

#1

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Thursday, February 15, 2018 10:35:39 AM
Last Modified: Thursday, February 15, 2018 10:37:53 AM
Time Spent: 00:02:14
IP Address: 76.81.136.146

Page 1

Q1 First Name (Optional) Respondent skipped this question

Q2 Last Name (Optional) Respondent skipped this question

Q3 Organization (Optional) Respondent skipped this question

Q4 Title (Optional) Respondent skipped this question

Q5 Please choose the one subcommittee to which you would like your feedback to be sent. Note: You may submit feedback to as many subcommittees as you wish. Simply click on the link again to submit additional comments. **Enforcement Subcommittee**

Q6 Feedback for Subcommittee

The state needs to be involved with at least one major "sting" and arrest of unlicensed delivery services. These illegal services are popping up everywhere and they can sell at significantly less prices because no taxes. This subcommittee needs to insist that this happen ASAP and that it be well-publicized so as to dissuade at least a few from starting.

#2

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Thursday, February 15, 2018 11:08:33 AM
Last Modified: Thursday, February 15, 2018 11:40:50 AM
Time Spent: 00:32:16
IP Address: 108.238.94.124

Page 1

Q1 First Name (Optional)

Conor

Q2 Last Name (Optional)

Johnston

Q3 Organization (Optional)

Respondent skipped this question

Q4 Title (Optional)

Consultant

Q5 Please choose the one subcommittee to which you would like your feedback to be sent. Note: You may submit feedback to as many subcommittees as you wish. Simply click on the link again to submit additional comments.

Enforcement Subcommittee

Q6 Feedback for Subcommittee

The Bureau needs to provide more certainty to licensees who may be temporarily displaced by legally-required building repairs, e.g. mandatory seismic retrofits. These circumstances are wholly beyond the licensee's control--and are required by the government. Yet the Bureau is saying the licensee must surrender their license if the work causes them to close for more than 30 days (per 5022). Then they have to ask for it back and hope the Bureau obliges. Licensees--and their investors--deserve more certainty for situations that are beyond their control, imposed by the government, and done for public safety.

#3

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Thursday, February 15, 2018 1:26:34 PM
Last Modified: Thursday, February 15, 2018 1:33:52 PM
Time Spent: 00:07:17
IP Address: 174.66.185.111

Page 1

Q1 First Name (Optional)

Kary

Q2 Last Name (Optional)

Radestock

Q3 Organization (Optional)

Hippo Premium Packaging

Q4 Title (Optional)

CEO

Q5 Please choose the one subcommittee to which you would like your feedback to be sent. Note: You may submit feedback to as many subcommittees as you wish. Simply click on the link again to submit additional comments.

Enforcement Subcommittee

Q6 Feedback for Subcommittee

We should look at cannabis packaging in general. The Child Resistant requirement should extend to the items that make sense, such as Flower (although, if consumed it would not make you high), edibles and concentrates. But things like topicals, bath products and such should not be required to be CR. Also, we have exits bags and CR packaging required, so we are being double dinged! Let's create guidelines that protect the children but make sense.

#4

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Saturday, February 17, 2018 7:58:22 AM
Last Modified: Saturday, February 17, 2018 8:00:54 AM
Time Spent: 00:02:32
IP Address: 70.95.92.204

Page 1

Q1 First Name (Optional)

Susan

Q2 Last Name (Optional)

Respondent skipped this question

Q3 Organization (Optional)

Respondent skipped this question

Q4 Title (Optional)

Respondent skipped this question

Q5 Please choose the one subcommittee to which you would like your feedback to be sent. Note: You may submit feedback to as many subcommittees as you wish. Simply click on the link again to submit additional comments.

Enforcement Subcommittee

Q6 Feedback for Subcommittee

Stop marketing to children!!!!

#5

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Saturday, February 17, 2018 2:48:22 PM
Last Modified: Saturday, February 17, 2018 2:54:35 PM
Time Spent: 00:06:12
IP Address: 99.95.172.172

Page 1

Q1 First Name (Optional)

Wayne

Q2 Last Name (Optional)

Cox

Q3 Organization (Optional)

Sorrento Valley Town Council, Mira Mesa Community Planning Group, and Torrey Pines Community Planning Board

Q4 Title (Optional)

Director, Board Member and Board Member

Q5 Please choose the one subcommittee to which you would like your feedback to be sent. Note: You may submit feedback to as many subcommittees as you wish. Simply click on the link again to submit additional comments.

Enforcement Subcommittee

Q6 Feedback for Subcommittee

Will the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) and Federal Food, Drug and Cosmetic Act (FFDCA) regulations be strictly monitored and enforced by the State of California to assure public safety?

#6

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Saturday, February 17, 2018 5:43:40 PM
Last Modified: Saturday, February 17, 2018 5:48:43 PM
Time Spent: 00:05:03
IP Address: 104.59.1.102

Page 1

Q1 First Name (Optional) **Respondent skipped this question**

Q2 Last Name (Optional) **Respondent skipped this question**

Q3 Organization (Optional) **Respondent skipped this question**

Q4 Title (Optional) **Respondent skipped this question**

Q5 Please choose the one subcommittee to which you would like your feedback to be sent. Note: You may submit feedback to as many subcommittees as you wish. Simply click on the link again to submit additional comments. **Enforcement Subcommittee**

Q6 Feedback for Subcommittee

The state needs to step up its enforcement against illegal/unpermitted dispensaries, cultivators, distributors and other black market actors. If unlicensed alcohol outlets started popping up as much as marijuana ones do, the state would be all over it. The industry blames it on the local zoning rules and cries that marijuana is legal and the media buy into their cries but the law is clear that cities can zone and ban as they wish. The state has failed to step into it and must help enforce local zoning regulations!

#7

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Sunday, February 18, 2018 12:42:13 AM
Last Modified: Sunday, February 18, 2018 12:44:00 AM
Time Spent: 00:01:47
IP Address: 68.118.124.48

Page 1

Q1 First Name (Optional)

Sydney

Q2 Last Name (Optional)

Hollands

Q3 Organization (Optional)

Angel City Infusions

Q4 Title (Optional)

Respondent skipped this question

Q5 Please choose the one subcommittee to which you would like your feedback to be sent. Note: You may submit feedback to as many subcommittees as you wish. Simply click on the link again to submit additional comments.

Enforcement Subcommittee

Q6 Feedback for Subcommittee

Please increase 100mg limit! Patients need much higher doses sometimes!

#8

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Tuesday, February 20, 2018 12:21:29 PM
Last Modified: Tuesday, February 20, 2018 12:30:15 PM
Time Spent: 00:08:46
IP Address: 107.77.212.152

Page 1

Q1 First Name (Optional)

Respondent skipped this question

Q2 Last Name (Optional)

Respondent skipped this question

Q3 Organization (Optional)

California Cannabis Licensing

Q4 Title (Optional)

Principal and CEO

Q5 Please choose the one subcommittee to which you would like your feedback to be sent. Note: You may submit feedback to as many subcommittees as you wish. Simply click on the link again to submit additional comments.

Enforcement Subcommittee

Q6 Feedback for Subcommittee

Recent Sacramento City Auditor report on Cannabis oversight and enforcement reveals structural deficiencies in the City's management of all segments of the industry. The subcommittee should prioritize training and capacity building at local levels, and collaboration with CDTFA and allied law enforcement to assure compliance and identify and prosecute illegal activities and associated money laundering across the the state. The City Auditor's report should be seen as a wake up call to all segments of the enforcement community.

#9

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Wednesday, February 21, 2018 9:22:57 AM
Last Modified: Wednesday, February 21, 2018 9:58:30 AM
Time Spent: 00:35:33
IP Address: 4.16.30.210

Page 1

Q1 First Name (Optional)

Stephanie

Q2 Last Name (Optional)

Hopper

Q3 Organization (Optional)

CannDESCENT

Q4 Title (Optional)

Government Affairs

Q5 Please choose the one subcommittee to which you would like your feedback to be sent. Note: You may submit feedback to as many subcommittees as you wish. Simply click on the link again to submit additional comments.

Enforcement Subcommittee

Q6 Feedback for Subcommittee

An enforcement plan needs to be put in place to reduce the black market. Currently there are several outlets for black market products. The producers are able to grow and produce products cheaper because they are not having to pay for testing or taxes. The black market also brings a considerable public safety issue due to the lack of restrictions on the pesticides they use. In 2017 80% of the clones in the state of California were tainted with myclobutanil (eagle 20) which is a banned pesticide in every state that regulates cannabis. The black market has reduced the prices of their cannabis products attracting more customers due to the price. There is such a discrepancy in prices and a lack of education around who is legal and who is not that consumers continue to purchase from the black market, some unknowingly. In order to compete the regulated market is having to drop their prices and have approached the level where they are not going to be able to break even due to taxes and high licensing fees.

Advertising of products. All advertising for cannabis should be limited to licensed cannabis businesses. Requiring the license number to be placed on advertisements is a good approach. Allowing licensed cannabis businesses to advertise in places similar to alcohol and tobacco should be allowed. It is a legal substance and should be treated the same in the state of California. The alcohol framework has been used to establish the rules and regulations which should encompass advertising as well. In addition, cannabis businesses should be allowed to do public service announcements (PSA). The Good To Know campaign in Colorado is run by the Health Department with contributions from the cannabis industry. The cannabis industry has continued to elaborate on the campaign by creating more messaging and placing in dispensaries.

#10

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Wednesday, February 21, 2018 10:59:49 AM
Last Modified: Wednesday, February 21, 2018 11:00:04 AM
Time Spent: 00:00:14
IP Address: 198.189.249.57

Page 1

Q1 First Name (Optional)

Stephani

Q2 Last Name (Optional)

Smith

Q3 Organization (Optional)

Respondent skipped this question

Q4 Title (Optional)

Respondent skipped this question

Q5 Please choose the one subcommittee to which you would like your feedback to be sent. Note: You may submit feedback to as many subcommittees as you wish. Simply click on the link again to submit additional comments.

Enforcement Subcommittee

Q6 Feedback for Subcommittee

To Whom It May Concern,

With the State's legalization of adult-use cannabis, numerous ancillary industries have arisen in response to new and pending regulations. I've recognized there is a lack of consideration for cannabis waste in particular. This is a concern of mine due to the increasing number of cultivation, manufacturing and retailer licenses being granted within the state without identified guidelines and/or regulations regarding safe disposal of cannabis byproduct and cannabis waste.

Cannabis waste is expansive and differs from cultivators, manufacturers, and retailers. As such, it would also be prudent to clarify streams of waste by industry vertical. For example, cannabis waste runs the gamut of post-extracted cannabis plants and flowers, failed lab tested materials, ancillary manufactured waste (for example, i.e., wax paper, gloves, beakers, etc.), retail display items, and returned/damaged retail items, and more. Currently, certain streams of cannabis waste are frequently mistaken with safe-to-consume products, posing a risk to children and disenfranchised individuals.

It is my recommendation that regulations reflect who is qualified to handle cannabis waste. A licensed cannabis waste handler ought to be contracted for each cannabis cultivator, manufacturer, and retail site to combat the negative repercussions cannabis waste has on human and environmental health. The inclusion of such a standard will complete the symbiotic relationship between key stakeholders—the environment, the public and the industry.

#11

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Wednesday, February 21, 2018 12:24:09 PM
Last Modified: Wednesday, February 21, 2018 12:25:02 PM
Time Spent: 00:00:53
IP Address: 96.68.159.125

Page 1

Q1 First Name (Optional)

Tim

Q2 Last Name (Optional)

Blake

Q3 Organization (Optional)

The Emerald Cup

Q4 Title (Optional)

Founder of The Emerald Cup

Q5 Please choose the one subcommittee to which you would like your feedback to be sent. Note: You may submit feedback to as many subcommittees as you wish. Simply click on the link again to submit additional comments.

Enforcement Subcommittee

Q6 Feedback for Subcommittee

1. Overnight Security at Temporary Events - Section 5402 of the BCC's Emergency Regulations requires that all retail sales conducted at temporary events comply with Section 5403 which provides guidance pertaining to the retail premises 'when not open' to consumers. Under Section 5403, the retail sale premises must be:

Securely locked with commercial-grade, non-residential door locks;

Equipped with an active alarm system;

And only allow employees and contractors of the retailer to enter the premises when the retailer is not open.

As a temporary event the Emerald Cup currently works with approximately 250 cannabis goods suppliers who conduct their sales out of 10'x10' and 10'x20' temporary vending areas. These vending areas are generally located in either an 'open air' setting secured by a perimeter fence, within a fully enclosed commercial grade tent structure, or within a permanent building. The current requirements associated with overnight security are not realistically applicable to temporary events. Establishing temporary alarm systems poses incredible expense to temporary event license holders and the locked area requirements could also prove to be quite challenging. Additionally, we fear that the requirement for the 'retailer' to provide the contracted security of each retail area would create chaos at temporary events.

Suggested Solutions: The Emerald Cup Team respectfully requests that the BCC establish overnight security requirements that are specific to temporary events. Such requirements should include the following security protocols:

All 'open air' areas where cannabis goods are sold should be securely fenced with lockable ingress and egress gates that must remain locked at all times when sales are NOT being conducted;

If cannabis goods are to be sold at a temporary event within a permanent structure then all windows and doors associated with that structure must remain closed and locked at all times when sales are NOT being conducted;

If cannabis goods are to be sold at a temporary event within a temporary structure, and the temporary structure is constructed with solid walls that extend from the floor or ground to the ceiling of the structure, AND the temporary structure is equipped with locking doors, then the temporary structure must remain locked at all times when sales are NOT being conducted;

In addition to the requirements outlined above, the licensed event organizer must provide contracted security personnel to monitor all areas where cannabis goods will be sold for the entire duration that cannabis goods are on the temporary event premises.

2. Sales at Temporary Cannabis Events - Currently the BCC's Emergency Regulations require that only employees of a licensed retail entity are allowed to conduct the sale of cannabis goods at temporary events. However, the Emerald Cup was established to create a farmer's market type opportunity that allows the consumer to interact with the farmer directly and the farmer to conduct direct to consumer sales. With that said, The Emerald Cup team respectfully requests that independent contractors be allowed to engage in the sale of cannabis goods at compliant temporary events. This request would allow farmers to participate in compliant events, and represent their products in partnership with licensed retail entities. Additionally, we urge the subcommittees to recommend that farmers who obtain a microbusiness license be allowed to conduct sales at compliant events and that these sales serve to fulfill the retail activity of the microbusiness license without also requiring a 'brick and mortar' dispensary or a 'delivery' type dispensary permit from a local jurisdiction. For example, a licensee should be able to qualify for a microbusiness license if he or she cultivates 10,000 SF or less, conducts distribution (or nonvolatile solvent manufacturing) and conducts retail sales at compliant events.

3. Tobacco and Alcohol Sales and Consumption: It is our current interpretation of the temporary event regulations that alcohol and tobacco sales and consumption will be allowed at temporary cannabis events so long as the alcohol and tobacco sales and consumption areas are:

Conducted in a unique and clearly identified area that is separate from all cannabis sales and consumption; AND

Conducted by an entity that is separate from the entity holding the cannabis organizer license.

Currently, most large venues such as County Fairgrounds, reserve the right to conduct the alcohol sales which establishes revenue for the venue and reduces the cost associated with hosting a temporary event. Preserving this ability is a critical component to continuing temporary events at many venues. The Emerald Cup Team respectfully requests that the BCC continue to allow alcohol and tobacco sales and consumption when conducted in the manner outlined above and issue an FAQ clarifying these activities.

#12

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Wednesday, February 21, 2018 12:18:27 PM
Last Modified: Wednesday, February 21, 2018 12:31:08 PM
Time Spent: 00:12:41
IP Address: 98.174.139.194

Page 1

Q1 First Name (Optional)

Mary

Q2 Last Name (Optional)

Baum

Q3 Organization (Optional)

SAY San Diego

Q4 Title (Optional)

Senior Director Alcohol, Tobacco and other Drug Prevention Program

Q5 Please choose the one subcommittee to which you would like your feedback to be sent. Note: You may submit feedback to as many subcommittees as you wish. Simply click on the link again to submit additional comments.

Enforcement Subcommittee

Q6 Feedback for Subcommittee

There is concern in local communities with enforcement of advertising. Here in San Diego there are billboards with not license information, billboards for Weedmaps (weedmaps advertises illegal unpermitted retailer), and billboards within 1,000 feet of schools. City Attorney's office says they do not enforce this that the state does. Are enforcement officers already hired, will there be enough to enforce issues (retail sales and advertising that is out of compliance) and will there be a local office of the BCC?

#13

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Wednesday, February 21, 2018 1:14:29 PM
Last Modified: Wednesday, February 21, 2018 1:15:56 PM
Time Spent: 00:01:27
IP Address: 96.68.159.125

Page 1

Q1 First Name (Optional)

Hazel

Q2 Last Name (Optional)

Bagwell

Q3 Organization (Optional)

The Emerald Cup

Q4 Title (Optional)

Sponsor Vendor Director

Q5 Please choose the one subcommittee to which you would like your feedback to be sent. Note: You may submit feedback to as many subcommittees as you wish. Simply click on the link again to submit additional comments.

Enforcement Subcommittee

Q6 Feedback for Subcommittee

1. Overnight Security at Temporary Events - Section 5402 of the BCC's Emergency Regulations requires that all retail sales conducted at temporary events comply with Section 5403 which provides guidance pertaining to the retail premises 'when not open' to consumers.

Under Section 5403, the retail sale premises must be:

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Equipped with an active alarm system;

And only allow employees and contractors of the retailer to enter the premises when the retailer is not open.

As a temporary event the Emerald Cup currently works with approximately 250 cannabis goods suppliers who conduct their sales out of 10'x10' and 10'x20' temporary vending areas. These vending areas are generally located in either an 'open air' setting secured by a perimeter fence, within a fully enclosed commercial grade tent structure, or within a permanent building. The current requirements associated with overnight security are not realistically applicable to temporary events. Establishing temporary alarm systems poses incredible expense to temporary event license holders and the locked area requirements could also prove to be quite challenging. Additionally, we fear that the requirement for the 'retailer' to provide the contracted security of each retail area would create chaos at temporary events.

Suggested Solutions: The Emerald Cup Team respectfully requests that the BCC establish overnight security requirements that are specific to temporary events. Such requirements should include the following security protocols:

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Conducted by an entity that is separate from the entity holding the cannabis organizer license.

Currently, most large venues such as County Fairgrounds, reserve the right to conduct the alcohol sales which establishes revenue for the venue and reduces the cost associated with hosting a temporary event. Preserving this ability is a critical component to continuing temporary events at many venues. The Emerald Cup Team respectfully requests that the BCC continue to allow alcohol and tobacco sales and consumption when conducted in the manner outlined above and issue an FAQ clarifying these activities.

#14

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Wednesday, February 21, 2018 1:51:01 PM
Last Modified: Wednesday, February 21, 2018 1:52:21 PM
Time Spent: 00:01:19
IP Address: 96.68.159.125

Page 1

Q1 First Name (Optional)

Jim

Q2 Last Name (Optional)

Lewi

Q3 Organization (Optional)

Red Light Management

Q4 Title (Optional)

Production Manager

Q5 Please choose the one subcommittee to which you would like your feedback to be sent. Note: You may submit feedback to as many subcommittees as you wish. Simply click on the link again to submit additional comments.

Enforcement Subcommittee

Q6 Feedback for Subcommittee

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#15

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Wednesday, February 21, 2018 2:25:23 PM
Last Modified: Wednesday, February 21, 2018 2:30:22 PM
Time Spent: 00:04:58
IP Address: 184.63.163.200

Page 1

Q1 First Name (Optional)

Monique

Q2 Last Name (Optional)

Ramirez

Q3 Organization (Optional)

Covelo Cannabis Advocacy Group

Q4 Title (Optional)

Founder

Q5 Please choose the one subcommittee to which you would like your feedback to be sent. Note: You may submit feedback to as many subcommittees as you wish. Simply click on the link again to submit additional comments.

Enforcement Subcommittee

Q6 Feedback for Subcommittee

With regards to Track and Trace, it is important that cultivators are given plenty of time to enter final product weights into the system. Many cultivators do not process all of their cannabis at one time, many like to let it cure for many weeks etc and then slowly process over time. Allowing for flexibility is essential to the quality of the products being produced by cultivators.

#16

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Wednesday, February 21, 2018 3:55:03 PM
Last Modified: Wednesday, February 21, 2018 3:56:41 PM
Time Spent: 00:01:38
IP Address: 50.250.197.190

Page 1

Q1 First Name (Optional)

Megumi

Q2 Last Name (Optional)

Reagan

Q3 Organization (Optional)

Respondent skipped this question

Q4 Title (Optional)

Respondent skipped this question

Q5 Please choose the one subcommittee to which you would like your feedback to be sent. Note: You may submit feedback to as many subcommittees as you wish. Simply click on the link again to submit additional comments.

Enforcement Subcommittee

Q6 Feedback for Subcommittee

To Whom It May Concern:

I'd like to give the following recommendations to the Subcommittee:

1. Define and clarify the difference between "cannabis byproduct" and "cannabis waste."

"Cannabis byproduct" and "cannabis waste" are used interchangeably within the regulations. By definition in the current regulations, cannabis waste is cannabis product that has been rendered unrecognizable and unusable. Unrendered waste is still cannabis product/byproduct. Therefore, regulations in regard to cannabis waste management, should refer to byproduct and product as such and should require a cannabis distribution and processing license for a hauler to transport cannabis away for waste management service purposes.

2. Define and clarify how different types of "cannabis byproduct" should be handled.

Cannabis byproduct varies vastly between cultivation and manufacturing.

Cultivation byproduct includes stalks, stems, leaves, flowers, soil, and root balls. Current regulations address composting on-site as a cannabis waste management procedure, but do not address composting standards i.e. having oversight by a licensed third-party. Without third-party verification, there is no way to confirm that on-site composting has been completed correctly and the cultivation waste has been properly documented. Additionally, composting off-site must require a cannabis licensed hauling company, who must obtain a cannabis distribution license. A random hauling company that is licensed to haul cannot service cannabis byproduct, if it has not yet been rendered unrecognizable and unusable. They must also have a cannabis distribution license as they are hauling cannabis product.

Manufactured byproduct is a high-profile stream of waste. As such, regulations must be adjusted accordingly and should not be the same as the regulations set forth for cultivation. Since manufactured waste is more hazardous than cultivation waste, my recommendation is to create more stringent standards that require a cannabis licensed hauling company to manage the waste.

Thank you.

#17

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Wednesday, February 21, 2018 4:28:46 PM
Last Modified: Wednesday, February 21, 2018 4:31:46 PM
Time Spent: 00:03:00
IP Address: 107.142.108.98

Page 1

Q1 First Name (Optional)

Susan

Q2 Last Name (Optional)

Freeman

Q3 Organization (Optional)

None

Q4 Title (Optional)

Old white lady

Q5 Please choose the one subcommittee to which you would like your feedback to be sent. Note: You may submit feedback to as many subcommittees as you wish. Simply click on the link again to submit additional comments.

Enforcement Subcommittee

Q6 Feedback for Subcommittee

Don't need people peeking in my yard. Everything is 100% as per locallae

#18

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Wednesday, February 21, 2018 4:55:03 PM
Last Modified: Wednesday, February 21, 2018 4:56:10 PM
Time Spent: 00:01:07
IP Address: 208.186.48.170

Page 1

Q1 First Name (Optional)

Mikal

Q2 Last Name (Optional)

Jakubal

Q3 Organization (Optional)

Plant Humboldt LLC Cannabis Nursery

Q4 Title (Optional)

Owner

Q5 Please choose the one subcommittee to which you would like your feedback to be sent. Note: You may submit feedback to as many subcommittees as you wish. Simply click on the link again to submit additional comments.

Enforcement Subcommittee

Q6 Feedback for Subcommittee

Hello,

I am the founder and owner of Plant Humboldt LLC cannabis nursery in Humboldt County. I'm in the licensing process, awaiting a zone reclassification on my parcel. Humboldt County's policy for the last two seasons has been that if you're diligently pursuing compliance, you can continue to operate until permits become available. This spring will be my third season as an open-to-the-public production-to-retail cannabis nursery. Prior years' sales have been under 215/420 medical-use guidelines, but this year I'll be expanding to include adult use ("AU") sales of small quantities to anyone over 21 years old. I will be submitting these comments to multiple committees.

To understand my comments and suggestions, I will need to walk you through how my operation works, since it is somewhat unique in the cannabis industry, though completely normal in the non-cannabis nursery world.

I sell two main products: 1) seed-grown, sexed female plants in large pots; and 2) clones rooted into dirt and sun-acclimated ("hardened off"). All are grown outdoors or in open-air cold frames.

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("Teen" is an informal industry term for plants bigger than seedlings or cube-rooted clones, but not yet flowering. They can range anywhere from a rooted clone in a 3" pot of dirt to a 4' tall plant in a large pot. I use the term in my comments for expediency.)

I start thousands (and this year, tens of thousands) of seeds, grow them out, determine sex, cull the males, and sell the female plants retail. I bring in rooted clones in typical 50/100-pack trays, pot them in dirt, and sell them when they're rooted, growing and acclimated to the outdoors. Everyone pays sales tax unless they have a state Seller's Permit or (starting this year) a state-recognized medical marijuana card.

I keep inventory and production records from seed to sale, like any normal plant production operation.

As with any nursery, people pick out their own plants and transport them to their licensed commercial cultivation sites or AU/medical gardens. This is a retail operation, no different than any other retail nursery that also grows their own plants for sale. To repeat, it is an outdoor nursery catering mostly to seasonal outdoor growers. It is not an indoor clone factory. The plants I grow and sell are not little cuttings, but large, leafy, heavy, perishable and of relatively low value to criminals. This all has to be taken into account when reading my comments about transport, retail sales, security, distribution and so on.

Further, this kind of nursery takes up vastly more space than an indoor clone factory. The nursery starts with a small area of seedling pots and then rolls out to cover five times that area for a short time once the plants are repotted. Then once plants are sold off, the retail and propagation space contracts back down to nothing and closes for the year in late summer once the last plants are sold.

As someone with an actually-operating nursery, I have a vested interest in making the regulated cannabis system work and so welcome any opportunity to walk regulators through my operation to help you better understand what I actually do. Rules that are not informed by the actual experience and needs of actual operators will be unworkable for everyone. I understand that this is very new terrain, but that makes it all the more important to take feedback from those of us in the industry seriously. Please feel free to contact me for a personal site tour.

I will start comments with a few that are specific to existing sections and follow with more general ones.

8000 Definitions

(v) "Nursery" means a licensee that produces only clones, immature plants, seeds, and other agricultural products used specifically for the propagation and cultivation of cannabis.

8201 (e) "Nursery" is a cultivation site that conducts the cultivation of cannabis solely as a nursery.

"Nursery" must be defined to specifically include retail sales. This is where commercial medical and adult use growers, personal adult use and medical use growers, and medical collectives (through 2018) can all purchase plants. There is no difference between commercial, medical and adult use except for the tax collected. As with any other nursery, a grower providing a CA DTFA Seller's Permit will not be charged sales tax and their Seller's Permit number will be kept on file. Customers with a valid county-issued, State-recognized medical card will not be charged sales tax and their card number will be recorded with the sales receipt. All others will pay local sales tax. Commercial, wholesale, retail, medical and adult use are all perfectly compatible with a normal nursery operation. This is a normal nursery operation. That sells cannabis starts.

8202 (d) Licensees are prohibited from transferring any commercially cultivated cannabis or non manufactured cannabis products from their licensed premises. All transfer of cannabis and non manufactured cannabis product from a licensed cultivation site must be conducted by a distributor licensed by the bureau.

This must be clearly amended to indicate it does not apply to nurseries and plant sales. Anyone who can legally possess live plants must be able to transport the plants themselves. An adult use customer who purchases plants retail must be able to transport the plants to their home garden. A commercial farmer must be able to transport live plants directly from the nursery to their cultivation site. That is how it works.

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Distributors and retail cannabis shops are not set up to maintain live plants except trays of clones for very short periods of time. Large seed-grown plants and clones in “teen” form (i.e. larger nonflowering plants) take up enormous space, are heavy, fragile and perishable. Nurseries are places that are set up to grow and sell plants. Pot shops are set up to store and sell finished products. Do not require that they be mixed. It does not work.

It is not possible to require that 200 3'-tall plants in grow bags, for instance, be hauled to a farm by a distributor. All legal cultivators must be allowed to choose their plants and transport them directly from the nursery. That is how it works.

If a distributor chooses to set up the ability to transport plants, they are welcome to offer that service to growers or nurseries. But it must absolutely never be a requirement.

(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.

This must be amended to specifically exclude nurseries. Separation of inventory is not possible at a viable commercial scale, nor would it accomplish anything productive. There is no difference between A and M plants, other than the sales tax charged and the number of plants that can be purchased. There is also no reason whatsoever to require duplicate licenses. Nurseries must be expressly exempt from any A/M designation. Remember, we're referring to normal nurseries that grow and sell plants, not indoor clone factories. Outdoor production/retail nurseries cannot be subject to the same mindset and rules as indoor clone factories.

(g) A licensee shall not sublet any portion of the licensed premises.

This unnecessarily limits creative entrepreneurship and opportunities, especially for smaller operations and rural businesses who will likely need to rely on diverse sources of income. As a nursery, I should be able to sublet my R&D area to another company. Example: as a nursery operator, I don't have time to do my own breeding, so that means that the R&D part of my outdoor cultivation site will have to be fallow. I have a friend who is a long-time seed breeder whose property is not zoned appropriately. They are thereby excluded from the regulated market, despite wanting to be part of it. I would like to lease the R&D area of my nursery to them. There is no logical reason to prohibit this.

Another example is where someone obtains a license for their small cottage farm, but is no longer physically capable of maintaining it. This will become more and more common as many of the original cannabis farmers of the North Coast age out of the business but want to remain on their land. Many of these people do not have much in the way of retirement savings, so being able to sublet their licensed cultivation site will be vital.

Another example: My nursery has multiple enclosed cold frames that are only used seasonally for starting seeds in February in Humboldt County where it is too cold and rainy to start them outdoors. I'm done with the spaces by August. I could potentially lease this space from August to February to cultivators, providing me an off-season source of income.

Another potential example: A licensee builds out a permitted processing facility, but finds they've built out double the capacity they can use and are facing financial hardship. They should be able to sublet the other half of the space.

A license should be decoupled from a specific geographical location. This makes sense and allows for maximum flexibility and adaptation in a rapidly changing industry. So, ideally, an owner of a premise can get a license and operate the business themselves (current model); or a premise owner can license a space and sublet to another licensee who has no physical location, but has met the other requirements of a licensee (background check, registration in track and trace, etc.).

It is burdensome to require all licensees to also own or lease and be responsible for their own premises. There is no reason the cannabis business license held by a person or company and a premise license have to be locked together. In the case of my seed-breeder friend, they should be able to go to the county and get a simple business license and then go to the state and get a cannabis license. They would lease from me (on my licensed premises), but own all their product, pay their own taxes, be subject to track and trace, etc. Just like any other business. This would allow them to further develop their existing brand and markets without the burden of

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having to buy property they can't afford.

8300 Licensees propagating immature plants for distribution or seed for distribution to another licensee shall obtain a nursery license.

Commercial cultivators and adult use and medical use growers must be able to trade strains (in seed or clone or "teen" form) within reasonable limits. This is a long-standing North Coast tradition and is partly responsible for the diversity of strains available.

Many cultivators choose to propagate their own stock. Any smart farmer will plant a large cushion of extra seeds or cut many extra clones in case of failure. If all these extras survive, they should be allowed to be made available to others. No other ag industry is forced to throw away perfectly good plants.

A solution would be to allow transfer of plants and seeds to other cultivators and to nurseries up to a certain quantity/value, after which a nursery license would be required. There is a provision in CDFA rules for non-cannabis nurseries to get a no-cost license through the county Agricultural Commissioner to sell small amounts of plants within the county (e.g. at farmers markets), so there is precedent for this outside of cannabis. The cannabis industry thrives on novelty. Trends change rapidly and new strains enter the market constantly. As a nursery, I need to be able to keep up with these trends and obtain "genetics" (i.e. new strains) from any source that has them.

As a nursery, I should reasonably be able to obtain small amounts of seeds, clones or teens from anyone who themselves is legally allowed to have them. If (valuable!) extra plants cannot be legally traded, this encourages undetectable and unenforceable illegal diversion to the unregulated market.

8301 & 8302 research and seed production plant products cannot enter the commercial distribution chain.

The implication here is that such material should be destroyed. In the real-world, this will encourage the material to be diverted to the unregulated market. Example: large, full-season test plants are grown outdoors to see how a new strain handles mold and early rains, or to see how productive a strain is, or to provide photo ops for next year's advertising or as a novelty "who can grow the biggest plant" attraction. Outdoor plants, even if seeded, can become gigantic.

Even plants grown for seed may not be entirely seeded and therefore produce cannabis flowers useful for extracts. A solution would be a provision for a limited amount of material to be sold to licensed processors. If the concern is that nurseries become primarily cultivation sites, then something limiting that ability could be written. Blanket prohibitions against any production do not accomplish that.

The emergency rules are silent on the size of nursery R&D areas. In the real world, R&D can be done indoors for flower tests or short-rotation breeding cycles in 200 ft/sq.; or it can be done outdoors over an acre for large-scale "pheno-hunting" seed tests and other selection processes that require a large number of sample plants grown to full term. This is where the conflict with cannabis entering the commercial chain comes in. Such breeding operations are crucial to the future of a healthy cannabis industry (as with any ag product), but in the process may generate significant amounts of potentially useable and valuable cannabis flower. These operations are also expensive, so the ability to sell the flower can help offset the cost of breeding trials.

I do not have any specific suggestions for resolving the apparent conflict between nursery R&D areas and cannabis product entering the marketplace. But I urge you to work actively with a diverse set of existing nursery and seed production licensees (or temp licensees) so that the needs of the real-world cannabis industry can deeply inform regulations in a way that meets the needs of regulation, but does not stifle innovation and opportunity.

* * *

Nursery Size

The emergency rules as written are silent on the size of nurseries. I have no suggestions at present other than to be very, very aware of the difference in size, plant numbers and seasonality of indoor clone factories and outdoor seasonal nurseries like mine. A year-round

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indoor clone factory will produce 100 times the plant count in a fraction of the space over the course of a year, so any regulations based on that will be inappropriate for an outdoor nursery.

* * *

Nursery Security

This should be left to local jurisdictions to decide, as each area will have different requirements. An indoor clone factory in an urban industrial area will have different needs than a seasonal outdoor nursery in a rural agricultural area like mine.

The plants I grow and sell are heavy, perishable, awkward to transport and have little value to criminals. A solid fence, a few strategic cameras, full-time presence and motion alarms are more than adequate.

* * *

Nursery Monitoring

This ties in with security. A seasonal, outdoor, production/retail nursery does not need a vast array of cameras. Any security system is for the benefit of the nursery, based on perceived level of risk. Rural farms and nurseries cannot be subject to excessive rules about vast camera networks and remote webcams. Our Internet connections are often slow and expensive, if they even exist.

Nurseries and small rural farms don't need high security or intensive remote monitoring. Those of us who want to make the regulated cannabis industry work are not the problem.

* * *

Nursery Access Restrictions

Cannabis plants are plants. Like any other plants. Like any other nursery, people come to my nursery because they can pick out their own plants. This means they can walk virtually anywhere. I believe that nurseries should be required to follow the same rules as stores that sell liquor. To buy alcohol—or cannabis plants—you have to be 21 or over, but you can walk around a super market liquor aisle or go into a combo liquor store/deli at any age.

At minimum, clarification is needed on what happens when a parent has a child with them if people under 21 are not allowed to go near the plants themselves. At what age does the child have to wait in the car? (E.g. does an infant have to be left in the car while a parent shops?) How far from the cannabis plants does the child have to stay?

My nursery is not a store in a building with a clearly defined door. There is an open-air driveway where people park and load up plants. The plants are visible from the driveway. This is part of the charm and appeal of a legal cannabis nursery where you can walk around the plants and pick them yourself. For years, this activity has been underground, but can now be part of the cannabis tourism that will be the future of rural areas like Humboldt County. It is imperative that indoor clone factories do not provide the template for nursery regulations.

* * *

Nursery Track and Trace

Nurseries should be exempt from track and trace for the most part. That data does nothing to indicate whether plants are being diverted to the unregulated market or brought in to the regulated market from outside.

Plant UIDs in general do nothing. They don't show regulators any useful data and they don't show farmers any useful data. What is actually being created is a haystack mass of junk data that makes finding the compliance needles more difficult. It is mostly regulatory theater.

At best, plant UIDs shouldn't exist until the plant is flowered (but even then UIDs convey no useful information in most cases and do nothing to prevent diversion if someone wants to game the system). At the nursery level, individual plant UIDs is not a workable system.

What is workable to track the activity of a nursery is the normal production data that any good nursery will keep anyway.

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For example: I just planted 1152 (72 16-count flats of 4" pots) Dream Queen seeds. So, that lot in my database will be "021518HSCDQ" [date, breeder abbreviation, strain abbreviation; I might add some other data about temperature, weather, who planted them, etc.].

My production database will ultimately show how many of the seeds germinated and when, how many died as seedlings, how many were culled due to weakness, how many were transplanted to larger pots and when, how many were culled as males, how many were lost to other causes (mechanical damage, weakness, disease) and how many were sold and to whom (or to what type of buyer in the case of personal medical and adult use where there won't be individual records).

From this data, an auditor can easily determine how many plants I should have in inventory at any given moment, how many were sold and what tax was collected (and cross check that with the CA DTFA). My records might show, for example that I sold 124 of these Dream Queen female plants to Hillside Weed Farm, LLC license #1234567ABC with Seller's Permit # 000-000000. That can be quickly checked to see if that farm entered those plants into their record or not, no individual plant UID necessary.

An audit requires coming to the nursery in person and counting individual plants in stock. Having UIDs on plants doesn't help that process at all. An auditor would have to individually inspect up to 40,000 plants (at seedling stage). Checking that each has a valid UID barcode is impossible and pointless when plants can be simply counted by the bench/area (i.e. a given bench or row has x-number of plants), extrapolated and then that number compared against the production database.

If an auditor finds that plants are missing from the physical inventory and from the database, it's reasonable to ask what happened to them. If plants are in the physical inventory, but not listed in the database as being grown on site from seed or from clones with a purchase order traced to a licensed clone supplier, it's reasonable to ask where they came from. In neither case does having a UID tag on each plant tell anything about the missing or excess plants.

End

#19

COMPLETE

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Q1 First Name (Optional)

Nina

Q2 Last Name (Optional)

Parks

Q3 Organization (Optional)

Mirage Medicinal/ Supernova Women

Q4 Title (Optional)

Respondent skipped this question

Q5 Please choose the one subcommittee to which you would like your feedback to be sent. Note: You may submit feedback to as many subcommittees as you wish. Simply click on the link again to submit additional comments.

Enforcement Subcommittee

Q6 Feedback for Subcommittee

There are two tracks in our cannabis community one that values the compassionate care to individuals that suffer from chronic pain and ailments (PTSD and Anxiety, Depression) and the one that builds successful brands that serve a lifestyle of the new adult-use market.

The current regulations blocks the ability to serve our patients and veterans with services that have long been ways for them to safely access a holistic option to their intestine deteriorating medications and on the adult use side as a retailer I want to taste and experience vendors products before I agree to carry them, and on a manufacturer level, my ability to give samples to potential buyers really helps to get people educated about the product, effects and uses.

There should be a mechanism that allows for samples of products to be given out.

[Issue] Sampling is the most effective way for patients to discover the treatment methods that work best for them through firsthand experience. Medical cannabis products can be high-priced, and patients may be reluctant to spend money to find the best method of intake for them. However samples can be both properly tested, and distributed through the track and trace system to safely allow patients to experience new products. Cannabis has been deemed by the state to be safe for recreational use by adults, and dispensaries can only admit consenting adults it's reasonable to assume sampling on-site can be done safely

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dispensaries can only admit concerning adults it's reasonable to assume sampling on site can be done safely.

[Recommendation] We propose samples be allowed for the purpose of patient education, and that they be distributed through licensed distributors using the same testing requirements as retail product. The chain of custody is preserved under the proposed safety compliance channels, ensuring sampling is a safe and effective way to educate.

(b) A licensed dispensary shall not allow representatives of other companies or organizations to provide free samples of medical cannabis goods to individuals on the licensed dispensary premises.

We need to be able to offer sales samples to dispensary buyers. In order to grow our business effectively we need to be able to open up new accounts. The only way a dispensary will consider adding products to their menu is when they are able to sample the retail unit that they would purchase for patients and consumers.

Recommendation: We would like to see concessions that allow sales samples to be given away to prospective buyers as a B2B function. All retail units will go through the track and trace system, but a sensible allowance of 4% of product may be allocated for sales samples strictly for the purpose of B2B account establishment. We also recommend that for the purpose of B2B non-commercial sales prospecting, samples should be allowed to be delivered by type II distributors, as these products will not be for sale.

(a) (1) Effective January 1, 2018, a cannabis excise tax shall be imposed upon purchasers of cannabis or cannabis products sold in this state at the rate of 15 percent of the average market price of any retail sale by a cannabis retailer. A purchaser's liability for the cannabis excise tax is not extinguished until the cannabis excise tax has been paid to this state except that an invoice, receipt, or other document from a cannabis retailer given to the purchaser pursuant to this subdivision is sufficient to relieve the purchaser from further liability for the tax to which the invoice, receipt, or other document refers.

(e) Cannabis or cannabis products shall not be sold to a purchaser unless the excise tax required by law has been paid by the purchaser at the time of sale.

Sales and promotional samples should be exempt from excise tax, and these are B2B tools for business development, and not for commercial use. It's unreasonable to burden a sales sample with the full tax of a sellable product, and this will lead to more delays to getting product into the market which will ultimately drive more tax revenue for CA, and allow manufacturers to more quickly compete in the market.

Recommendation: Above, we have outlined ways that we think manufacturers and distributors should be allowed to provide B2B samples, as well as consumer samples. We recommend that samples either be non-taxable items to match other industries, or, that they be taxed on the sample rate they were sold at instead of based on the standard markup

5411. Free Cannabis Goods

(a) A retailer shall not provide free cannabis goods to any person.

Despite the fact that cannabis has been legally available to qualified medical patients in California since 1996, there exists a huge knowledge gap among cannabis consumers, particularly new or returning adult-use consumers.

A retailer's ability to offer free samples will go a long way in closing that knowledge gap, helping to educate consumers regarding efficacy, dosage, consumption methods, strength, quality, taste, smell and personal preference. Cannabis is not a one-size-fits-all product. Every body processes cannabis differently, and sampling will enable consumers to evaluate products based their specific and unique reactions prior to purchase.

In addition, allowing manufacturers to offer samples to retailers will serve to educate retail staff who are often the first (and sometimes only) source of information for consumers.

The ability to give out free samples is especially important when considering cannabis compassion programs and the fact that the

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industry has a demonstrated commitment to helping those in need.

Recommendation: Adopt policy similar to the pharmaceutical industry where manufacturers are allowed to offer free samples to physicians who may then pass on the products to their patients. Mark sample products clearly as “not for sale” and limit the quantity/size of sample to a single serving/dose.

Sampling (for testing) in final form: BPC § 26100(b) & CCR § 5705(b) and (c)

(b) The bureau shall develop criteria to determine which batches shall be tested. All testing of the samples shall be performed on the final form in which the cannabis or cannabis product will be consumed or used.

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(b) The laboratory may obtain and analyze samples only from batches in final form as required by Business and Professions Code section 26100.

(c) The laboratory shall collect both a primary sample and a field duplicate sample from each batch. The primary sample and field duplicate sample shall be stored and analyzed separately.

Requiring the full battery of laboratory tests on every batch of final-form product is both economically onerous and scientifically unsound.

On the economic front, this will be a nearly insurmountable cost for small manufacturers. Testing each batch for potency, residuals, pesticides, microbiologicals, and heavy metals will end up costing many hundreds of dollars and likely result in delayed terms of payment for wholesale product. Small manufacturers will thus be asked to front thousands of dollars of capital for testing and will be forced to invest heavily in raw materials without being able to create revenue, or will be forced to create batches much larger than their sales volume, and edible products do have a shelf life. And even if a small manufacturer can afford all of the capital outlays, the additional cost will greatly burden their COG's and force them to pass along those costs to adult use consumers and medical patients.

For manufacturers and established manufacturing processes, this testing regimen is scientifically unsound. For a manufacturer our raw cannabis materials are tested before we incorporate them into our finished products. Our DPH-approved standard operating procedures (SOP's) and critical control points (CCP's) are designed in compliance with FDA and good manufacturing practices guidelines to ensure accurate potency and sanitary and safe manufacturing processes. Furthermore, the incorporation of other, non-cannabis raw materials into a finished product is no different than in many other regulated industries, such as food, beverages, and cosmetics, and it does not seem logical to hold us to higher laboratory testing requirements than those industries. We believe that the standards already laid out by the FDA and the CDPH protect public health and safety with regard to manufactured goods.

We would recommend requiring manufacturers to obtain full testing results for all cannabis raw materials (ingredients) and keep those results on file for an adequate period of time. Non-cannabis raw materials and other ingredients can be regulated in parity with FDA regulations as outlined in 21 CFR 117 Subpart G, which details the FDA verification process that ensures the safety of the ingredient supply-chain. And as for the final form product, we would recommend periodic testing once the previous two requirements are met.

#20

COMPLETE

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Q1 First Name (Optional)

Charlie

Q2 Last Name (Optional)

Rutherford

Q3 Organization (Optional)

Boveda, Inc

Q4 Title (Optional)

Business Development Director

Q5 Please choose the one subcommittee to which you would like your feedback to be sent. Note: You may submit feedback to as many subcommittees as you wish. Simply click on the link again to submit additional comments.

Enforcement Subcommittee

Q6 Feedback for Subcommittee

As a representative of Boveda, Inc., a manufacturer of humidity control technology designed for cannabis flower, I am writing to comment on the proposed emergency regulations. In section §5717, a maximum acceptable limit for Moisture Content (MC) at 13%, and Water Activity (AW) at 0.65 for cannabis has been set, which ensures the safety of the cannabis from microbial growth. But there is no set minimum limit, thus not defining “dry-weight ounce,” and this absence can be used to reduce tax payments and creates the opportunity for diversion. Cannabis in flower form is subject to fluctuations depending on environmental and storage conditions, as well as intentional manipulation. Tax calculation, potency testing, and accuracy in labeling, to name a few, are based on flower weight as if it is a static measurement. However, our research and secret shopping efforts have shown dramatic variation in flower moisture content and measured weight by the time it is sold at the retail level, to the tune of as much as 25% lower weight than labeled on the finished product from the laboratory.

To ensure that the laws and regulations governing the legal cannabis industry are properly enforceable, we urge this subcommittee recommend the regulating agencies work together and set a legal definition for dry-weight ounce, including minimum values for both MC and AW. My colleagues and I are available to discuss the importance of these recommendations. Please contact me at (952) 745-2905 or charles.rutherford@bovedainc.com if you have any questions regarding my comments.
