

Frequently Asked Questions About Provisional Cannabis Cultivation Licenses

What is a provisional cannabis cultivation license?

On September 27, 2018, California Governor Jerry Brown signed [Senate Bill 1459](#), which allows the [California Department of Food and Agriculture \(CDFA\)](#) to create a new “provisional” cannabis cultivation license as a bridge between temporary and annual cultivation licenses, effective immediately. A provisional license acts in the same manner as an annual license, except it is not renewable, as required in Business and Professions Code section 26050.5 of the Medicinal and Adult-Use Cannabis Regulation and Safety Act ([Bus. & Prof. Code, § 26050.2 et seq.](#)).

CDFA’s authority to issue the provisional licenses remains in effect until January 1, 2020.

Is there an application for a provisional cannabis cultivation license?

No. Applicants must complete an [annual cannabis cultivation license application](#), and then CDFA staff will determine whether the applicant qualifies for either an annual or a provisional license.

How do I qualify for a provisional cannabis cultivation license?

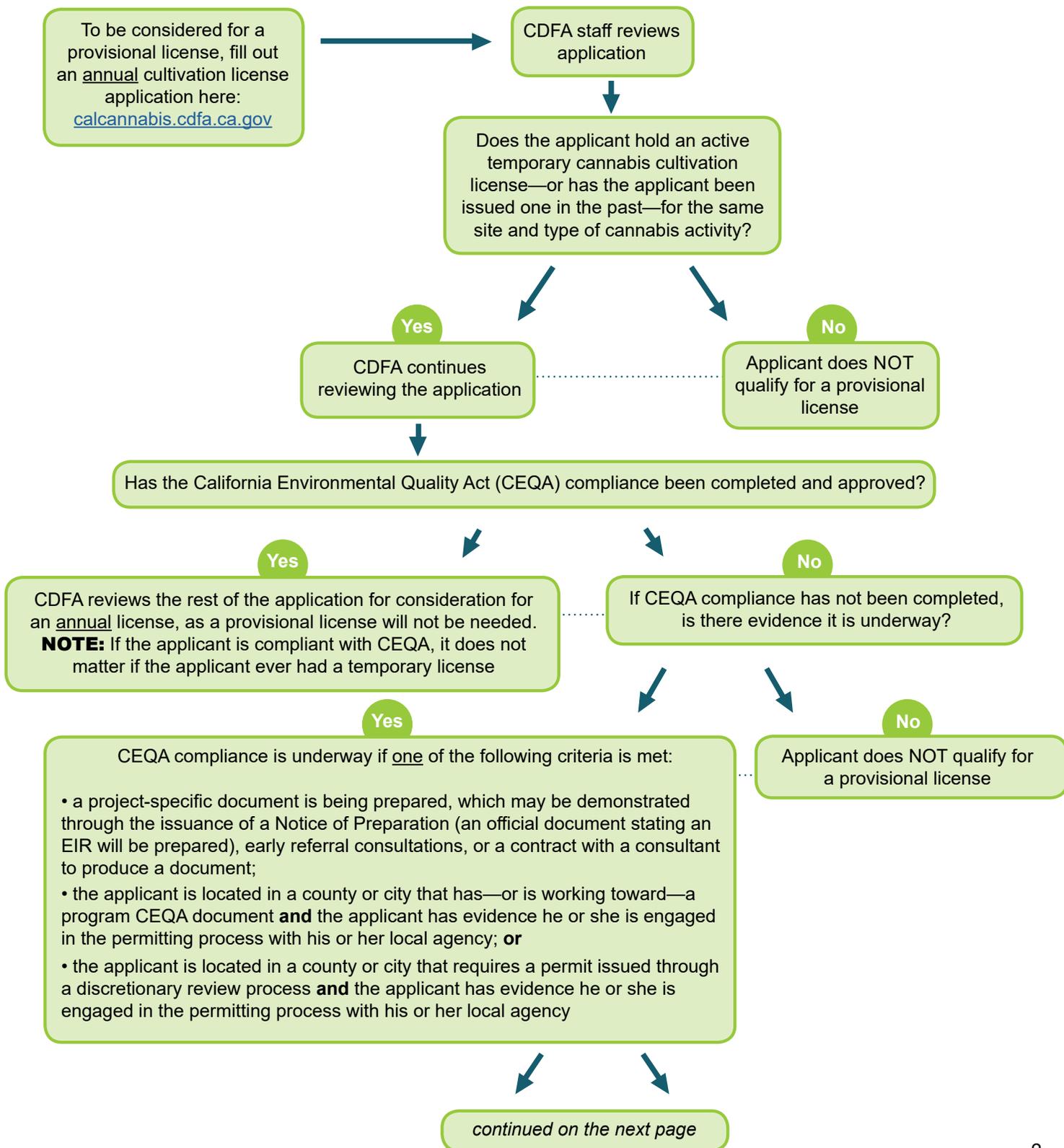
To qualify for a provisional commercial cannabis cultivation license, the applicant must satisfy the following requirements:

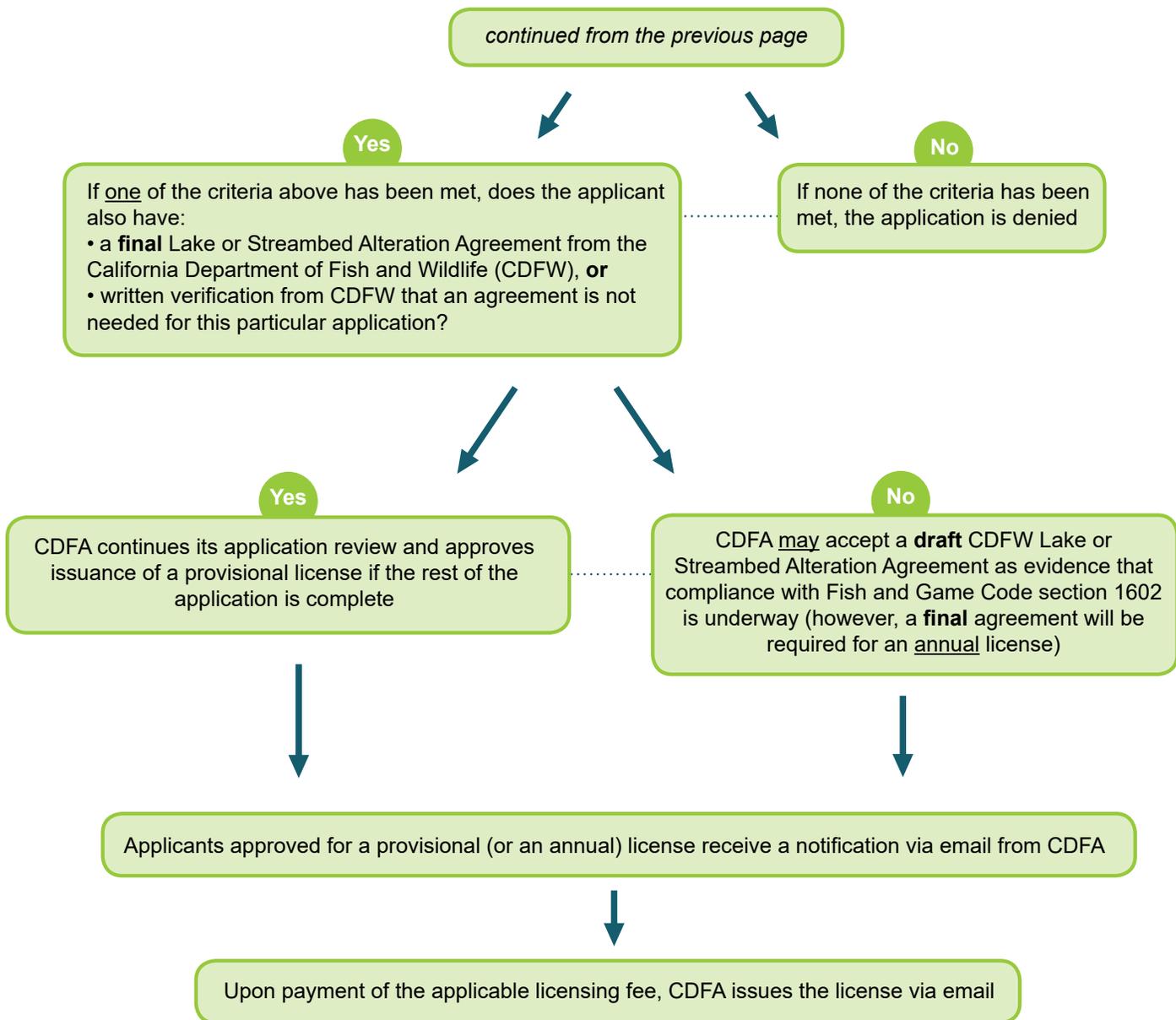
1. Hold—or have held—a temporary cannabis cultivation license for the same premises and the same commercial cannabis activity for which the provisional license will be issued;
2. Pay the application fee for the associated license type; and
3. Submit a completed state [annual cultivation license application](#) (all applicable requirements pursuant to [California Code of Regulations section 8102 still apply](#)), including evidence that compliance with the [California Environmental Quality Act \(CEQA\)](#) is underway.

After the annual cannabis cultivation license application has been submitted—and if there is no basis for denial—CDFA will determine whether the applicant will receive a provisional license or an annual license. This determination will be based on the evidence of exemption from, or compliance with, CEQA, as provided by the applicant in the application. If the applicant can provide evidence that CEQA compliance is underway, then CDFA may issue a provisional license. (CDFA’s refusal to issue a provisional license does not entitle the applicant to appeal the decision.)

How does CDFA assess whether a provisional cannabis cultivation license may be issued?

Here is a step-by-step guide to qualifying for a provisional cannabis cultivation license:





What happens once a provisional cannabis cultivation license has been issued?

A provisional license is valid for 12 months from the date issued and shall not be renewed, and revocation or suspension of a provisional cannabis cultivation license does not entitle a provisional licensee to appeal the decision.

Once the provisional license has been issued, the licensee must comply with all licensing requirements, including the following:

- pay all applicable application and license fees
- adhere to all [California Cannabis Track-and-Trace system](#) requirements, pursuant to

Article 5 of the California Code of Regulations, title 3, division 8, chapter 1 (commencing with section 8400)

- submit an annual cannabis cultivation application—and receive approval for an annual license—prior to the expiration of the provisional license, if the licensee wants to continue to operate after the provisional license has expired

Is information from the temporary cannabis cultivation license needed for the annual license application?

Yes. To transition from a temporary license to a provisional license, the annual license application must be for the exact same site and activity (for example, any flowering type to any flowering type, nursery to nursery, processor to processor).

CDFA will verify that this information is included and accurate on the annual application; for example, CDFA might compare the Assessor Parcel Numbers (APNs), which are unique numbers assigned to each parcel of land by a county tax assessor, or, if the application is in an area where APNs have been changing due to county activity, CDFA might match latitude and longitude coordinates for the parcel.

Do I have to have a temporary license to apply for an annual (not a provisional) cannabis cultivation license?

No. While you need to have—or have had at one time—a temporary license to qualify for a provisional license, you can apply for an annual license regardless of whether you have ever had a temporary license.

Who can I call or write to if I have more questions?

For additional details about temporary, provisional, and annual commercial cannabis cultivation licenses, please contact CDFA's CalCannabis Cultivation Licensing Division by calling toll-free 1-833-CALGROW (1-833-225-4769) or sending an email to: calcannabis@cdfa.ca.gov. Also visit the CalCannabis website for step-by-step guides and videos on the state's cultivation licensing application process, including information on the California Cannabis Track-and-Trace system: calcannabis.cdfa.ca.gov.