



FREQUENTLY ASKED QUESTIONS

Q: *What types of medical cannabis licenses will the Department of Food and Agriculture issue?*

A: The Department of Food and Agriculture (Department) is authorized to issue ten license types for medical cannabis cultivation:

- 1 Type 1, or “specialty outdoor,” for outdoor cultivation using no artificial lighting of less than or equal to 5,000 square feet of total canopy size on one premises, or up to 50 mature plants on noncontiguous plots.
- 2 Type 1A, or “specialty indoor,” for indoor cultivation using exclusively artificial lighting of less than or equal to 5,000 square feet of total canopy size on one premises.
- 3 Type 1B, or “specialty mixed-light,” for cultivation using a combination of natural and supplemental artificial lighting at a maximum threshold to be determined by the Department, of less than or equal to 5,000 square feet of total canopy size on one premises.
- 4 Type 2, or “small outdoor,” for outdoor cultivation using no artificial lighting between 5,001 and 10,000 square feet, inclusive, of total canopy size on one premises.
- 5 Type 2A, or “small indoor,” for indoor cultivation using exclusively artificial lighting between 5,001 and 10,000 square feet, inclusive, of total canopy size on one premises.
- 6 Type 2B, or “small mixed-light,” for cultivation using a combination of natural and supplemental artificial lighting at a maximum threshold to be determined by the Department, between 5,001 and 10,000 square feet, inclusive, of total canopy size on one premises.
- 7 Type 3, or “outdoor,” for outdoor cultivation using no artificial lighting from 10,001 square feet to one acre, inclusive, of total canopy size on one premises. The Department shall limit the number of licenses allowed of this type.
- 8 Type 3A, or “indoor,” for indoor cultivation using exclusively artificial lighting between 10,001 and 22,000 square feet, inclusive, of total canopy size on one premises. The Department shall limit the number of licenses allowed of this type.
- 9 Type 3B, or “mixed-light,” for cultivation using a combination of natural and supplemental artificial lighting at a maximum threshold to be determined by the Department, between 10,001 and 22,000 square feet, inclusive, of total canopy size on one premises. The Department shall limit the number of licenses allowed of this type.
- 10 Type 4, or “nursery,” for cultivation of medical cannabis solely as a nursery. Type 4 licensees may transport live plants.

Q: *How do I apply for a medical cannabis cultivation license?*

A: The Department is not issuing licenses at this time. The Department recommends interested parties continue to work with their city and/or county government to obtain the local licenses and permits required to apply for a State cultivation license.

While CDFA is in the process of developing the regulations that will define the State licensing process, applicants may consider reviewing the licensing requirements outlined in the bills that created the Medical Cannabis Safety and Regulations Act (MCSRA): AB 243, AB 266, SB 643.

Examples of requirements under MCSRA include submission of fingerprint images to the Department of Justice, evidence of the legal right to occupy and use the proposed location as a cultivation site, submission of a detailed description of business operating procedures, and obtaining and maintaining a valid seller's permit.

More detailed information on the proposed regulations will be available for public review and comment in the coming months.

Q: *When can I apply for State medical cannabis cultivation licenses?*

A: CDFA is in the process of developing the regulations that will detail the application and licensing process. The Department expects to meet the January 1, 2018 program implementation date.

Q: *How will the Department develop regulations?*

A: The Department is required to follow the statutory requirements found in the *California Administrative Procedures Act*. The Department will communicate with stakeholders, members of the public, and licensing authorities as part of developing the standards and regulations necessary to successfully implement a statewide medical cannabis cultivation regulatory structure in California. Proposed regulations will be available for public review and comment in the coming months.

Q: *How can I receive updates regarding regulation development?*

A: The Department will post information online at: <https://www.cdfa.ca.gov/is/mccp/>. Opportunities for stakeholders and public input will be communicated well in advance of comment deadlines. Interested parties may also sign up to receive automatic email updates at: <https://www.cdfa.ca.gov/subscriptions/index.html>

Q: *Where can I get a copy of the new law, as amended ?*

A: The links below provide access the full text of the three bills that created the new MCRSA: **AB 243, AB 266, SB 643**

Q: *What Department do I contact to learn about additional license types?*

A: The Bureau of Medical Cannabis Regulations under the Department of Consumer Affairs will issue licenses for distributors, dispensaries, transporters, and testing laboratories.

Website: <http://bmmr.dca.ca.gov/>

Email: bmmr@dca.ca.gov

Subscribe to email alerts: <https://www.dca.ca.gov/webapps/bmmr/subscribe.php>

Phone: (800) 952-5210

The Office of Medical Cannabis Safety under the Department of Public Health will issue licenses for medical cannabis product manufacturers.

Website: <http://www.cdph.ca.gov/programs/pages/omcs.aspx>

Email: omcs@cdph.ca.gov

Subscribe to email alerts: send email to listserv@maillist.dha.ca.gov with 'SUBSCRIBE OMCS' in the body of your message (not the subject line)

Phone: (916) 445-0657

Q: *How long will licenses be active before they must be renewed?*

A: Licenses will be effective for one year, at which time they must be renewed in order for the licensee to continue cultivating medical cannabis.

Q: *Is cannabis considered an agricultural crop in California?*

A: California defines medical cannabis as an agricultural product.

California Health and Safety Code 11362.777(a) specifies:

“For purposes of this section and Chapter 3.5 (commencing with Section 19300) of Division 8 of the Business and Professions Code, medical cannabis is an agricultural product.”

The identification as an agricultural crop does not extend to other areas of the law. For example, cannabis is not an agricultural crop with respect to local “right to farm” ordinances.