



March 1 Subcommittee Meeting on Enforcement: Regulations and Statutes Chart

Agenda Item	Agenda Topic	Regulation (California Code of Regulations)	Statute (business and Professions Code, unless otherwise stated)
2a	Environmental Compliance	<ul style="list-style-type: none">• §5010: Compliance with CEQA – evidence of exemption from, or authorization from the local, provided it has discretionary review, or copy of a Notice of Determination or Notice of Exemption and copy of CEQA document if no copy of local authorization provided, or no local discretionary review• §5055: Cannabis waste management – licensee must comply with all applicable waste management laws, and dispose of cannabis waste in specified manner.• §5501-5504: information required on a microbusiness application that includes cultivation activities, is same as required for licenses issued by CDFA, i.e., water supply source.	<ul style="list-style-type: none">• §26055(h): Issuance of licenses; compliance with local jurisdiction – CEQA does not apply to local rule requiring discretionary review and approval of licenses• §26056: Application of building standards and regulations relating to hazardous materials- requirements of the Health and Safety Code applicable to MAUCRSA, being that the enforcement of building standards and hazardous materials is within the jurisdiction of the State Fire Marshall• §26060 et seq.: Licensed cultivation sites – specifically under subd. (c), CDFA serves as the lead agency for purposes of CEQA related to the cultivation licensing. Ch. 6 also requires identification of water source supplies, and establishment of an organic program.

2b	Labor Standards	<ul style="list-style-type: none"> • §5002(c)(23): annual application requires attestation re labor peace agreement pursuant to BPC§26051.5(a)(5) 	<ul style="list-style-type: none"> • §26001(x): “labor peace agreement” – one between a licensee and any bona fide labor organization, that at a minimum, protects the state’s proprietary interests by prohibiting labor organizations and members from economic interference. • §26051.5(a)(5): Application requirements - attestation by an applicant with 20+ employees that it will enter into, or has entered into, and abide by terms of labor peace agreement. • §26051.5(a)(8): Application requirements - cultivation applicant must provide statement that it is an “agricultural employer” • §26065: Employees subject to Wage Order No. 4-2001 of the Industrial Welfare Commission – regulating wages, hours and working conditions for an employee engaged in the cultivation of cannabis • §26201: State shall establish minimum standards; additional standards, requirements and regulations – standards established by the state in regard to health and safety, environmental protection, testing, security, food safety, and worker protections, are the minimum. • LC §147.6: CalOSHA advisory committee to determine need for industry-specific regulations • LC §1140(c): “agricultural employer” defined
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2c	Standards for Firefighter Safety	<ul style="list-style-type: none"> • §5501(d): Microbusiness applications with cultivation must include attestation that local fire dept. notified for specific indoor license types. DPH Regulations – Title 17 • §40222-40224: – operations to be approved by local fire code official 	<ul style="list-style-type: none"> • §26056: Application of building standards and regulations relating to hazardous materials- requirements of the Health and Safety Code applicable to MAUCRSA, being that the enforcement of building standards and hazardous materials is within the jurisdiction of the State Fire Marshall • §26105: Methods or procedures to limit risk of explosion, combustion, or other dangerous risk to public safety – DPH to establish min. standards concerns methods and procedures for manufacturing Level 2 licensees, to limit risk of explosion, combustion or other unreasonable dangerous risk • §26135: Seizure of cannabis or cannabis product by peace officer; allowable circumstances – subject to recall or embargo, subject to destruction, or seized related to an investigation or disciplinary action.
2d	Review of Security Personnel	<ul style="list-style-type: none"> • §5045: retail or microbusiness engaged in retail sale shall hire or contract for security personnel • §5603: event organizer to hire or contract for security personnel 	<ul style="list-style-type: none"> • §26070(b): Retailers and distributors - Minimum security requirements for distribution and delivery • §26070(j): Retailers and distributors - retailers and microbusinesses shall implement security measures, such as establish limited access areas, securely store cannabis, prohibit individuals not engaging in related business on premises • §7574 et seq. – proprietary security services (ch.11.4) • §7580 et seq. – private security services (ch.11.5)
2e	Federal Enforcement: Communication and Cooperation	<ul style="list-style-type: none"> • §5416: retail delivery employee not to leave state of California with cannabis goods. 	<ul style="list-style-type: none"> • §26080: Distribution and transportation outside the state; local jurisdictions – prohibited unless authorized by federal law

2f	False Claims Relating to Advertisement	<ul style="list-style-type: none"> • §5040: Advertising placement requires determination of audience composition, to reasonably expected to be 21 or older. • §5029: cannabis goods not meeting labeling requirements can still be transported and sold during the transitional period, if other are requirements met. 	<ul style="list-style-type: none"> • §26150: definitions – “advertise,” “advertisement,” “advertising sign,” “health-related statement,” and “market” or “marketing” • §26151: Advertising and marketing standards – minimum standards include identifying licensee responsible for advertising or marketing content, with license number, audience composition is at least 71.6% 21 years or older, and be truthful and appropriately substantiated. • §26152: Prohibitions; false or misleading advertising or marketing; advertising or marketing to minors – prohibits certain advertising and marketing activities, such as publishing, false materials, inconsistent labeling statements, misleading statement regarding origination of cannabis, utilize a billboard on a highway crossing state borders, or within 1,000 feet of a prohibited facility. • §26154: False or misleading health-related statements – licensee prohibited from publishing any health-related statement that is untrue or tends to create a misleading impression as to health affects. • §26155: Exceptions – prohibiting advertisement within 1,000 ft. of a listed facility (i.e. school) does not apply to inside a licensed premises, as long as not visible from public place. • §26156: Application of provisions relating to advertising displays – certain advertising requirements under BPC§5272 relating to advertising in arenas, real property is applicable
2g	Whether Subcommittee Can Become a Standing Committee	N/A	N/A