a minor, or offering, furnishing, or selling any controlled substance to a minor; and
  - (5) A felony conviction for drug trafficking with enhancements pursuant to Sections 11370.4 or 11379.8 of Health and Safety Code.



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- (b) Except as provided in subparagraphs (4) and (5) of paragraph (a) and notwithstanding Chapter 2 (commencing with Section 480) of Division 1.5 of Penal Code, a prior conviction, where the sentence, including any term or probation, incarceration, or supervised release, is completed, for possession of, possession for sale, sale, manufacture, transportation, or cultivation of a controlled substance is not considered substantially related, and shall not be the sole ground of denial for a license. Conviction for any controlled substance felony subsequent to licensure shall be grounds for revocation of a license or denial of the renewal of the license.
- (c) To determine whether an applicant who has been convicted of a criminal offense that is substantially related to the qualifications, functions, or duties of the business for which the application is made should be issued a license, the department shall conduct a review of the nature of the crime, conviction, circumstances, and evidence of rehabilitation. Evidence of rehabilitation includes:
- (1) The nature and severity of the act or offense;
  - (2) Whether the person has a felony conviction based on possession or use of cannabis or cannabis products that would not be a felony if the person was convicted of the offense on the date of the person's application;
  - (3) The applicant's criminal record as a whole;
  - (4) Evidence of any act committed subsequent to the act or offense under consideration that could be considered grounds for denial, suspension, or revocation of a commercial cannabis activity license;
  - (5) The time that has elapsed since commission of the act or offense;
  - (6) The extent to which the applicant has complied with any terms of parole, probation, restitution, or any other sanctions lawfully imposed against the applicant;
  - (7) If applicable, evidence of dismissal under Section 1203.4 of Penal Code or another state's similar law;
  - (8) If applicable, a certificate of rehabilitation obtained under Section 4852.01 of Penal Code or another state's similar law; and
  - (9) Other evidence of rehabilitation submitted by the applicant.
- (c) If an applicant has been denied a license based on a conviction, the applicant may request a hearing pursuant to Section 26058 of Business and Professions Code to determine if the applicant should be issued a license.

Authority: Sections 26012 and 26013, Business and Professions Code. Reference: Section 26057 and 26058, Business and Professions Code.

### § 8114. Withdrawal of Application.

An applicant may withdraw an application at any time prior to the department's issuance of a license or denial of a license.

- (a) Requests to withdraw an application shall be submitted to the department in writing, dated, and signed by the designated responsible party.

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(b) The department will not refund application fees for a withdrawn application.

(c) An applicant may reapply and pay a new application fee at any time following the withdrawal of an application.

Authority: Sections 26012 and 26013, Business and Professions Code. Reference: Section 26012, Business and Professions Code.

§ 8115. Notification and Grounds for Denial of a License.

The department shall notify the applicant in writing if the application is denied with the reasons for denial.

(a) Within thirty (30) days upon service of the denial of an application, the applicant may file a written petition. Upon receipt of a timely filed petition, the department shall set a date for a hearing to be conducted pursuant to Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of Government Code.

(b) In addition to the reasons for denial in Section 26057 of Business and Professions Code, a license may be denied for the following reasons:

- (1) The applicant's premises does not fully comply with standards pursuant to this Chapter;
- (2) The applicant denied the department access to the premises to verify compliance with this Chapter;
- (3) The applicant made a material misrepresentation on the application;
- (4) The licensee had a license, permit, or other authorization to engage in commercial cannabis activity denied, suspended, or revoked by a state licensing authority or local agency; or
- (5) The applicant or licensee has outstanding fees owed to the department.

Authority: Sections 26012 and 26013, Business and Professions Code. Reference: Sections 26012 and 26057, Business and Professions Code.

**Article 3: Cultivation License Fees and Requirements**

§ 8200. Annual License Fees.

An annual license fee shall be paid to the department prior to issuance of a license or renewal license. The fee schedule is as follows:

<u>(a) Specialty Cottage Outdoor</u>	<u>\$1,205</u>
<u>(b) Specialty Cottage Indoor</u>	<u>\$1,830</u>
<u>(c) Specialty Cottage Mixed-Light Tier 1</u>	<u>\$3,035</u>
<u>(d) Specialty Cottage Mixed-Light Tier 2</u>	<u>\$5,200</u>
<u>(e) Specialty Outdoor</u>	<u>\$2,410</u>
<u>(f) Specialty Indoor</u>	<u>\$19,540</u>

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<u>(g) Specialty Mixed-Light Tier 1</u>	<u>\$5,900</u>
<u>(h) Specialty Mixed-Light Tier 2</u>	<u>\$10,120</u>
<u>(i) Small Outdoor</u>	<u>\$4,820</u>
<u>(j) Small Indoor</u>	<u>\$35,410</u>
<u>(k) Small Mixed-Light Tier 1</u>	<u>\$11,800</u>
<u>(l) Small Mixed-Light Tier 2</u>	<u>\$20,235</u>
<u>(m) Medium Outdoor</u>	<u>\$13,990</u>
<u>(n) Medium Indoor</u>	<u>\$77,905</u>
<u>(o) Medium Mixed-Light Tier 1</u>	<u>\$25,970</u>
<u>(p) Medium Mixed-Light Tier 2</u>	<u>\$44,517</u>
<u>(q) Nursery</u>	<u>\$4,685</u>
<u>(r) Processor</u>	<u>\$9,370</u>

Authority: Sections 26012 and 26013, Business and Professions Code. Reference: Sections 26012 and 26180, Business and Professions Code.

### § 8201. Cultivation License Types.

License types include:

#### (a) Specialty Cottage:

- (1) "Specialty Cottage Outdoor" is an outdoor cultivation site with up to 25 mature plants.
- (2) "Specialty Cottage Indoor" is an indoor cultivation site with 500 square feet or less of total canopy.
- (3) "Specialty Cottage Mixed-Light Tier 1 and 2" is a mixed-light cultivation site with 2,500 square feet or less of total canopy.

#### (b) Specialty:

- (1) "Specialty Outdoor" is an outdoor cultivation site with less than or equal to 5,000 square feet of total canopy, or up to 50 mature plants on noncontiguous plots.
- (2) "Specialty Indoor" is an indoor cultivation site between 501 and 5,000 square feet of total canopy.
- (3) "Specialty Mixed-Light Tier 1 and 2" is a mixed-light cultivation site between 2,501 and 5,000 square feet of total canopy.

#### (c) Small:

- (1) "Small Outdoor" is an outdoor cultivation site between 5,001 and 10,000 square feet of total canopy.
- (2) "Small Indoor" is an indoor cultivation site between 5,001 and 10,000 square feet of total canopy.
- (3) "Small Mixed-Light Tier 1 and 2" is a mixed-light cultivation site between 5,001 and 10,000 square feet of total canopy.

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canopy.

(d) Medium:

(1) "Medium Outdoor" is an outdoor cultivation site between 10,001 square feet and one acre of total canopy.

(2) "Medium Indoor" is an indoor cultivation site between 10,001 and 22,000 square feet of total canopy.

(3) "Medium Mixed-Light Tier 1 and 2" is a mixed-light cultivation site between 10,001 and 22,000 square feet of total canopy.

(e) "Nursery" is a cultivation site that conducts the cultivation of cannabis solely as a nursery.

(f) "Processor" is a cultivation site that conducts only trimming, drying, curing, grading, packaging, or labeling of cannabis and nonmanufactured cannabis products.

Authority: Sections 26012 and 26013, Business and Professions Code. Reference: Sections 26012 and 26050, Business and Professions Code.

### § 8202. General License Requirements.

(a) Cultivation licenses shall be valid for twelve (12) months from the date of issuance.

(b) Every business entity shall obtain a separate license for each premises where it engages in commercial cannabis cultivation.

(c) Cultivation licenses are not transferrable or assignable to any other person, entity, or property.

(d) Licensees are prohibited from transferring any commercially cultivated cannabis or nonmanufactured cannabis products from their licensed premises. All transfer of cannabis and nonmanufactured cannabis product from a licensed cultivation site must be conducted by a distributor licensed by the bureau.

(e) The license shall be prominently displayed on the licensed premises where it can be viewed by state or local agencies.

(f) A licensee may hold both an A and an M license on the same premises, provided the inventory for each license type is kept separate and distinct.

(g) A licensee shall not sublet any portion of the licensed premises.

Authority: Sections 26012 and 26013, Business and Professions Code. Reference: Sections 26010, 26012, 26050, and 26053, Business and Professions Code.

### § 8203. Renewal of License.

(a) An application for renewal of a cultivation license shall be submitted to the department at least thirty (30) calendar days prior to the expiration date of the current license. No renewal application shall be accepted by the department more than sixty (60) calendar days prior to the expiration date of the current license.

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- (b) If a complete renewal application is submitted in compliance with subsection (a) above, the licensee may continue to operate until the department approves or denies the renewal application.
- (c) If the department receives the renewal application less than thirty (30) calendar days prior to the expiration, or within thirty (30) calendar days after the expiration of the current license, a licensee shall submit a late fee of fifty (50) percent of the application fee to be paid in addition to the required annual renewal fee.
- (d) A licensed cultivator that does not submit a complete license renewal application to the department within thirty (30) calendar days after the expiration of the current license shall forfeit their eligibility to apply for a license renewal and, instead, shall be required to submit a new license application.
- (e) The license renewal shall be submitted to the department and contain the following:
- (1) The legal name of the licensed entity;
  - (2) The license number and expiration date;
  - (3) The licensee's mailing address and premises address;
  - (4) The annual license fee pursuant to section 8200 of this Chapter;
  - (5) If applicable, documentation regarding any changes that have occurred from the information originally submitted to the department pursuant to section 8102 of this Chapter; and
  - (6) An attestation that all information provided to the department is accurate and current.

Authority: Sections 26012 and 26013, Business and Professions Code. Reference: Sections 26050, 26051.5, and 26055, Business and Professions Code.

### § 8204. Notification of License Information Change.

- (a) Licensees shall notify the department in writing within ten (10) calendar days of any change to any item listed in the application, and any of the following events:
- (1) Disciplinary proceeding initiated by any state or local government agency;
  - (2) Bankruptcy filing by any owner listed on the application for licensure;
  - (3) Temporary closure longer than thirty (30) calendar days. Include in the notification the reason for temporary closure and expected duration of closure;
  - (4) Modifications to the cultivation plan pursuant to section 8106 of this Chapter that do not require preapproval pursuant to section 8205 of this Chapter; and
  - (5) Any change in ownership that does not affect the business entity type. New owners shall submit all information pursuant to subsection 8102(g) of this Chapter.
- (b) Any change to the business entity type requires a new application and application fee.
- (c) Licensee shall notify the department in writing of the following within forty-eight (48) hours of:

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- (1) Receiving the penalty or judgment of a criminal penalty or civil judgement rendered against the licensee; and
- (2) Receiving notification of the revocation of a local license, permit or other authorization.

Authority: Sections 26012 and 26013, Business and Professions Code. Reference: Section 26012, Business and Professions Code.

### § 8205. Physical Modification of Premises.

A licensee shall not make a physical modification of the licensed premises that materially or substantially alters the licensed premises or the use of the licensed premises from the premises diagram originally filed with the license application without the prior written approval of the department.

(a) The following premises modifications require approval in writing from the department prior to modification:

(1) Modification to any area described in the licensee's cultivation plan including but not limited to the removal, creation, or relocation of canopy, processing, packaging, composting, harvest storage, and chemical storage areas;

(2) Change in water or power source(s); and

(3) Modifications or upgrades to electrical systems at a licensed premises shall be performed by a licensed electrician. A copy of the electrician's license shall be submitted with any premises modification requests for electrical systems.

(b) A licensee shall request approval of a physical change, alteration, or modification in writing to the department, and the request shall include a new premises diagram and/or cultivation plan pursuant to section 8106 of this Chapter.

(c) A licensee shall provide additional documentation requested by the department to evaluate the licensee's request.

Authority: Sections 26012 and 26013, Business and Professions Code. Reference: Sections 26012 and 26055, Business and Professions Code.

### § 8206. Death or Incapacity of a Licensee.

(a) In the event of the death, incapacity, receivership, assignment for the benefit of creditors of a licensee, or other event rendering a licensee incapable of performing the duties associated with the license, the licensee's successor in interest (e.g., appointed guardian, executor, administrator, receiver, trustee, or assignee) shall notify the department within ten (10) business days.

(b) To continue operations or surrender the existing license, the successor in interest shall submit to the department the following:

(1) The name of the successor in interest;

(2) The name of the licensee for which the successor in interest is succeeding and the license number;

(3) The phone number, mailing address, and email address of the successor in interest; and

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- (4) Documentation demonstrating that the licensee is incapable of performing the duties associated with the license such as a death certificate or a court order finding the licensee lacks capacity, and documentation demonstrating that the individual making the request is the licensee's successor in interest such as a court order appointing guardianship or will or trust agreement.
- (c) The department may give the successor in interest written approval to continue operations on the license business premises for a period of time specified by the department if:
- (1) The successor in interest or another person has applied for a license from the department for the license location and that application is under review; or
- (2) The successor in interest needs additional time to destroy or sell cannabis or nonmanufactured cannabis products;  
or
- (3) At the discretion of the department.
- (d) The licensee's successor in interest is held subject to all terms and conditions under which a state cannabis license is held pursuant to the Act.
- (e) The approval creates no vested right to the issuance of a state cannabis license.

Authority: Sections 26012 and 26013, Business and Professions Code. Reference: Section 26012, Business and Professions Code.

### § 8207. Disaster Relief.

- (a) If a licensee is unable to comply with any licensing requirements due to a disaster, the licensee may notify the department of this inability to comply and request relief from the specific licensing requirement.
- (b) The department may exercise its discretion to provide temporary relief from specific licensing requirements for licensees whose operations have been impacted by a disaster.
- (c) Temporary relief from specific licensing requirements shall be issued for a reasonable amount of time in order to allow the licensee to recover from the disaster.
- (d) The department may require that certain conditions be followed in order for a licensee to receive temporary relief from specific licensing requirements.
- (e) A licensee shall not be subject to an enforcement action for a violation of a licensing requirement in which the licensee has received temporary relief.
- (f) For the purposes of this section, "disaster" means fire, flood, storm, tidal wave, earthquake, or similar public calamity, whether or not resulting from natural causes when the Governor or State of California through an executive order has declared a state of emergency.
- (g) A licensed premises that has been vacated by a licensee due to a disaster shall not be deemed to have been

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surrendered, abandoned, or quit pursuant to section 8208 of this Chapter.

(h) Notwithstanding subsection (a) of this section, if a licensee needs to move cannabis and nonmanufactured cannabis products stored on the premises to another location immediately to prevent loss, theft, or degradation of the cannabis and nonmanufactured cannabis products from the disaster, the licensee may move the cannabis without obtaining prior approval from the department if the following conditions are met:

(1) The cannabis and nonmanufactured cannabis products are moved to a secure location where access to the cannabis can be restricted to the licensee, its employees, and contractors;

(2) The licensee notifies the department in writing that the cannabis and nonmanufactured cannabis products have been moved and that the licensee is requesting relief from complying with specific licensing requirements pursuant to subsection (a) of this section within twenty-four (24) hours of moving the cannabis;

(3) The licensee provides the department access to the location where the cannabis and nonmanufactured cannabis products have been moved to for inspection; and

(4) The licensee submits in writing to the department within ten (10) calendar days of moving the cannabis and nonmanufactured cannabis products a request for temporary relief that clearly indicates what the statutory and regulatory sections relief is requested from, the time period for which the relief is requested, and the reasons relief is needed for the specified amount of time.

### § 8208. Surrender of License.

(a) A licensee who surrenders, abandons, or quits the licensed premises, or who closes the licensed premises for a period exceeding thirty (30) consecutive calendar days without notifying the department pursuant to section 8204 of this Chapter, shall surrender the license to the department, and the department shall immediately cancel the license.

(b) Upon the voluntary request by any licensee to surrender a license, the department shall immediately cancel the license.

Authority: Sections 26012 and 26013, Business and Professions Code. Reference: Section 26012, Business and Professions Code.

### § 8209. Medium Cultivation License Limits.

A person shall be limited to one (1) Medium Outdoor, or one (1) Medium Indoor, or one (1) Medium Mixed-Light A-License or M-License. This section shall remain in effect until January 1, 2023.

Authority: Sections 26012 and 26013, Business and Professions Code. Reference: Sections 26012, 26050, and 26061, Business and Professions Code.



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### § 8210. Sample Collection by the Bureau.

When a licensee transfers possession, but not title of cannabis to a licensed distributor, the licensee shall allow the bureau to collect samples for the bureau's own laboratory analysis.

Authority: Sections 26012 and 26013, Business and Professions Code. Reference: Sections 26012 and 26110, Business and Professions Code.

### § 8211. Prohibition of Product Returns.

Licensees are prohibited from accepting returns of cannabis plants or nonmanufactured cannabis products after transferring possession of cannabis plants or nonmanufactured cannabis to another licensee after testing is performed pursuant to Section 26110 of Business and Professions Code.

Authority: Sections 26012 and 26013, Business and Professions Code. Reference: Sections 26012, 26060, and 26110, Business and Professions Code.

### § 8212. Packaging and Labeling of Cannabis and Nonmanufactured Cannabis Products.

(a) All cannabis and nonmanufactured cannabis product packaged and/or labeled by a licensed cultivator shall meet all of the following:

- (1) All applicable requirements pursuant to Sections 26070, 26120, 26121 of Business and Professions Code;
- (2) Any other requirements for cannabis and nonmanufactured cannabis product specified by the bureau and the California Department of Public Health.
- (3) Packaging and labeling requirements pursuant to Chapter 6 (commencing with Section 12601), Division 5 of the Business and Professions Code.

(b) A label may specify the county of origin only if one-hundred (100) percent of the cannabis or nonmanufactured cannabis product contained in the package was produced within the designated county, as defined by finite political boundaries.

Authority: Sections 26012, 26013, and 26106, Business and Professions Code. Reference: Sections 26063, 26070, 26120, and 26121, Business and Professions Code.

### § 8213. Requirements for Weighing Devices and Weighmasters.

(a) Weighing devices used by a licensee for commercial purposes shall be approved, tested and sealed pursuant to Chapter 5 (commencing with Section 12500) of Division 5 of the Business and Professions Code, and registered with the county sealer consistent with Chapter 2 (commencing with 12240) of Division 5 of the Business and Professions Code.

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Approved and registered devices shall be used whenever:

- (1) Cannabis and nonmanufactured cannabis is bought or sold by weight or count;
  - (2) Cannabis and nonmanufactured cannabis is packaged for sale by weight or count;
  - (3) Cannabis and nonmanufactured cannabis is weighed or counted for entry into the track-and-trace system; and
  - (4) The weighing device is used for commercial purposes as defined in Section 12500 of Business and Professions Code.
- (b) For the purposes of this Chapter a licensee must use wet weight or net weight. Wet weight and net weight shall be measured, recorded and reported in U.S. Customary units (e.g., ounce or pound); or International System units (e.g., kilograms, grams, or milligrams).
- (c) For the purposes of this Chapter, count means the numerical count of the individual cannabis plants, seeds or nonmanufactured cannabis product units.
- (d) For bulk shipments of cannabis and nonmanufactured cannabis products, a licensee shall be licensed as a weighmaster, and a certificate issued by a licensed weighmaster, shall be consistent with the requirements in Chapter 7 (commencing with Section 12700) of Division 5 of Business and Professions Code.

Authority: Sections 26012 and 26013, Business and Professions Code. Reference: Chapter 7 (commencing with Section 12700) of Division 5, Business and Professions Code.

### § 8214. Transition Period.

Notwithstanding any other provision, until July 1, 2018, licensees may conduct commercial cannabis activities with any other licensee, regardless of the A or M designation of the license.

### § 8215. Personnel Prohibited from Holding Licenses.

- (a) A license authorized by the Act and issued by the department may not be held by, or issued to, any person holding office in, or employed by, any agency of the State of California or any of its political subdivisions when the duties of such person have to do with the enforcement of the Act or any other penal provisions of law of this State prohibiting or regulating the sale, use, possession, transportation, distribution, testing, manufacturing, or cultivation of cannabis.
- (b) This section applies to, but is not limited to, any persons employed in the State of California Department of Justice as a peace officer, in any district attorney's office, in any city attorney's office, in any sheriff's office, or in any local police department.
- (c) All persons listed in subsection (a) or (b) may not have any ownership interest, directly or indirectly, in any business to be operated or conducted under a cannabis license.
- (d) This section does not apply to any person who holds a license in the capacity of executor, administrator, or guardian.

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### § 8216. License Issuance in an Impacted Watershed.

If the State Water Resources Control Board or the Department of Fish and Wildlife finds, based on substantial evidence, that cannabis cultivation is causing significant adverse impacts on the environment in a watershed or other geographic area, the department shall not issue new licenses or increase the total number of plant identifiers within that watershed or area.

Authority: Sections 26012 and 26013, Business and Professions Code. Reference: Section 26069 of Business and Professions Code.

### **Article 4. Cultivation Site Requirements**

#### § 8300. Cultivation Requirements for Specialty Cottage, Specialty, Small, and Medium Licenses.

- (a) Cannabis plants maintained outside of the designated canopy area(s) are prohibited from flowering. Should plants outside of the canopy area(s) begin to flower, a UID shall be applied, the plant(s) shall be moved to the designated canopy area without delay, and reported in the track-and-trace system.
- (b) All plants, or portions of a plant used for seed production shall be tagged with a UID pursuant to section 8403 of this Chapter.
- (c) Licensees propagating immature plants for distribution or seed for distribution to another licensee shall obtain a nursery license.
- (d) Licensees shall process their harvested cannabis only in area(s) designated for processing in their cultivation plan provided they are compliant with packaging and labeling requirements pursuant to section 8212 of this Chapter, or transfer their harvested cannabis to a licensed processor, manufacturer or distributor via a licensed distributor.

Authority: Sections 26012 and 26013, Business and Professions Code. Reference: Sections 26060, 26070, and 26120, Business and Professions Code.

#### § 8301. Seed Production Requirements for Nurseries.

Nurseries producing seed for distribution shall tag all mature plants pursuant to section 8403 of this Chapter. All products, except seed, derived from these plants are prohibited from entering the commercial distribution chain.

Authority: Sections 26012 and 26013, Business and Professions Code. Reference: Sections 26013, 26060, and 26067, Business and Professions Code.

#### § 8302. Research and Development Requirements for Nurseries.

Nurseries may maintain a research and development area, as identified in their cultivation plan, for the cultivation of

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mature plants. All mature plants shall be tagged with a UID pursuant to section 8403 of this Chapter. All products derived from these plants are prohibited from entering the commercial distribution chain.

Authority: Sections 26012 and 26013, Business and Professions Code. Reference: Sections 26013, 26060, and 26067, Business and Professions Code.

### § 8303. Cultivation Requirements for Processor Licenses.

Processor licensees shall comply with all of the following requirements:

- (a) All aggregation of product shall adhere to track-and-trace requirements pursuant to sections 8405 and 8406 of this Chapter;
- (b) Licensees may produce nonmanufactured cannabis products without a manufacturing license, provided compliance with packaging and labeling requirements pursuant to section 8212 of this Chapter; and
- (c) Cultivation of cannabis plants is prohibited at a licensed processor premises.

Authority: Sections 26012 and 26013, Business and Professions Code. Reference: Sections 26060, 26067, 26069, and 26120, Business and Professions Code.

### § 8304. General Environmental Protection Measures.

All licensees shall comply with all of the following environmental protection measures:

- (a) Compliance with Section 13149 of Water Code as implemented by the State Water Resources Control Board or Regional Water Quality Control Boards.
- (b) Compliance with any conditions requested by the California Department of Fish and Wildlife or the State Water Resources Control Board under Section 26060.1, subdivision (b)(1), of Business and Professions Code.
- (c) All outdoor lighting used for security purposes shall be shielded and downward facing.
- (d) Immediately halt cultivation activities and implement Section 7050.5 of Health and Safety Code if human remains are discovered.
- (e) Requirements for generators pursuant to section 8306 of this Chapter.
- (f) Compliance with pesticide laws and regulations as enforced by the Department of Pesticide Regulation pursuant to section 8307 of this Chapter.
- (g) Mixed-light license types of all tiers and sizes shall ensure that lights used for cultivation are shielded from sunset to sunrise to avoid nighttime glare.

Authority: Sections 26012 and 26013, Business and Professions Code. Reference: Sections 26060, 26066, and 26201,

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#### § 8305. Renewable Energy Requirements.

Beginning January 1, 2023, all indoor, tier 2 mixed-light license types of all sizes, and nurseries using indoor or tier 2 mixed-light techniques, shall ensure that electrical power used for commercial cannabis activity meets the average electricity greenhouse gas emissions intensity required of their local utility provider pursuant to the California Renewables Portfolio Standard Program, Division 1, Chapter 2.3, Article 16 (commencing with Section 399.11) of Public Utilities Code. As evidence of meeting the standard, licensees shall comply with the following:

- (a) Beginning January 1, 2022, an application for renewal of a license shall include the following records, for each power source indicated on the application for licensure, for the previous annual licensed period:
- (1) Total electricity supplied by local utility provider, name of local utility provider, and greenhouse gas emission intensity per kilowatt hour reported by the utility under Section 398.4 (c) of Public Utilities Code for the most recent calendar year available at time of submission.
  - (2) Total electricity supplied by a zero net energy renewable source, as defined by Section 398.4 (h)(5) of Public Utilities Code, that is not part of a net metering or other utility benefit.
  - (3) Total electricity supplied from other unspecified sources, as defined in 398.2 (e) of Public Utilities Code, and other on-site sources of generation not reported to the local utility provider (e.g., generators, fuel cells) and the greenhouse gas emission intensity from these sources.
  - (4) Average weighted greenhouse gas emission intensity considering all electricity use in parts (1), (2), and (3).
- (b) Beginning January 1, 2023, if a licensee's average weighted greenhouse gas emission intensity as provided in subsection (a)(4) above is greater than the local utility provider's greenhouse gas emission intensity, the licensee shall provide evidence of carbon offsets or allowances from any of the following sources to cover the excess in carbon emissions from the previous annual licensed period:
- (1) Allowances purchased from California Cap and Trade Auctions; any currently acceptable vintages allowed, pursuant to Section 95910 of Title 17. Public Health Code.
  - (2) Offsets purchased from Offset Project Registry System used for the California Cap and Trade Program, pursuant to Section 95981 of Title 17. Public Health Code.
  - (3) Offsets purchased from California Air Pollution Control Officers Association California-based Greenhouse Gas Credit Exchange.
- (c) Beginning January 1, 2023, new licensees, without a record of weighted greenhouse gas emissions intensity from the previous calendar year, shall report the average weighted greenhouse gas emissions intensity, as provided in subsection (a)(4) above, used during their licensed period at the time of license renewal. If a licensee's average weighted greenhouse gas emissions intensity is greater than the local utility provider's greenhouse gas emissions intensity for the

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most recent calendar year, the licensee shall provide evidence of carbon offsets or allowances to cover the excess in carbon emissions from any of the sources provided in (b).

Authority: Sections 26012 and 26013, Business and Professions Code. Reference: Sections 26060, 26066, and 26201, Business and Professions Code.

### § 8306. Generator Requirements.

- (a) For the purposes of this section, generator is defined as a stationary or portable compression ignition engine pursuant to Title 17, Division 3, Chapter 1, Subchapter 7.5, Section 93115.4 of the California Code of Regulations.
- (b) Licensees using generators rated at fifty (50) horsepower and greater shall demonstrate compliance with Airborne Toxic Control Measures pursuant Title 17, Division 3, Chapter 1, Subchapter 7.5, Sections 93115 through 93116.5 of the California Code of Regulations. Compliance shall be demonstrated by providing a copy of one of the following to the department upon request:
- (1) A Portable Equipment Registration Certificate provided by the California Air Resources Board, or;
  - (2) A Permit to Operate obtained from the Local Air District with jurisdiction over the licensed premises.
- (c) Licensees using generators rated below fifty (50) horsepower shall comply with the following by 2023:
- (1) Designate the generator as emergency or low use as defined in Title 17, Division 3, Chapter 1, Subchapter 7.5, Sections 93116.2(a)(12) and 93116.2(a)(22) of the California Code of Regulations CCR, Title 17 or;
  - (2) Either (A) or (B);
    - (A) Meet Tier 3 with level 3 diesel particulate filter requirements pursuant to Title 13, Division 3, Chapter 9, Article 4, Section 2423 of the California Code of Regulations;
    - (B) Meet Tier 4 engine requirements pursuant to Title 13, Division 3, Chapter 14, Section 2702 of the California Code of Regulations.
- (d) All generators shall be equipped with nonresettable hour-meters.

Authority: Sections 26012 and 26013, Business and Professions Code. Reference: Sections 26060, 26066, and 26201, Business and Professions Code.

### § 8307. Pesticide Use Requirements.

- (a) Licensees shall comply with all pesticide laws and regulations as enforced by the Department of Pesticide Regulation.
- (b) For all pesticides that comply with subsection (a) above and are exempt from registration requirements, licensees shall comply with the following pesticide application and storage protocols:
- (1) Comply with all pesticide label directions;

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- (2) Store chemicals in a secure building or shed to prevent access by wildlife;
- (3) Contain any chemical leaks and immediately clean up any spills;
- (4) Apply the minimum amount of product necessary to control the target pest;
- (5) Prevent offsite drift;
- (6) Do not apply pesticides when pollinators are present;
- (7) Do not allow drift to flowering plants attractive to pollinators;
- (8) Do not spray directly to surface water or allow pesticide product to drift to surface water. Spray only when wind is blowing away from surface water bodies;
- (9) Do not apply pesticides when they may reach surface water or groundwater; and
- (10) Only use properly labeled pesticides. If no label is available consult the Department of Pesticide Regulation.

Authority: Sections 26012 and 26013, Business and Professions Code. Reference: Sections 26060, 26066, and 26201, Business and Professions Code.

### **Article 5. Records and Reporting**

#### **§ 8400. Record Retention.**

For the purposes of this Chapter, the term record includes all records, applications, reports or other supporting documents required by the department.

- (a) Each licensee shall keep and maintain the records listed in subsection (d) for at least seven (7) years from the date the document was created.
- (b) Records shall be kept in a manner that allows the records to be provided at the licensed premises or delivered to the department, upon request.
- (c) All records are subject to review by the department during standard business hours, or at any other reasonable time, or as otherwise mutually agreed to by the department and the licensee. For the purposes of this section, standard business hours are deemed to be 8:00am - 5:00pm (Pacific Standard Time). Prior notice by the department to review records is not required.
- (d) Each licensee shall maintain all of the following records on the licensed premises, including but not limited to:
  - (1) Department issued cultivation license(s);
  - (2) Cultivation plan;
  - (3) All records evidencing compliance with the environmental protection measures pursuant to sections 8304, 8305, 8306 and 8307 of this Chapter;
  - (4) All supporting documentation for data or information input into the track-and-trace system;
  - (5) All UIDs assigned to product in inventory and all unassigned UIDs. UIDs associated with product that has been

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- retired from the track-and-trace system must be retained for six (6) months after the date the tags were retired;
- (6) Financial records, including but not limited to, bank statements, tax records, sales invoices, and sales receipts;
  - (7) Personnel records, including each employee's full name, social security, or individual tax payer identification number, date of beginning employment, and date of termination of employment if applicable;
  - (8) Records related to employee training for the track-and-trace system or other requirements of this Chapter. Records shall include, but are not limited to, the date(s) training occurred, description of the training provided, and the names of the employees that received the training;
  - (9) Contracts with other state licensed cannabis businesses;
  - (10) Permits, licenses, and other local authorizations to conduct the licensee's commercial cannabis activity;
  - (11) Security records; and
  - (12) Records associated with composting or disposal of cannabis waste.
  - (13) Documentation associated with loss of access to the track-and-trace system prepared pursuant to section 8402 (d) of this Chapter.
- (e) All required records shall be prepared and retained in accordance with the following conditions:
- (1) Records shall be legible; and
  - (2) Records shall be stored in a secured area where the records are protected from debris, moisture, contamination, hazardous waste, fire and theft.

Authority: Sections 26012 and 26013, Business and Professions Code. Reference: Sections 26013, 26055, 26060, 26060.1, 26067, 26069, 26160, and 26161, Business and Professions Code.

### § 8401. Sales Invoice or Receipt Requirements.

The licensee shall prepare a sales invoice or receipt for every sale or transport of cannabis or nonmanufactured cannabis product to another licensee. Sales invoices and receipts may be retained electronically but must be readily accessible for examination by the department, other state licensing authorities, any state or local law enforcement authority, and the California Department of Tax and Fee Administration. Each sales invoice or receipt shall include all the following:

- (a) Name, business address, and department issued license number of the seller;
- (b) Name, business address, and department issued license number of the purchaser;
- (c) Date of sale or transfer (month, day and year). The date of any sale or transfer of cannabis and nonmanufactured cannabis products shall be the date of transfer to the licensee receiving it;
- (d) Invoice or receipt number;
- (e) Weight or quantity of cannabis and nonmanufactured cannabis products sold;
  - (1) Weight. For the purposes of this section a licensee must use wet weight or net weight. Wet weight and net weight



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shall be measured, recorded and reported in U.S. Customary units (e.g., ounce or pound); or International System units (e.g., kilograms, grams, or milligrams).

(2) Weighing Devices. A licensee shall follow weighing device requirements pursuant to section 8213 of this Chapter.

(3) Count. For the purposes of this section count means the numerical count of the individual plants or units.

(f) Cost to the purchaser, including any discount applied to the total price, shall be recorded on the invoice.

(g) Description for each item including strain or cultivar, and all of the applicable information below:

(1) Plant;

(2) Flower;

(3) Leaf;

(4) Shake;

(5) Kief; and

(6) Pre-rolls.

(h) Signature of the seller, or designated representative of the seller, acknowledging accuracy of the cannabis and nonmanufactured cannabis products being shipped.

(i) Signature of the purchaser, or designated representative of the purchaser, acknowledging receipt or rejection of the cannabis or nonmanufactured cannabis products.

Authority: Sections 26012 and 26013, Business and Professions Code. Reference: Section 26161, Business and Professions Code.

### § 8402. Track-and-Trace System.

Except as provided in section 8405 (e) of this Chapter, each licensee shall report in the department's track-and-trace system the disposition of immature and mature plants, nonmanufactured cannabis products on the licensed premises, any transfers associated with commercial cannabis activity between licensees, and any cannabis waste pursuant to this Chapter.

(a) The licensee is responsible for the accuracy and completeness of all data and information entered into the track-and-trace system. Data entered into the track-and-trace system is assumed to be accurate and can be used to take enforcement action against the licensee if not corrected.

(b) Each licensee shall use the track-and-trace system for recording all applicable commercial cannabis activities. Each licensee shall:

(1) Designate an owner or other party(ies) in the licensee's organization that can legally represent the licensee, to be the licensee's track-and-trace account manager(s);

(2) Require the track-and-trace account manager to complete track-and-trace system training as required by the department. If the designated account manager did not complete department required track-and-trace training

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prior to receiving their annual license, the account manager will be required to register for state mandated system training, as prescribed by the department, within five (5) business days of license issuance;

(3) Designate track-and-trace system users, as needed, and require the users to be trained by the licensee's track-and-trace account manager in the proper and lawful use of the track-and-trace system before the users are permitted to access the track-and-trace system;

(4) Require the track-and-trace account manager to maintain an accurate and complete list of all track-and-trace system account managers and users and update the list immediately when changes occur;

(5) Cancel any track-and-trace users from the licensee's track-and-trace system account if that individual is no longer a licensee representative; and

(6) Correct any data that is entered into the track-and-trace system in error within three (3) business days of discovery of the error.

(c) The licensee is responsible for all actions any licensee representatives take while logged into the track-and-trace system or otherwise conducting commercial cannabis activities.

(d) If a licensee loses access to the track-and-trace system for any reason, the licensee shall prepare and maintain comprehensive records detailing all required inventory tracking activities conducted during the loss of access.

(1) Once access to the track-and-trace system is restored all inventory tracking activities that occurred during the loss of access shall be entered into the track-and-trace system within three (3) business days.

(2) A licensee shall document the date and time when access to the track-and-trace system was lost and when it was restored and the cause for each loss of access.

(3) A licensee shall not transfer cannabis or nonmanufactured cannabis products to a distributor until such time as access to the system is restored and all information is recorded into the track-and-trace system.

Authority: Sections 26012 and 26013, Business and Professions Code. Reference: Sections 26160, 26067, 26069 and 26070, Business and Professions Code.

### § 8403. Track-and-Trace System Unique Identifiers (UID).

(a) Within five (5) business days of the date the licensee's designated account manager(s) was credentialed by the department to use the track-and-trace system, the licensee shall request UIDs using the track-and-trace system as prescribed by the department.

(1) The licensee shall only use UIDs provisioned and distributed by the department, or the department's designee.

(2) The licensee shall maintain a sufficient supply of UIDs in inventory to support tagging in accordance with this section.

(3) The licensee shall use the track-and-trace system to document receipt of provisioned and distributed UIDs within

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three (3) business days of physical receipt of the UIDs by the licensee.

(4) Except as provided in section 8407 of this Chapter, all cannabis shall be entered into the track-and-trace system by the licensee starting with seed, clone propagated onsite or purchased from a licensed nursery, or seedling purchased from a licensed nursery pursuant to this Chapter.

(b) The UID shall accompany the cannabis products through all phases of the growing cycle, as follows:

(1) Licensees with immature plants shall assign a UID to each established lot respectively. The lot UID shall be placed in a position so it is visible and within clear view of an individual standing next to the immature lot to which the UID was assigned, and all UIDs shall be kept free from dirt and debris. For the purposes of this subsection, each lot of immature plants shall not have more than one-hundred (100) immature plants, at any one time. All immature plants in a lot shall be labelled with the corresponding UID number assigned to the lot and shall be contiguous to one another in order to facilitate identification by the department.

(2) Immature plants transferred from a licensed nursery, via a distributor, to a licensed cultivator shall meet requirements of subsection (b)(1) above. Each immature plant intended for retail sale shall have a UID affixed, or be labeled with the corresponding UID number of the lot, and be recorded in the track-and-trace system prior to transfer from the licensed nursery.

(3) The licensee shall apply a UID to all individual plants at the time any plant is moved to the designated canopy area or when an individual plant begins flowering, as defined in Section 8000 (l).

(4) UIDs are required for each mature plant. UIDs shall be attached to the main stem, at the base of each plant. The UID shall be attached to the plant using a tamper evident strap or zip tie and placed in a position so it is visible and within clear view of an individual standing next to the mature plant to which the UID was assigned and UIDs shall be kept free from dirt and debris. Licensees are prohibited from removing the UID from the mature plant to which it was attached and assigned until the plant is harvested, destroyed or disposed.

(c) Each harvest batch shall be assigned a unique harvest batch name which will be associated with all UIDs for each individual plant, or portion thereof, contained in the harvest batch.

(d) UIDs are required for all cannabis and nonmanufactured cannabis products and shall be associated with the corresponding harvest batch name from which the cannabis and nonmanufactured cannabis products were derived.

(e) Upon destruction or disposal of any cannabis or nonmanufactured cannabis products, the applicable UIDs shall be retired in the track-and-trace system by the licensee within three (3) business days of the destruction or disposal and be performed in accordance with the licensee's approved cannabis waste management plan.

Authority: Sections 26012 and 26013, Business and Professions Code. Reference: Sections 26160, 26067, 26069 and 26070, Business and Professions Code.

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### § 8404. Track-and-Trace System User Requirements.

- (a) All track-and-trace account managers or users, as identified by the licensee pursuant to section 8402 of this Chapter, shall enter all commercial cannabis activities in the track-and-trace system.
- (b) Each track-and-trace account manager and user shall have a unique log-on, consisting of a username and password, which shall not be used by or shared with any other person.
- (c) No track-and-trace account manager, user, or other licensee representative shall intentionally misrepresent or falsify information entered into the track-and-trace system.
- (d) The account manager shall monitor all notifications from the track-and-trace system and resolve all issues included in the notification in the timeframe specified in the notification. An account manager shall not dismiss a notification from the track-and-trace system until the issue(s) included in the notification has been resolved.

Authority: Sections 26012 and 26013, Business and Professions Code. Reference: Sections 26012, 26067, and 26069, Business and Professions Code.

### § 8405. Track-and-Trace System Reporting Requirements.

- (a) Except as provided in section 8405 (e) below, the track-and-trace account manager or users shall report in the track-and-trace system any and all transfers of cannabis or nonmanufactured cannabis products to another licensed entity prior to the movement of the cannabis or nonmanufactured cannabis product off the licensed premises.
- (b) The track-and-trace account manager or users shall report in the track-and-trace system, any and all cannabis or nonmanufactured cannabis products physically received or rejected from another licensed within twenty-four (24) hours of receipt or rejection of the products.
- (c) The track-and-trace account manager or users shall report in the track-and-trace system any change in the disposition of cannabis plants, as applicable, on the licensed premises. All changes in disposition shall be made within three (3) business days of the change in disposition of the cannabis plants. Changes in disposition of cannabis plants include but are not limited to:
  - (1) Flowering;
  - (2) Destruction or disposal;
  - (3) Harvest;
  - (4) Processing;
  - (5) Storage; and
  - (6) Packaging.
- (d) The account manager or user shall be required to record information for each transfer of cannabis or nonmanufactured cannabis products to, or cannabis or nonmanufactured cannabis products received from, other licensed premises.

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Required information to be entered includes, but is not limited to:

- (1) Name, business address, and department issued license number of the seller;
- (2) Name, business address, and department issued license number of the purchaser;
- (3) Name and department issued license number of the distributor;
- (4) Date of sale, transfer or receipt (month, day and year). The date of any sale, transfer or receipt of cannabis or nonmanufactured cannabis products shall be the date of transfer to the licensee receiving it;
- (5) Weight or count of individual units of cannabis or nonmanufactured cannabis products sold, transferred or received;
  - (A) Weight. For the purposes of this section a licensee must use wet weight or net weight. Wet weight and net weight shall be measured, recorded and reported in U.S. Customary units (e.g., ounce or pound); or International System units (e.g., kilograms, grams, or milligrams).
  - (B) Weighing Devices. A licensee shall follow weighing device requirements pursuant to section 8213 of this Chapter.
  - (C) Count. For the purposes of this section count means the numerical count of the individual plants or units.
- (6) Estimated departure and arrival time;
- (7) Actual departure time;
- (8) Description for each item including strain or cultivar, and all of the applicable information below:
  - (A) Plant;
  - (B) Flower;
  - (C) Leaf;
  - (D) Shake;
  - (E) Kief; and
  - (F) Pre-rolls.
- (9) UID(s).
- (e) Temporary Licensees. A licensee operating under a temporary license, issued by the department pursuant to section 8100 of this Chapter, is not required to record commercial cannabis activity in the track-and-trace system as otherwise required by this Chapter. Temporary licensees shall record all commercial cannabis activity in accordance with section 8401 of this Chapter.
- (f) Annual licensees may continue to conduct commercial cannabis activities with temporary licensees pursuant to section 8401 of this Chapter.

Authority: Sections 26012 and 26013, Business and Professions Code. Reference: Sections 26067 and 26160, Business and Professions Code.

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### § 8406. Track-and-Trace System Inventory Requirements.

Licensees shall use the track-and-trace system for all inventory tracking activities at a licensed premises, including, but not limited to all the following:

- (a) Reconcile all on-premises and in-transit cannabis or nonmanufactured cannabis products inventories pursuant to the time frames defined by the department; and
- (b) Record the net weight of all harvested cannabis once the majority of drying, trimming and curing activities have been completed, or within sixty (60) calendar days from the initial harvest date, whichever is sooner.
- (c) Licensee's shall close-out their physical inventory of all cannabis and nonmanufactured cannabis products, and UIDs, if applicable prior to the effective date of any of the following changes to their license:
  - (1) Voluntary surrender of a temporary license or annual license.
  - (2) Expiration of an annual license.
  - (3) Revocation of a license.
- (d) Close-out of physical inventory includes, but is not limited to, all of the following items:
  - (1) Immature plants and their corresponding lot UID(s);
  - (2) Mature plants and their corresponding plant UID(s);
  - (3) Harvest batches and their corresponding UID(s);
  - (4) Nonmanufactured cannabis products and their corresponding UID(s); and
  - (5) UIDs in the licensee's possession which have not been assigned in the track-and-trace system.
- (e) All transfers and sales shall be documented pursuant to sections 8401 and 8405 of this Chapter.

Authority: Sections 26012 and 26013, Business and Professions Code. Reference: Section 26067, Business and Professions Code.

### § 8407. Track-and-Trace System Requirements for Product in Licensee Possession at the Time of Annual License Issuance.

- (a) Within thirty (30) business days of receipt of the UIDs ordered pursuant to section 8403 of this Chapter, the licensee shall enter into the track-and-trace system and assign and apply a UID to each existing immature plant lot, each individual mature plant, and all nonmanufactured cannabis products physically located on the licensed premises.
- (b) After the thirty (30) day time frame referenced in subsection (a) above expires, all cannabis at the licensed premises shall be entered into the track-and-trace system starting with seed, clone propagated onsite or purchased from a licensed nursery, or seedling purchased from a licensed nursery pursuant to this Chapter. This section shall remain in effect until July 1, 2019.

Authority: Sections 26012 and 26013, Business and Professions Code. Reference: Section 26067, Business and Professions Code.

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Code.

### § 8408. Inventory Audits.

The department may perform an audit of the physical inventory and inventory as reported in the track-and-trace system of any licensee at the department's discretion. Audits of the licensee shall be conducted during standard business hours or at other reasonable time, or as otherwise mutually agreed to by the department and the licensee. For the purposes of this section standard business hours are 8:00am – 5:00pm (Pacific Standard Time). Prior notice of audit is not required.

Authority: Sections 26012 and 26013, Business and Professions Code. Reference: Sections 26015 and 26067, Business and Professions Code.

### § 8409. Notification of Diversion, Theft, Loss, or Criminal Activity.

Licensees shall notify the department and law enforcement authorities, within three (3) business days of discovery of any diversion, theft, loss of, or criminal activity related to licensee's cannabis or nonmanufactured cannabis products.

Authority: Sections 26012 and 26013, Business and Professions Code. Reference: Sections 26013 and 26015, Business and Professions Code.

## **Article 6. Inspections, Investigations and Audits**

### § 8500. Inspections, Investigations and Audits Applicability.

All licensees and applicants shall be subject to inspection, investigation or audit of their licensed premises and records by the department to determine compliance with state laws and regulations.

Authority: Sections 26012 and 26013, Business and Professions Code. Reference: Sections 26013 and 26015, Business and Professions Code.

### § 8501. Inspections, Investigations and Audits.

The department shall conduct inspections, investigations and audits of licensees including but not limited to, a review of any books, records, accounts, inventory, or onsite operations specific to the license.

(a) The department may conduct an inspection, investigation or audit for any of the following purposes:

- (1) Prior to issuing a license to determine accuracy and completeness of the application;
- (2) Determine compliance with license requirements including, but not limited to, the cultivation plan;
- (3) Audit or inspect any records outlined in section 8400 of the Chapter;

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- (4) In response to a complaint(s) received by the department regarding the licensee;
  - (5) Inspect incoming or outgoing shipments of cannabis and nonmanufactured cannabis products; and
  - (6) As deemed necessary by the department.
- (b) All inspections, investigations and audits of the licensed premises shall be conducted during standard business hours or at other reasonable time, or as otherwise mutually agreed to by the department and the licensee. For the purposes of this section standard business hours are 8:00am – 5:00pm (Pacific Standard Time). Prior notice of inspection, investigation or audit is not required.
- (c) No applicant, licensee, its agent or employees shall interfere with, obstruct or impede the department’s inspection, investigation or audit. This includes, but is not limited to the following actions:
- (1) Denying the department access to the licensed premises;
  - (2) Providing false or misleading statements;
  - (3) Providing false, falsified, fraudulent or misleading documents and records; and
  - (4) Failing to provide records, reports, and other supporting documents.
- (d) Upon completion of an inspection, investigation or audit, the department shall notify the applicant or licensee of any violation(s) and/or action(s) the department is taking.

Authority: Sections 26012 and 26013, Business and Professions Code. Reference: Sections 26013, 26015, and 26160, Business and Professions Code.

### **Article 7. Enforcement**

#### **§ 8600. Enforcement Applicability.**

Notwithstanding any other provision of law the department may take a licensing or administrative action, at any time within five years after the department discovers, or with reasonable diligence should have discovered any violation of state law or local ordinances.

Authority: Sections 26012 and 26013, Business and Professions Code. Reference: Section 26031, Business and Professions Code.

#### **§ 8601. Administrative Actions.**

The department shall use the violation classes and applicable amounts as follows:

- (a) For the purpose of this section, violation classes are designated as “Minor,” “Moderate,” and “Serious”.
- (1) “Serious”. Violations which preclude or significantly interfere with enforcement, or those which cause significant false, misleading or deceptive business practices, potential for significant level of public or environmental harm, or



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for any violation which is a repeat of a Moderate violation that occurred within a two-year period and which resulted in an administrative civil penalty. All serious violations are subject to revocation

(2) "Moderate". Violations which undermine enforcement or those where it is likely there will be public or environmental harm; or for any violation which is a repeat of a Minor violation that occurred within a two-year period and which resulted in an administrative civil penalty.

(3) "Minor". Violations that are not likely to have an adverse effect on public safety or environmental health or first violation.

(b) Repeat violations may result in an escalation of violation class.

(c) Pursuant to Section 26038 (a) of the Business and Professions Code Section, a person(s) engaging in commercial cannabis activity without a license shall be subject civil penalties of up to three (3) times the amount of the license fee for each violation.

(d) Pursuant to Section 26160 (f) of the Business and Profession Code, a licensee, or an agent or employee of the licensee, fails to maintain or provide required records, the licensee shall be subject to a citation and a fine of up to thirty thousand dollars (\$30,000) per individual violation.

(e) Table A below shall be used to establish the initial level of severity of a particular violation and the corresponding penalty range for "Serious," "Moderate," and "Minor" violation classes.

<u>TABLE A:</u>		<u>Violation Type</u>		
		<u>Minor</u>	<u>Moderate</u>	<u>Serious</u>
<u>Authority</u>	<u>Description of Violation</u>	<u>Fine Range</u>	<u>Fine Range</u>	<u>Fine Range</u>
		<u>\$100 - \$500</u>	<u>\$501 - \$1,000</u>	<u>\$1,001 - \$5,000</u>
<u>BPC 26053 (a)</u>	<u>Licensee engaged in commercial cannabis activity with an unlicensed person.</u>	-	-	<u>X</u>
<u>BPC 26055 (b)</u>	<u>Licensee continued to operate after revocation of state license.</u>	-	-	<u>X</u>
<u>BPC 26060.1 (a)</u>	<u>Licensee used a water source that was not identified or unpermitted on their application.</u>	-	-	<u>X</u>
<u>BPC 26050.1 (a)</u>	<u>After January 1, 2018, licensee</u>	-	-	<u>X</u>

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<p><u>3 CCR, Section 8100 (b)</u></p>	<p><u>engaged in commercial cannabis activity prior to obtaining a temporary license.</u></p>			
<p><u>BPC 26031</u> <u>3 CCR 8108 (d)</u></p>	<p><u>Failure to dispose of cannabis waste in a secure waste receptacle or in a secured area on the licensed premises.</u></p>	=	<u>X</u>	=
<p><u>BPC 26031</u> <u>3 CCR 8108 (e)</u></p>	<p><u>Failure to dispose of cannabis waste as identified in the licensee's approved waste management plan.</u></p>	=	<u>X</u>	=
<p><u>BPC 26031</u> <u>3 CCR 8108 (e)</u></p>	<p><u>Failure to deposit cannabis waste at a manned fully permitted solid waste landfill or transformation facility; manned fully permitted composting facility or manned composting operation; manned fully permitted in-vessel digestion facility; manned fully permitted in-vessel digestion operation; or manned fully permitted chip and grind operation.</u></p>	=	<u>X</u>	=
<p><u>BPC 26031</u> <u>3 CCR 8108 (i)</u></p>	<p><u>Failure to use track-and-trace system and documentation required pursuant to sections 8404 and 8405 of this Chapter to ensure the cannabis waste materials are identified, weighed, and tracked while on the licensed premises and when disposed of pursuant to subsections (f), (g), and (h) of section 8108.</u></p>	=	<u>X</u>	=
<p><u>BPC 26031</u> <u>3 CCR 8108 (j)</u></p>	<p><u>Failure to maintain accurate and comprehensive records regarding cannabis waste material that account for, reconcile, and evidence all activity</u></p>	=	<u>X</u>	=

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	<u>related to the generation and disposal or disposition of cannabis waste.</u>			
<u>BPC 26031</u> <u>3 CCR 8201</u>	<u>Licensee total canopy size on licensed premises exceeded the total allowable canopy size for the license type.</u>	=	=	<u>X</u>
<u>BPC 26031</u> <u>3 CCR 8202 (b)</u>	<u>Failure to obtain a separate license for each premises where the licensee engaged in commercial cannabis cultivation.</u>	=	=	<u>X</u>
<u>BPC 26031</u> <u>3 CCR 8202 (c)</u>	<u>Licensee transferred or assigned their cultivation license to an other person, entity, or property.</u>	=	=	<u>X</u>
<u>BPC 26031</u> <u>3 CCR 8202 (d)</u>	<u>Licensee transferred cannabis and nonmanufactured cannabis products from their licensed premises to another licensee without using a licensed distributor.</u>	=	=	<u>X</u>
<u>BPC 26031</u> <u>3 CCR 8202 (e)</u>	<u>Failure to prominently display license on licensed premises where it can be viewed by state and local agencies.</u>	<u>X</u>	=	=
<u>BPC 26031</u> <u>3 CCR 8202 (f)</u>	<u>Licensee holding both an A and an M license on the same premises, failed to keep the respective inventory of cannabis products separate and distinct.</u>	<u>X</u>	=	=
<u>BPC 26031</u> <u>3 CCR 8202 (g)</u>	<u>Licensee sublet a portion of the licensed premises.</u>	<u>X</u>	=	=
<u>BPC 26031</u> <u>3 CCR 8204 (a)</u>	<u>Failure to notify the department in writing within ten (10) calendar days of any changes to any item listed in the application or any of the events pursuant to section 8204 (a)(1-5) of</u>	<u>X</u>	=	=

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	<u>this Chapter.</u>			
<u>BPC 26031</u> <u>3 CCR 8204 (b)</u>	<u>Failure to submit a new application for a change in business entity type.</u>	=	X	=
<u>BPC 26031</u> <u>3 CCR 8204 (c)(1)</u>	<u>Failure to notify the department in writing of a penalty or judgement of a criminal penalty or civil judgement rendered against the licensee within forty-eight (48) hours of receiving a penalty or judgement of a criminal penalty or civil judgement.</u>	X	=	=
<u>BPC 26031</u> <u>3 CCR 8204 (c)(2)</u>	<u>Failure to notify the department in writing of a revocation of a local license, permit, or other authorization within forty-eight (48) hours of the revocation.</u>	X	=	=
<u>BPC 26031</u> <u>3 CCR 8205 (a)</u>	<u>Licensee made physical modifications to the licensed premises that materially or substantially altered the licensed premises or use of the licensed premises from the premises diagram originally filed with the license application without receiving prior written approval from the department.</u>	=	X	=
<u>BPC 26031</u> <u>3 CCR 8205 (b)</u>	<u>Failure to file a request for approval of a premises modification with the department associated with a physical modification of the licensed premises.</u>	X	=	=
<u>BPC 26031</u> <u>3 CCR 8205 (c)</u>	<u>Failure to provide additional documentation requested by the department to evaluate the request for approval of a premises modification.</u>	X	=	=

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<p><u>BPC 26031</u> <u>3 CCR 8206 (a)</u></p>	<p><u>Failure to notify the department within ten (10) business days of the death, incapacity, receivership, assignment for the benefit of creditors of a licensee, or other event rendering a licensee incapable of performing the duties associated with the license.</u></p>	<p>=</p>	<p><u>X</u></p>	<p>=</p>
<p><u>BPC 26031</u> <u>3 CCR 8207 (h)(1)</u></p>	<p><u>Failure to move cannabis and nonmanufactured cannabis products to a secure location where access to the cannabis is restricted to the licensee, its employees, and contractors.</u></p>	<p><u>X</u></p>	<p>=</p>	<p>=</p>
<p><u>BPC 26031</u> <u>3 CCR 8207 (h)(2)</u></p>	<p><u>Failure to notify the department, in writing, within twenty-four (24) hours of moving cannabis and nonmanufactured cannabis products and requesting relief pursuant to section 8207 of this Chapter.</u></p>	<p><u>X</u></p>	<p>=</p>	<p>=</p>
<p><u>BPC 26031</u> <u>3 CCR 8207 (h)(3)</u></p>	<p><u>Failure to provide the department access to the location where cannabis and nonmanufactured cannabis products were moved pursuant to section 8207 of this Chapter.</u></p>	<p><u>X</u></p>	<p>=</p>	<p>=</p>
<p><u>BPC 26031</u> <u>3 CCR 8207 (h)(4)</u></p>	<p><u>Failure to submit, in writing, a request for temporary relief that clearly indicates the statutory and regulatory sections from which relief is being requested, the time period for which the relief is requested, and the reason relief is needed, within ten (10) days of moving cannabis and</u></p>	<p><u>X</u></p>	<p>=</p>	<p>=</p>

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	<u>nonmanufactured cannabis products pursuant to section 8207 for this Chapter.</u>			
<u>BPC 26031</u> <u>3 CCR 8208 (a)</u>	<u>Failure to notify the department when licensee surrenders, abandons, quits, or closes the premises for a period exceeding thirty (30) consecutive calendar days.</u>	X	=	=
<u>BPC 26031</u> <u>3 CCR 8208 (a)</u>	<u>Failure to notify the department within thirty (30) calendar days of quitting or abandoning the licensed premises.</u>	=	X	=
<u>BPC 26031</u> <u>3 CCR 8210</u>	<u>Failure to allow the bureau to collect samples for the bureau's own laboratory analysis from cannabis transferred to a licensed distributor.</u>	=	X	=
<u>BPC 26031</u> <u>3 CCR 8211</u>	<u>Licensee accepted returns of cannabis plants or nonmanufactured products transferred to another licensee after testing performed pursuant to Section 26110 of Business and Professions Code.</u>	X	=	=
<u>BPC 26031</u> <u>3 CCR 8212</u>	<u>Failure to comply with packaging requirements.</u>	X	=	=
<u>BPC 26031</u> <u>3 CCR 8212</u>	<u>Failure to comply with labeling requirements.</u>	X	=	=
<u>BPC 26031</u> <u>3 CCR 8213 (a)</u>	<u>Failure to use weighing devices licensed for commercial purposes approved, tested and sealed pursuant to Chapter 5 (commencing with Section 12500) of Division 5 of Business and Professions Code, and registered with the county sealer</u>	X	=	=

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	<u>pursuant to Chapter 2 (commencing with 12240) of Division 5 of Business and Professions Code.</u>			
<u>BPC 26031</u> <u>3 CCR 8213 (d)</u>	<u>Failure to become licensed as a weighmaster for bulk shipments of cannabis and nonmanufactured cannabis products.</u>	X	=	=
<u>BPC 26031</u> <u>3 CCR 8213 (d)</u>	<u>Failure to issue weighmaster certificate pursuant to Chapter 7 (commencing with Section 12700) of Division 5 of Business and Profession Code.</u>	X	=	=
<u>BPC 26031</u> <u>3 CCR 8214</u>	<u>After July 1, 2018, licensee conducted commercial cannabis activities with other licensees which did not have the same A or M designation of the licensee.</u>	X	=	=
<u>BPC 26031</u> <u>3 CCR 8300 (a)</u>	<u>Failure to move flowering cannabis plants, without delay, from the designated propagation area(s) to the designated canopy area(s) and report the movement and UID tagging in the track-and-trace system.</u>	=	=	X
<u>BPC 26031</u> <u>§ 3 CCR 8300 (b)</u>	<u>Failure to properly apply UIDs to cannabis plants used for seed production pursuant to section 8403 of this Chapter.</u>	X	=	=
<u>BPC 26031</u> <u>3 CCR 8300 (c)</u>	<u>Licensee propagating immature plants for distribution or seed for distribution without a nurse license.</u>	=	=	X
<u>BPC 26031</u> <u>3 CCR 8300 (d)</u>	<u>Licensee processed cannabis on the licensed premises in an area(s) not designated for processing as identified</u>	=	X	=

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	<u>on their approved cultivation plan.</u>			
<u>BPC 26031</u> <u>3 CCR 8300 (d)</u>	<u>Processing cannabis on licensee's premises without compliance to packaging or labeling requirements pursuant to section 8212 of this Chapter.</u>	=	X	=
<u>BPC 26031</u> <u>3 CCR 8301</u>	<u>Failure to properly apply UIDs to mature cannabis plants used for seed production pursuant to section 8403 of this Chapter.</u>	=	=	X
<u>BPC 26031</u> <u>3 CCR 8301</u>	<u>Licensee allowed nonmanufactured cannabis products to enter the commercial distribution chain other than seed.</u>	=	=	X
<u>BPC 26031</u> <u>3 CCR 8302</u>	<u>Licensee conducted research and development in areas that were not identified in their approved cultivation plan.</u>	=	=	X
<u>BPC 26031</u> <u>3 CCR 8302</u>	<u>Failure to properly tag with a UID, mature plants maintained in the area on the licensed premises designated for research and development.</u>	=	X	=
<u>BPC 26031</u> <u>3 CCR 8302</u>	<u>Licensee allowed cannabis and nonmanufactured cannabis products from the research and development area to enter the commercial distribution chain.</u>	=	=	X
<u>BPC 26031</u> <u>3 CCR 8303 (a)</u>	<u>Failure to adhere to track-and-trace requirements for aggregation of cannabis products pursuant to sections 8405 and 8406 of this Chapter.</u>	=	X	=
<u>BPC 26031</u>	<u>Failure to adhere to product packaging</u>	X	=	=



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<u>3 CCR 8303 (b)</u>	<u>and labeling requirements, pursuant to section 8212 of this Chapter, for nonmanufactured cannabis products.</u>			
<u>BPC 26031</u> <u>3 CCR 8303 (c)</u>	<u>Processor licensee cultivated cannabis plants on their licensed premises.</u>	=	=	<u>X</u>
<u>BPC 26031</u> <u>3 CCR 8304 (a-g)</u>	<u>Failure to comply with specified general environmental protection measures.</u>	=	=	<u>X</u>
<u>BPC 26031</u> <u>3 CCR 8305 (a-c)</u>	<u>Failure to comply with specified renewable energy requirements.</u>	=	=	<u>X</u>
<u>BPC 26031</u> <u>3 CCR 8306 (a-d)</u>	<u>Failure to comply with specified generator requirements.</u>	=	=	<u>X</u>
<u>BPC 26031</u> <u>3 CCR 8307 (a-b)</u>	<u>Failure to comply with specified pesticide use requirements.</u>	=	=	<u>X</u>
<u>BPC 26031</u> <u>3 CCR 8400 (a)</u>	<u>Failure to maintain all required records for a minimum of seven (7) years from the date they were created.</u>	=	=	<u>X</u>
<u>BPC 26031</u> <u>3 CCR 8400 (b)</u>	<u>Failure to provide or deliver required records, upon request.</u>	=	=	<u>X</u>
<u>BPC 26031</u> <u>3 CCR 8400 (d)</u>	<u>Failure to maintain all required records.</u>	=	=	<u>X</u>
<u>BPC 26031</u> <u>3 CCR 8400 (e)</u>	<u>Failure to maintain suitability of records for inspection by the department.</u>	<u>X</u>	=	=
<u>BPC 26031</u> <u>3 CCR 8401</u>	<u>Failure to prepare a sales invoice or receipt for every sale or transport of cannabis or nonmanufactured cannabis product to another licensee.</u>	=	<u>X</u>	=
<u>BPC 26031</u> <u>3 CCR 8402 (a)</u>	<u>Failure to accurately and completely enter data and information into the track-and-trace system.</u>	<u>X</u>	=	=

TEXT OF PROPOSED REGULATIONS

<p><u>BPC 26031</u> <u>3 CCR 8402 (b)(1)</u></p>	<p><u>Failure to designate an owner or other party that can legally represent the licensee as a track-and-trace account manager.</u></p>	<p>=</p>	<p><u>X</u></p>	<p>=</p>
<p><u>BPC 26031</u> <u>3 CCR 8402 (b)(2)</u></p>	<p><u>Failure to have licensee designated track-and-trace account manager(s) complete track-and-trace system training as required by the department.</u></p>	<p>=</p>	<p><u>X</u></p>	<p>=</p>
<p><u>BPC 26031</u> <u>3 CCR 8402 (b)(3)</u></p>	<p><u>Licensee track-and-trace system account manager failed to properly train all track-and-trace system users before the users were permitted to access the track-and-trace system.</u></p>	<p>=</p>	<p><u>X</u></p>	<p>=</p>
<p><u>BPC 26031</u> <u>3 CCR 8402 (b)(4)</u></p>	<p><u>Failure to maintain an accurate and complete list of all track-and-trace users and the account manager(s).</u></p>	<p>=</p>	<p><u>X</u></p>	<p>=</p>
<p><u>BPC 26031</u> <u>3 CCR 8402 (b)(5)</u></p>	<p><u>Failure to cancel a track-and-trace account manager or user account when that individual is no longer a representative of the licensee.</u></p>	<p>=</p>	<p><u>X</u></p>	<p>=</p>
<p><u>BPC 26031</u> <u>3 CCR 8402 (b)(6)</u></p>	<p><u>Failure to correct data entered into the track-and-trace system in error within three (3) business days of discovery of the error.</u></p>	<p>=</p>	<p><u>X</u></p>	<p>=</p>
<p><u>BPC 26031</u> <u>3 CCR 8402 (d)</u></p>	<p><u>Failure to prepare and maintain comprehensive records detailing all tracking inventory activities which occurred during a loss of access/connectivity to the track-and-trace system.</u></p>	<p>=</p>	<p><u>X</u></p>	<p>=</p>
<p><u>BPC 26031</u></p>	<p><u>Failure to enter all inventory tracking</u></p>	<p>=</p>	<p><u>X</u></p>	<p>=</p>

TEXT OF PROPOSED REGULATIONS

<u>3 CCR 8402 (d)(1)</u>	<u>activities that occurred during a loss of access to the track-and-trace system within three (3) business days if the loss of access.</u>			
<u>BPC 26031</u> <u>3 CCR 8402 (d)(2)</u>	<u>Failure to document the date and time when licensee lost access to the track-and-trace system, the cause of the loss, and when access was restored.</u>	=	X	=
<u>BPC 26031</u> <u>3 CCR 8402 (d)(3)</u>	<u>Licensee transferred cannabis or nonmanufactured products to a distributor without having access to the track-and-trace system.</u>	=	X	=
<u>BPC 26031</u> <u>3 CCR 8403 (a)</u>	<u>Failure to request UIDs as prescribed by the department.</u>	=	X	=
<u>BPC 26031</u> <u>3 CCR 8403 (a)(1)</u>	<u>Failure to use only UIDs provisioned and distributed by the department, or the department's designee.</u>	=	X	=
<u>BPC 26031</u> <u>3 CCR 8403 (a)(2)</u>	<u>Failure to maintain a sufficient supply of UIDs to support tagging requirements.</u>	=	X	=
<u>BPC 26031</u> <u>3 CCR 8403 (a)(3)</u>	<u>Failure to use track-and-trace system to document receipt of provisioned and distributed UIDs within three (3) business days of physical receipt of the UIDs by the licensee.</u>	=	X	=
<u>BPC 26031</u> <u>3 CCR 8403 (b)(1)</u>	<u>Failure to properly assign a UID to each lot of immature plants.</u>	=	X	=
<u>BPC 26031</u> <u>3 CCR 8403 (b)(1)</u>	<u>Licensee had more than one-hundred (100) immature plants in a lot.</u>	=	X	=
<u>BPC 26031</u> <u>3 CCR 8403 (b)(1)</u>	<u>Failure to keep immature plants contiguous to one another to facilitate identification of the immature lot by</u>	=	X	=

TEXT OF PROPOSED REGULATIONS

	<u>the department.</u>			
<u>BPC 26031</u> <u>3 CCR 8403 (b)(1)</u>	<u>Failure to label each plant in an immature lot with a label containing the UID number assigned to the immature lot by the licensee.</u>	=	<u>X</u>	=
<u>BPC 26031</u> <u>3 CCR 8403 (b)(2)</u>	<u>Licensee failed to properly apply UID to immature plants transported from a licensed nursery to a licensed cultivation site.</u>	=	<u>X</u>	=
<u>BPC 26031</u> <u>3 CCR 8403 (b)(2)</u>	<u>Licensee failed to properly apply UID to immature plants intended for retail sale.</u>	=	<u>X</u>	=
<u>BPC 26031</u> <u>3 CCR 8403 (b)(3)</u>	<u>Failure to apply UID to all individual plants at the time the plants were moved to the designated canopy area, identified in the licensee's approved cultivation plan or when individual plants began flowering, as defined in Section 8000 (l).</u>	=	<u>X</u>	=
<u>BPC 26031</u> <u>3 CCR 8403 (b)(3)</u>	<u>Licensee applied UID to an individual plant that was not associated with the UID from the lot of immature plants it was derived from.</u>	=	<u>X</u>	=
<u>BPC 26031</u> <u>3 CCR 8403 (b)(4)</u>	<u>Licensee failed to properly place and maintain the required UID on each mature plant.</u>	=	<u>X</u>	=
<u>BPC 26031</u> <u>3 CCR 8403 (b)(4)</u>	<u>Licensee removed UID from the mature plant to which it was attached and assigned prior to the plant being harvested, destroyed or disposed.</u>	=	<u>X</u>	=
<u>BPC 26031</u> <u>3 CCR 8403 (c)</u>	<u>Failure to assign a unique harvest batch name that is associated with all</u>	=	=	<u>X</u>

TEXT OF PROPOSED REGULATIONS

	<u>UIDs for each individual plant, or portion thereof, contained in the harvest batch.</u>			
<u>BPC 26031</u> <u>3 CCR 8403 (d)</u>	<u>Failure to assign a UID to cannabis and nonmanufactured cannabis products corresponding to the unique harvest batch name from which the cannabis and nonmanufactured cannabis products were derived.</u>	=	=	<u>X</u>
<u>BPC 26031</u> <u>3 CCR 8403 (e)</u>	<u>Failure to retire UIDs in the track-and-trace system associated with the destruction or disposal of cannabis or nonmanufactured cannabis products.</u>	=	=	<u>X</u>
<u>BPC 26031</u> <u>3 CCR 8404 (b)</u>	<u>Failure to obtain a unique track-and-trace system user log-on for each user entering information into the track-and-trace system.</u>	<u>X</u>	=	=
<u>BPC 26031</u> <u>3 CCR 8404 (b)</u>	<u>Licensee, designated account manager, or track-and-trace system user used or shared their unique log-in with another person.</u>	<u>X</u>	=	=
<u>BPC 26031</u> <u>3 CCR 8404 (c)</u>	<u>Misrepresented or falsified data and information entered into the track-and-trace system.</u>	=	=	<u>X</u>
<u>BPC 26031</u> <u>3 CCR 8404 (d)</u>	<u>Failure to monitor notifications and/or resolve issues included in the notification in the time frame specified in the notification.</u>	<u>X</u>	=	=
<u>BPC 26031</u> <u>3 CCR 8405 (a)</u>	<u>Failure to report through the track-and-trace system, any and all transfers of cannabis or nonmanufactured cannabis products to another licensed</u>	=	=	<u>X</u>

TEXT OF PROPOSED REGULATIONS

	<u>entity prior to movement of the cannabis or nonmanufactured cannabis products off the licensed premises.</u>			
<u>BPC 26031</u> <u>3 CCR 8405 (b)</u>	<u>Failure to report through the track-and-trace system, any and all receipt or rejection of cannabis or nonmanufactured cannabis products received or rejected by the licensee on their licensed premises from another licensee within twenty-four (24) hours of receipt or rejection of the products.</u>	=	=	X
<u>BPC 26031</u> <u>3 CCR 8405 (c)</u>	<u>Failure to report in the track-and-trace system any change in the disposition of cannabis plants on the licensed premises or transfer of any cannabis or nonmanufactured cannabis products to another licensed premises within three (3) business days of the change in disposition.</u>	=	X	=
<u>BPC 26031</u> <u>3 CCR 8405 (d) (1-9)</u>	<u>Licensee failed to record all required information for each transfer of cannabis or nonmanufactured cannabis products to, or cannabis or nonmanufactured cannabis products received from, other licensed premises.</u>	=	X	=
<u>BPC 26031</u> <u>3 CCR 8406 (a)</u>	<u>Failure to reconcile all on-premises and in-transit cannabis or nonmanufactured cannabis product inventories per the time frames defined by the department.</u>	=	X	=

TEXT OF PROPOSED REGULATIONS

<p><u>BPC 26031</u> <u>3 CCR 8406 (b)</u></p>	<p><u>Failure to record the dry weight of all harvested cannabis once all drying and curing activities have been completed, or within sixty (60) calendar days from the initial harvest date, whichever is sooner.</u></p>	<p>=</p>	<p><u>X</u></p>	<p>=</p>
<p><u>BPC 26031</u> <u>3 CCR 8406 (c) and (d)</u></p>	<p><u>Failure to close-out physical inventory of all cannabis, nonmanufactured cannabis products, and UIDs in the track-and-trace system.</u></p>	<p>=</p>	<p><u>X</u></p>	<p>=</p>
<p><u>BPC 26031</u> <u>3 CCR 8406 (e)</u></p>	<p><u>Failure to record all transfers and sales pursuant to section 8401 and 8405 of this Chapter.</u></p>	<p>=</p>	<p><u>X</u></p>	<p>=</p>
<p><u>BPC 26031</u> <u>3 CCR 8407 (a)</u></p>	<p><u>Failure to timely and properly assign and apply UIDs to each existing immature lot, individual mature plant, and nonmanufactured cannabis product physically located on the licensed premises on the date of license issuance. (This section shall remain in effect until July 1, 2019.)</u></p>	<p>=</p>	<p>=</p>	<p><u>X</u></p>
<p><u>BPC 26031</u> <u>3 CCR 8407 (b)</u></p>	<p><u>Failure to timely and properly enter in the track-and-trace system the information associated with each existing immature lot, individual mature plant, and nonmanufactured cannabis product physically located on the licensed premises on the date of license issuance. (This section shall remain in effect until July 1, 2019.)</u></p>	<p>=</p>	<p>=</p>	<p><u>X</u></p>
<p><u>BPC 26031</u> <u>3 CCR 8409</u></p>	<p><u>Failure to notify the department and law enforcement authorities within</u></p>	<p>=</p>	<p>=</p>	<p><u>X</u></p>

TEXT OF PROPOSED REGULATIONS

	<u>three (3) business days of discovery of any diversion, theft, loss of, or criminal activity related to licensee’s cannabis or nonmanufactured cannabis products.</u>			
<u>BPC 26031</u> <u>3 CCR 8501 (c)(1)</u>	<u>Applicant, licensee, its agent or employees denied the department access to the licensed premises.</u>	=	=	<u>X</u>
<u>BPC 26031</u> <u>CCR 8501 (c)(2)</u>	<u>Licensee provided false or misleading statements.</u>	=	=	<u>X</u>
<u>BPC 26031</u> <u>3 CCR 8501 (c)(3)</u>	<u>Licensee provided false, falsified or misleading documents and records.</u>	=	=	<u>X</u>
<u>BPC 26031</u> <u>3 CCR 8501 (c)(4)</u>	<u>Failure to provide records, reports, and other supporting documents.</u>	=	=	<u>X</u>
<u>BPC 26031</u> <u>3 CCR 8603 (c)</u>	<u>Failure to physically segregate all designated cannabis or nonmanufactured cannabis products subject to hold within twenty-four (24) hours of receipt of the notice of administrative hold.</u>	=	=	<u>X</u>
<u>BPC 26031</u> <u>3 CCR 8603 (d)</u>	<u>Licensee sold, donated, transferred, transported, or destroyed cannabis or nonmanufactured cannabis products subject to hold.</u>	=	=	<u>X</u>
<u>BPC 26031</u> <u>3 CCR 8603 (e)</u>	<u>Failure to put all cannabis and nonmanufactured cannabis products on hold into separate batches.</u>	=	=	<u>X</u>
<u>BPC 26031</u> <u>3 CCR 8603 (f)</u>	<u>Failure to identify in the track-and-trace system cannabis or nonmanufactured cannabis products subject to an administrative hold which were voluntarily surrendered by</u>	=	=	<u>X</u>



TEXT OF PROPOSED REGULATIONS

	<u>the licensee.</u>			
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Authority: Sections 26012, 26013 and 26031, Business and Professions Code. Reference: Section 26031, Business and Professions Code.

§ 8602. Notice of Violation.

- (a) The department shall issue a Notice of Violation to a license that is in violation of the applicable statutes and regulations. A Notice of Violation shall be served upon the licensee and legal owner of the property. The Notice of Violation shall contain all of the following:
- (1) A brief statement of the violation(s) alleged;
  - (2) The proposed penalty;
  - (3) A statement of whether the violation is correctable, and a timeframe in which the violation shall be corrected; and
  - (4) Notice of an administrative hold of property, if applicable.
- (b) The right to a hearing will be deemed waived if respondent fails to respond in writing within thirty (30) calendar days from the date the Notice of Violation was received.

Authority: Sections 26012, 26013 and 26031, Business and Professions Code. Reference: Section 26031, Business and Professions Code.

§ 8603. Administrative Hold Procedure.

To prevent destruction of evidence, illegal diversion of cannabis or nonmanufactured cannabis products, or to address potential threats to the environment or public safety, while allowing a licensee to retain its inventory pending further inspection, or enforcement action, the department may order an administrative hold of cannabis or nonmanufactured cannabis products pursuant to the following procedure:

- (a) The notice of administrative hold shall provide a documented description of the cannabis or nonmanufactured cannabis products to be subject to the administrative hold and a concise statement, regarding the basis for issuing the administrative hold.
- (b) Following the issuance of a notice of administrative hold to the licensee, the department shall identify the cannabis or nonmanufactured cannabis products subject to the administrative hold in the track-and-trace system.

## TEXT OF PROPOSED REGULATIONS

- (c) Within twenty-four (24) hours of receipt of the notice of administrative hold, the licensee shall physically segregate all designated cannabis or nonmanufactured cannabis products subject to the hold and shall safeguard and preserve the subject property as noticed.
- (d) While the administrative hold is in effect, the licensee is restricted from selling, donating, transferring, transporting, gifting, giving away or destroying the subject property noticed.
- (e) Nothing herein shall prevent a licensee from the continued possession, cultivation, or harvesting of the cannabis subject to the administrative hold. During the hold period, all cannabis or nonmanufactured cannabis products subject to an administrative hold shall be put into separate batches.
- (f) Nothing herein shall prevent a licensee from voluntarily surrendering cannabis or nonmanufactured cannabis products that are subject to an administrative hold. The licensee shall identify the cannabis or nonmanufactured cannabis products being voluntarily surrendered in the track-and-trace system. Voluntary surrender does not waive the right to a hearing and any associated rights.
- (g) The licensee shall have the right to appeal an administrative hold ordered by the department pursuant to section 8604 of this Chapter, except the department shall schedule an informal hearing within ten (10) calendar days from receipt of the request for an informal hearing and issue the written decision within five (5) calendar days after the conclusion of the hearing.

Authority: Sections 26012, 26013 and 26031, Business and Professions Code. Reference: Section 26031, Business and Professions Code.

### § 8604. Informal Administrative Hearings.

- (a) The respondent may appeal a Notice of Violation or an administrative hold and request an informal hearing by written correspondence to the California Department of Food and Agriculture, Legal Office of Hearings and Appeals, 1220 "N" Street, Suite 400, Sacramento, California 95814 or via email to [CDFA.LegalOffice@cdfa.ca.gov](mailto:CDFA.LegalOffice@cdfa.ca.gov). The request shall be received within thirty (30) calendar days from the date the Notice of Violation was received. The request shall include the following:

  - (1) The respondent's name, mailing address, and daytime phone number;
  - (2) If applicable, the license number issued by the department;
  - (3) Copy of the Notice of Violation; and
  - (4) A clear and concise statement for the basis of the appeal or counts within the Notice of Violation.
- (b) Failure to submit a written request constitutes a waiver of the respondent's right to contest the Notice of Violation. Untimely requests for an informal hearing will not be considered.
- (c) If the Notice of Violation places an administrative hold on cannabis or nonmanufactured cannabis products, the hold

## TEXT OF PROPOSED REGULATIONS

shall remain in effect pending the outcome of the informal hearing.

Authority: Sections 26012, 26013 and 26031, Business and Professions Code. Reference: Section 26031, Business and Professions Code.

### § 8605. Informal Hearing Schedule and Notification.

- (a) The department shall schedule an informal hearing within forty-five (45) calendar days from receipt of the request for an informal hearing.
- (b) The department shall provide a notice of the informal hearing to the respondent containing the following information:
- (1) Date, location, and time of the informal hearing;
  - (2) Summary of the violations;
  - (3) Any other information or documentation necessary for the hearing; and
  - (4) Standard of Proof.

Authority: Sections 26012, 26013 and 26031, Business and Professions Code. Reference: Section 26031, Business and Professions Code.

### § 8606. Conduct of Informal Hearings.

Informal hearings shall be conducted as follows:

- (a) The standard of proof to be applied by the hearing officer shall be a preponderance of the evidence;
- (b) Hearings may be conducted by phone at the request of the respondent;
- (c) The decision of the hearing officer shall be in writing and shall include a statement of the factual legal basis of the decision;
- (d) The written decision shall be issued within thirty (30) calendar days after the conclusion of the hearing and may be issued orally at the conclusion of the hearing subject to written confirmation;
- (e) The decision shall be served on the respondent either by personal service, mail, email or via facsimile per respondent's request/direction; and
- (f) The respondent may appeal the hearing officer's decision by filing a petition for a writ of administrative mandamus in accordance with the provisions of the Section 1094.5 of Code of Civil Procedure.

Authority: Sections 26012, 26013 and 26031, Business and Professions Code. Reference: Section 26031, Business and Professions Code.

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### § 8607. Licensing Actions.

- (a) The department may take a licensing action for any violation of this Chapter.
- (b) If the licensee holds multiple cultivation licenses, the department may take any one of, or combination of, the following actions on all the licensee's cultivation licenses:
- (1) Revocation of the license;
  - (2) Suspension of the license for a specified period of time;
  - (3) Issuance of a probationary license with terms and conditions determined by the department; and
  - (4) Order an administrative hold of cannabis or nonmanufactured cannabis products.

Authority: Sections 26012, 26013 and 26031, Business and Professions Code. Reference: Section 26031, Business and Professions Code.

### § 8608. Formal Administrative Hearings.

- (a) Notice shall be given to the applicant or licensee of the department's intent to hold adjudication proceedings to consider the following disciplinary actions:
- (1) Denial of an application for a license;
  - (2) Denial of a license renewal;
  - (3) Revocation of a license; and
  - (4) Suspension of a license for a specified period of time.
- (b) Hearings concerning proceedings in subsection (a) above shall be held pursuant to Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

Authority: Sections 26012, 26013 and 26031, Business and Professions Code. Reference: Section 26031, Business and Professions Code.

M. Vann #34 BOS 12/12/2017

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- 1 Business Information
- 2 Ownership and Contacts
- 3 Documentation Required
- 4 Licensing Fee
- 5 Review
- 6
- 7

\*indicates a required field.

### Required Documents

Listed below is all required uploads that must be completed before submitting your application. To fill out the premises diagram and financial form, [click here](#). The financial form is not required for the temporary license application.

The maximum file size for each individual upload is 16 MB.

**The attachment(s) has/have been successfully uploaded.**  
It may take a few minutes before changes are reflected.

\* Required Documents

1. Documentation of Local Authorization		Add
2. Evidence of Legal Right to Occupy the Proposed Location	Scan_0002.pdf	Add
3. Premises Diagram	Scan_0003.pdf	Add

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### Resources

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- > [Department of Consumer Affairs](#)
- > [California Department of Food and Agriculture](#)
- > [California Department of Public Health](#)

### Contact

- > Email: [bcc@dca.ca.gov](mailto:bcc@dca.ca.gov)
- > Phone: (800) 952-5210
- > Address: Bureau of Cannabis Control  
P.O. Box 138200  
Sacramento, CA 95813-8200