



FACT SHEET

Highlights of the New California Cannabis Cultivation Regulations

The Regulations Went Into Effect on January 16, 2019

The California Department of Food and Agriculture (CDFA) adopted final regulations for state cannabis cultivation licensing on January 16, 2019, and these regulations went into effect immediately. Outlined below are some of the key regulatory changes, although this is not an all-inclusive list; to review all the final regulations, please visit CDFA's CalCannabis Cultivation Licensing website at calcannabis.cdfa.ca.gov. The references below refer to the final regulations in Title 3 of the California Code of Regulations.

DEFINITIONS

- Modifies the terms “immature plant” or “immature” to include specific measurements for leaves or roots of plants to facilitate clear and consistent tagging/labeling requirements for seed and/or vegetatively propagated plants. *Section 8000(m)*
- Clarifies “mixed-light cultivation” by specifying different lighting combinations, including light deprivation, that a cultivator may use to achieve more than one harvest without being considered an indoor cultivator. *Section 8000(t)*
- Clarifies that “outdoor cultivation” prohibits the use of light deprivation in the canopy area. *Section 8000(x)*
- Clarifies “nonmanufactured cannabis product” by explaining how kief is aggregated. *Section 8000(v)*
- Modifies “pre-roll” to specify its contents as a nonmanufactured cannabis product. *Section 8000(aa)*

APPLICATIONS

- Clarifies that CDFA shall not issue any temporary licenses or extensions of temporary licenses after December 31, 2018. Temporary licenses with an expiration date after December 31, 2018, will be valid until expiration, but will not be extended beyond the expiration date. *Section 8100(e)*
- Clarifies what is acceptable evidence of exemption from, or compliance with, the California Environmental Quality Act (CEQA), which is required for annual license applications. *Section 8102(r)*
- Requires that an applicant with more than one employee will employ one supervisor and one employee who have completed successfully an appropriate Cal-OSHA 30-hour general-industry outreach course within one year of receiving a license. *Section 8102(bb)*

- Requires water sources to be identified and labeled for beneficial-use type on property diagrams. *Section 8105(d)*
- Requires a cultivation plan to have a designated area(s) to physically segregate cannabis, or nonmanufactured cannabis products, subject to an administrative hold.
Section 8106(a)(1)(I)
- Clarifies shareable and non-shareable areas between licenses held by one licensee.
Section 8106(a)(1)(J)
- Clarifies shareable common-use areas between multiple licensees. *Section 8106(a)(1)(K)*
- Requires a pest-management plan to include a signed attestation that the applicant shall contact the appropriate County Agricultural Commissioner prior to using the pesticides listed in the pest-management plan. *Sections 8106(a)(3)(C) and 8106(b)(3)(C)*
- Clarifies the required supplemental water-source information. *Section 8107*
- Adds two additional options for cannabis waste-management plans: (1) deliver to recycling centers that meet specified requirements, and (2) reintroduce cannabis waste into the agricultural operation. *Section 8108*
- Requires the applicant to designate an owner to be the licensee’s California Cannabis Track-and-Trace (CCTT) system account manager, and to register for CCTT system training within 10 business days of receiving a CDFA notice stating his or her application is complete. Completion of the CCTT training is required to access the CCTT system.
Section 8109

CULTIVATION LICENSE FEES AND REQUIREMENTS

- Clarifies the timeframes for applying for a license renewal. If applicable, the licensee may request a license-designation change from an A-License to an M-License, or an M-License to an A-License. *Section 8203*
- Clarifies the meaning of “disaster” for the purposes of disaster relief. *Section 8207(f)*
- Requires child-resistant packaging as of January 1, 2020. *Section 8212(a)(4)*

CULTIVATION-SITE REQUIREMENTS

- Modifies the types of carbon-offset sources available to the licensee to cover excess emissions from the previous annual-license period. *Section 8305(a)*
- Clarifies generator requirements and adds a requirement for an after-market non-resettable hour-meter if the generator is not equipped with one. *Section 8306*

CALIFORNIA CANNABIS TRACK-AND-TRACE (CCTT) SYSTEM

- Clarifies that immature plants in a “lot” shall be uniform in strain. *Section 8403(b)(1)*

- Clarifies which activities are required to be entered into the CCTT system, including the planting of immature lots, tagging of immature plants, and specified harvest information. *Section 8405(c)*
- Requires that any commercial cannabis activity conducted between a temporary licensee and an annual licensee shall be input into the CCTT system by the annual licensee. *Section 8405(f)*

ENFORCEMENT

- Clarifies that for other state law violations, including state labor laws and related regulations, CDFA will use the violation categories of Serious, Moderate, and Minor. *Section 8601(c)*
- Adds circumstances and notice and hearing procedures that require CDFA to issue an emergency decision and order a temporary suspension or an administrative hold to prevent or avoid immediate danger to public health, safety, or welfare. *Section 8604*
- Clarifies that an informal-hearing notice will provide specific information to a respondent, including that he or she may be represented by legal counsel at any or all stages of the proceedings. *Section 8606(b)(2)*
- Clarifies that a respondent may appeal a CDFA informal-hearing decision with the Cannabis Control Appeals Panel. *Section 8607(f)*