

Department of Consumer Affairs



Cannabis Advisory Committee Member Handbook

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INTRODUCTION

About the Department of Consumer Affairs

The Department of Consumer Affairs (DCA) is one of 10 Departments under the Business, Consumer Services and Housing Agency. DCA consists of more than three dozen regulatory boards, bureaus, committees, and programs (programs) and is the State of California's leading consumer protection entity. Collectively, the various programs provide licensing guidelines and oversight for more than 3.5 million professionals in over 250 different categories. The mission of DCA is to develop a fair marketplace where consumers can be assured of safe, quality service from a reputable business.

About the Bureau of Cannabis Control

The Bureau of Cannabis Control (Bureau) is one of the entities within DCA and is responsible for regulating commercial cannabis licenses for retailers, distributors, testing laboratories, microbusinesses, and cannabis events.

The Bureau serves as the lead agency for commercial cannabis regulation and works in partnership with the California Department of Public Health (CDPH) and the California Department of Food and Agriculture (CDFA).

CDPH's Manufactured Cannabis Safety Branch is responsible for regulating and licensing the manufacturers of cannabis-infused edibles for both medical and nonmedical use.

CalCannabis Cultivation Licensing, a division of CDFA, is responsible for licensing cultivators of medicinal and adult-use cannabis and implementing a track-and-trace system to record the movement of cannabis throughout the commercial cannabis supply chain.

Purpose

The purpose of this Handbook is to provide guidance to Cannabis Advisory Committee (CAC) members regarding general procedures. It also serves as a source of information for new CAC members as part of the induction process.

BACKGROUND

In 1996, voters approved Proposition 215, which legalized the use of medicinal cannabis in California. After the proposition was passed, most regulation was done by local governments.

In 2015, the Legislature passed and the Governor signed into law three bills (Assembly Bills 243 and 266, and Senate Bill 643) that create a licensing and regulatory framework for medicinal cannabis through the Medical Cannabis Regulation and Safety Act. This legislation created the Bureau within DCA. It also divided the responsibility for state licensing between three state entities – CDFA, CDPH and the Bureau – with the Bureau designated as the lead agency in regulating the cannabis industry in California.

In 2016, voters approved Proposition 64, the Adult-Use of Marijuana Act (AUMA). Under Proposition 64, adults 21 years of age or older can legally grow, possess, and use cannabis for non-medicinal purposes, with certain restrictions. In addition, beginning on January 1, 2018, AUMA makes it legal to sell and distribute commercial cannabis through a regulated business.

In June 2017, the California State Legislature passed a budget trailer bill, Senate Bill 94, that merged MCRSA and AUMA to create the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA). Under MAUCRSA, a single regulatory system governs the medicinal and adult-use cannabis industry in California.

ABOUT THE COMMITTEE

Role of the Committee

The CAC will advise the Bureau, CDFA and CDPH on the development of each entities' regulations.

Authority

Per Business and Professions Code Section 26014:

(a) The bureau shall convene an advisory committee to advise the licensing authorities on the development of standards and regulations pursuant to this division, including best practices and guidelines that protect public health and safety while ensuring a regulated environment for commercial cannabis activity that does not impose such barriers so as to perpetuate, rather than reduce and eliminate, the illicit market for cannabis.

(b) The advisory committee members shall include, but not be limited to, representatives of the cannabis industry, including medicinal cannabis, representatives of labor organizations, appropriate state and local agencies, persons who work directly with racially, ethnically, and economically diverse populations, public health experts, and other subject matter experts, including representatives from the Department of Alcoholic Beverage Control, with expertise in regulating commercial activity for adult-use intoxicating substances. The advisory committee members shall be determined by the director.

(c) Commencing on January 1, 2019, the advisory committee shall publish an annual public report describing its activities including, but not limited to, the recommendations the advisory committee made to the licensing authorities during the immediately preceding calendar year and whether those recommendations were implemented by the licensing authorities.

Appointments

CAC members serve at the pleasure of the Director of DCA. Individuals interested in serving on the committee should contact the Bureau of Cannabis Control at BCC@dca.ca.gov.

Compensation

CAC members are volunteers and do not receive compensation for their time.

CAC members can be reimbursed for any necessary travel to approved CAC meetings. Travel reimbursement will be processed only after all onboarding forms are submitted (see "onboarding" on Page 5).

Meeting Schedule

The CAC shall meet no less than quarterly each year. Additional meetings, including subcommittee meetings, may be added per the Bureau's and/or Chair's discretion. Attendance at all CAC meetings is expected.

MEMBER ONBOARDING AND TRAINING

Onboarding

As advisory committee members under DCA, CAC members must submit the following no later than 30 days after their swearing-in:

- Oath of Office – signed and dated
- Volunteer Service Agreement
- Payee Data Record (STD.204)
- Emergency Contact Information
- Authorization to Use Privately Owned Vehicles on State Business (STD.261)
- Sexual Harassment Prevention Policy Memo and Acknowledgement Form
- Sexual Harassment Prevention Training Certificate of Completion (see “Required Trainings” below for more information)
- Non-Discrimination Policy and Complaint Procedures Policy Memo and Acknowledgement Form

All original forms should be remitted to:

Bureau of Cannabis Control
c/o Cannabis Advisory Committee Coordinator
2920 Kilgore Road
Rancho Cordova, CA 95670

Required Trainings

As DCA advisory committee members, CAC members must complete the required trainings within 30 days of their swearing-in:

- Bagley-Keene Open Meeting Act Training
 - How to complete: The Cannabis Advisory Committee Coordinator will contact new members on how to complete this training.
- Sexual Harassment Prevention Training
 - Background: To ensure compliance with Assembly Bill 1825 (Chapter 933, Statutes of 2004), all DCA advisory committee members are required to complete Sexual Harassment Prevention Training every two years.
 - How to complete: The training is online and takes approximately two hours to complete. Access the training here: <http://solid.dca.ca.gov/training.html>.
- Ethics Training
 - How to complete: The training is online and takes approximately 90 minutes to complete. Access the training here: <https://oag.ca.gov/ethics/course>.

COMMITTEE LEADERSHIP AND SUBCOMMITTEES

Committee Leadership

The CAC shall elect from its members a Chair and Vice Chair to hold office for one year. The Chair and Vice Chair can be elected by its members for an unlimited number of terms.

If an office becomes vacant during the year, an election shall be held at the next meeting. Elected officers shall then serve the remainder of the term.

Leadership Roles and Responsibilities

Chair

- **Committee Business:** Conducts the CAC's business in a professional manner and with appropriate transparency. Shall use Roberts Rules of Order as a guide and shall use the provisions of the Open Meeting Act during all meetings.
- **Committee Meeting Agendas:** Develops agendas for meetings with the Bureau. Presides at CAC meetings.
- **Committee Vote:** Conducts roll call vote.
- **Committee Affairs:** Ensures that CAC matters are handled properly, including responsibilities, tasks, and orientation of new members.
- **Subcommittees:** Establishes subcommittees, as necessary, including standing and special subcommittees. Provides guidance to the Vice Chair regarding his/her subcommittee role and responsibilities.

Vice Chair

- **Committee Business:** Performs all the duties and responsibilities of the Chair when the Chair is absent.
- **Subcommittees:** Seeks volunteers for subcommittees and coordinates individual CAC member assignments, in consultation with the Chair. Ensures each subcommittee has a chairperson, and coordinates with the subcommittee chairs to ensure their responsibilities and tasks are carried out.

Subcommittees

The Chair and Vice Chair will provide leadership and guidance over subcommittees, including the establishment of standing and special subcommittees as necessary. The Vice Chair, in consultation with the Chair, shall seek volunteers for subcommittees, coordinate individual CAC member assignments, and determine the composition of the subcommittees. In determining the composition of each subcommittee, the Vice Chair shall solicit interest from the CAC members during a public meeting. Appointment of non-CAC members to a subcommittee is subject to the approval of the vote by the CAC.

MEETING PROCEDURES AND GUIDELINES

Meeting Procedures

All programs under DCA must meet in accordance with the provisions set forth by the Bagley-Keene Open Meeting Act. The CAC will use *Robert's Rules of Order*, to the extent that it does not conflict with state law, as a procedural guide when conducting meetings.

Open Meetings

The Bagley-Keene Open Meeting Act (Act) implements a provision of the California Constitution which declares that “the meetings of public bodies and the writings of public officials and agencies shall be open to public scrutiny,” and explicitly mandates open meetings for California State agencies, boards, and commissions. The Act facilitates accountability and transparency of government activities and protects the rights of citizens to participate in state government deliberations. The Act requires that the Board is to provide adequate notice of meetings to be held to the public, as well as provide an opportunity for public comment. The meeting is to be conducted in an open session, except where closed session is specifically authorized by statute.

Resources:

- [DCA's Bagley-Keene Open Meeting Act Guide](#)
- [Cannabis Advisory Committee Training PowerPoint on the Act](#)

Making a Motion at Meetings

When a decision or action is to be considered, a CAC member should make a motion to propose a decision or course of action.

Upon making a motion, CAC members are encouraged to speak slowly and clearly as the motion is being voice and/or video recorded. CAC members who opt to second a motion must remember to repeat the motion in question. Additionally, it is important to remember that once a motion has been made and seconded, it is inappropriate to make a second motion until the initial one has been resolved.

The basic process of a motion is as follows:

- An agenda item has been thoroughly discussed and reviewed. Note: At the advice of the Chair, a motion can be made first before discussion.
- The Chair opens a forum for a CAC member to make a motion to adopt, modify, or reject the discussed item.
- A CAC member makes a motion to the committee.
- Another CAC member seconds this motion.
- The Chair solicits additional comment from CAC members, and then the public.
- The Chair puts forth the motion to a vote.
- The vote of each CAC member shall be recorded via roll call vote.
- Upon completion of the voting, the Chair will announce the result of the vote (e.g. “the ayes have it and the motion is adopted” or “the no's have it and the motion fails”).

MEMBER POLICIES AND RULES OF CONDUCT

Conflict of Interest

No CAC member may make, participate in making, or in any way attempt to use his or her official position to influence a governmental decision in which he or she knows or has reason to know he or she has a financial interest. Any CAC member who has a financial interest shall disqualify himself or herself from making or attempting to use his or her official position to influence the decision. Any CAC member who feels he or she is entering into a situation where there is a potential for a conflict should immediately consult the committee's legal counsel.

Contact with Applicants and Licensees

CAC members shall not intervene on behalf of a candidate or an applicant for licensure for any reason. Nor shall they intervene on behalf of a licensee. All inquiries regarding licenses, applications and enforcement matters should be referred to the Bureau Chief.

Resignation of Committee Members

In the event that a CAC member chooses to resign, the member shall submit a letter to the Director of the DCA with the effective date of resignation. A copy of this letter shall also be sent to the Bureau Chief.

Rules of Conduct

- Committee members' actions shall serve to uphold the principle that the CAC's primary mission is to serve the public.
- Committee members shall recognize the role and responsibilities of all CAC members.
- Committee members shall adequately prepare for CAC responsibilities.
- Committee members shall be responsive to the DCA and Bureau staff.
- Committee members shall maintain the confidentiality of non-public documents and information.
- Committee members shall be fair, nonpartisan, impartial, and unbiased in their role.
- Committee members shall not use their positions on the CAC for personal, familial or financial gain.