

March 1 Subcommittee Meeting on Cultivators: Regulations and Statutes Chart

| Agenda Item | Agenda Topic | Regulation (California Code of Regulation) | Statute (Business and Professions Code, unless otherwise stated) |
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| 2a | Adult-Use / Medicinal Licensing | <ul style="list-style-type: none"> • § 8102 (b) – Applications for a cultivation license shall identify 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 • § 8202 (f) – Except as provided in section 8209, 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. • § 8214 – Notwithstanding any other provision, until July 1, 2018, licensees may conduct commercial cannabis activities with any other licensee, regardless of the A and M designation of the license. | <ul style="list-style-type: none"> • § 26051.5 (4) – Provide a statement, signed by the applicant under penalty of perjury, that the information provided is complete, true, and accurate. • § 26050 (b) – All licenses issued under this division shall bear a clear designation indicating whether the license is for commercial adult-use cannabis activity as distinct from commercial medicinal cannabis activity by prominently affixing an “A” or “M”, respectively. • § 26053 (a) – All commercial cannabis activity shall be conducted between licensees, except as otherwise provided in this division. |
| 2b | Compassionate Use | <ul style="list-style-type: none"> • § 8111 – Provides for priority review for applicants demonstrating compliance with the Compassionate Use Act of 1996 before September 1, 2016. | § 26054.2 – Requires licensing authorities to prioritize review of application for those in compliance with the Compassionate Use Act. |

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| 2c | Track-and-Trace | <ul style="list-style-type: none"> • § 8109 – Requires applicants to register for track-and-trace training with ten (10) business days from receipt of notice from the department that their application is complete. Also requires applicant to provide documentation of training completion within ten (10) business days of completion. Access to track-and-trace is dependent upon completion of training. • § 8213(a)(3) – Requires licensee to use weighing devices approved, tested and sealed pursuant to chapter 5 of division 5 of the BPC, and registered with the county sealer consistent with chapter 2 of division 5 of the BPC when cannabis and nonmanufactured cannabis are weighed or counted for entry into the track-and-trace system. • § 8400(d)(4, 5 & 8) – Requires licensee to maintain the following records on the licensed premises: supporting documentation for data or information input into the track-and-trace system; all unique identifiers (UIDs) assigned to product in inventory and all unassigned UIDs; all UIDs associated with product that has been retired from the track-and-trace system. • § 8402 – Describes various track-and-trace system requirements, including: <ul style="list-style-type: none"> ○ Reporting the disposition of immature and mature plants, cannabis products on the licensed premises, and any transfers associated with commercial cannabis activity between licensees. ○ Accuracy and completeness of data and information entered in track-and-trace. ○ Designating track-and-trace Account Manager(s) ○ Responsibilities of the designated Account Manager ○ Loss of access to track-and-trace • § 8403 – Describes the use and application of track- | <ul style="list-style-type: none"> • § 26067 – Primary authority for establishing unique identifiers (UIDs) and track-and-trace system. • § 26069 – Authorization for CDFA to establish Cannabis Cultivation Program, including implementation of unique identification program and coordination with BCC, DFW and SWRCB. • § 26070 (e)(2) – Requires BCC to inform CDFA of information pertaining to commercial cannabis activity for the track-and-trace program. • § 26120(a) – Requires cannabis and cannabis product labels to include a UID for the purposes of identifying and tracking cannabis and cannabis products. • Revenue and Taxation Code § 34011(b)(2) – Requires a licensed distributor to provide an invoice, receipt, or other similar document to a cannabis retailer that includes a variety of information, including the associated UIDs. • Revenue and Taxation Code § 34012(h)(3) - Requires a licensed distributor to provide an invoice, receipt, or other similar document to a cannabis cultivator which includes a |
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| | | <p>and-trace system unique identifiers (UIDs), including:</p> <ul style="list-style-type: none">○ Timing for requesting UID once credentialed to use the system.○ Requirements for applying immature lot and mature plant UIDs.○ Assignment of unique harvest batch name.○ Retiring UIDs upon destruction or disposal of cannabis or nonmanufactured cannabis products. <ul style="list-style-type: none">● § 8404 – Describes track-and-trace system user requirements, including:<ul style="list-style-type: none">○ Only designated Account Manager(s) or users shall enter in track-and-trace.○ Unique user login and password required, and prohibits sharing of a unique username and password.○ Prohibition to intentionally misrepresent or falsify information entered track-and-trace.○ Account Manager monitoring and responding to all system generated notifications.● § 8405 – Describes various track and trace reporting requirements, including:<ul style="list-style-type: none">○ Reporting all transfers of cannabis products to another licensee prior to physical movement of the cannabis.○ Reporting receipt or rejection of cannabis products within twenty-four (24) hours of receipt or rejection.○ Report changes in disposition of cannabis plants within three (3) business days of the change in disposition.○ Reporting elements for transfers.○ Exemption of temporary licensees from using track-and-trace system.● § 8406 – Describes various track-and-trace system inventory requirements, including: | <p>variety of information, including the associated UIDs.</p> |
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| | | <ul style="list-style-type: none"> ○ Inventory reconciliation for all on-premises and in-transit cannabis inventories. ○ Recording the net weight of harvested cannabis once drying, trimming and curing is complete or within sixty (60) days of harvest. ○ Close out of physical cannabis inventory and associated UIDs. <ul style="list-style-type: none"> ● § 8407 – Describes track-and-trace requirements for product in licensee’s possession at time of annual license issuance. Licensee required to assign and apply all UIDs, and enter the associated information into track-and-trace system within thirty (30) business days of receipt of UIDs. After this time frame, all cannabis on licensed premises shall be entered into track-and-trace system starting with seed, clone propagated onsite, or seed or clone purchased from a licensed nursery. ● § 8408 – Outlines the authority for CDFA to perform an audit of the physical inventory and inventory reported in track-and-trace system. | |
| 2d | Lab Testing | N/A | N/A |
| 2e | Nurseries | <ul style="list-style-type: none"> ● § 8201 (e) – “Nursery” is a cultivation site that conducts the cultivation of cannabis solely as a nursery ● § 8300 (c) – Licensees propagating immature plants for distribution or seed for distribution to another licensee shall obtain a nursery license. ● § 8301 – 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. ● § 8302 – Nurseries may maintain a research and | <ul style="list-style-type: none"> ● § 26050 (a) – Defines license classification for nursery as Type 4 ● § 26060 (a) – Regulations issued by CDFA governing the licensing of indoor, nursery, specialty cottage, and mixed-light cultivation sites shall apply to licensed cultivators under this division. CDFA shall have the authority necessary for the implementation of the regulations it adopts pursuant to this division, including regulations governing the licensing of indoor, outdoor, mixed- |

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| | | development area, as identified in their cultivation plan, for the cultivation of 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. | light cultivation site, nursery, and specialty cottage cultivation. |
| 2f | Transportation | N/A | N/A |