

CANNABIS WORKING GROUP

District 1 – Kim Scott
District 2 – Mat Fogarty
District 3 – Michael James
District 4 – Cindy Robinson
District 5 – Debbie Thompson
Supervisor Kevin Goss
Supervisor Jeff Engel

Support Staff:

Craig Settlemire, County Counsel
Sheriff Greg Hagwood
Tim Gibson, Agricultural Commissioner
Randy Wilson, Planning Director

**AGENDA FOR MEETING OF OCTOBER 20, 2016 TO BE HELD AT 1:00 P.M.
IN THE BOARD OF SUPERVISORS ROOM 308, COURTHOUSE, QUINCY, CALIFORNIA**

www.countyofplumas.com

AGENDA



REASONABLE ACCOMMODATIONS: In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting please contact the Clerk of the Board at (530) 283-6170. Notification 72 hours prior to the meeting will enable the County to make reasonable arrangements to ensure accessibility. Auxiliary aids and services are available for people with disabilities.

STANDING ORDERS

1:00 P.M. **CALL TO ORDER/ROLL CALL**

ADDITIONS TO OR DELETIONS FROM THE AGENDA

PUBLIC COMMENT OPPORTUNITY

At this time, the public has the opportunity to address the Cannabis Working Group concerning any item of interest not listed on this agenda. Any member of the public wishing to address the Working Group during the "Public Comment" period will be limited to a maximum of 3 minutes

ACTION AGENDA

1. CANNABIS WORKING GROUP

- A. Introductions
- B. Select Chair and Vice Chair of the Cannabis Working Group
- C. Adoption of Regulations Governing Public Comment Opportunity; consider "Adopting Regulations Governing the Public Comment Opportunity during Regular Meetings of the Board of Supervisors" Resolution No. 87-4084
- D. Overview by Randy Wilson, Planning Director
- E. Discussion regarding goals and objectives of the Working Group
- F. Set regular meeting date, time, and location

ADJOURNMENT

10

RESOLUTION No. 87 - 4084

ADOPTING REGULATIONS GOVERNING THE PUBLIC COMMENT OPPORTUNITY DURING REGULAR MEETINGS OF THE BOARD OF SUPERVISORS

WHEREAS, the Board of Supervisors finds and determines as follows:

A. The chairperson or presiding officer of the board of supervisors controls the conduct of board meetings and may recognize a speaker from the public on any appropriate terms and conditions, and

B. Recent amendments to the Brown Act (Open Meeting Act, AB 2674, Chapter 641, effective January 1, 1987) mandate an opportunity for public comment in every agenda for a regular board meeting, subject to reasonable regulation by the board, and

C. The board finds it necessary to adopt regulations for the public comment opportunity in order to assist the chairperson or presiding officer to preserve order, to divide time fairly, and to manage efficiently the public's business,

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Plumas, State of California, that this board adopts the following regulations for the public comment opportunity:

1. The chairman or presiding officer shall have the exclusive authority to recognize speakers from the public and he or she shall limit comment to:

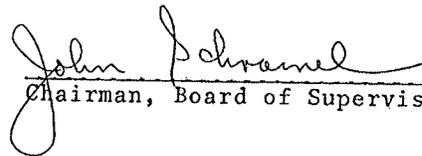
- (a) three (3) minutes per speaker per meeting;
- (b) five (5) speakers per single issue per meeting;
- (c) not less than 15 minutes and not more than 45 minutes, assuming a sufficient number of speakers is present to use the time.

2. The specific spot for the public comment opportunity on the agenda shall be determined from time to time by a majority vote of the board, and absent such determination the spot shall immediately precede the closed session scheduled at the end of the agenda.

The foregoing resolution was duly passed and adopted by the Board of Supervisors of the County of Plumas, State

of California, at a regular meeting of said board held
on the 6th day of January, 1987, by the following vote:

AYES: Supervisors: Woodhall, Coates, Gossett, Ross
and Schramel
NOES: Supervisors: None
ABSENT: Supervisors: None


Chairman, Board of Supervisors

ATTEST:


County Clerk and ex-officio Clerk
of said Board of Supervisors



OFFICE OF COUNTY COUNSEL

POST OFFICE BOX 388
QUINCY, CALIFORNIA 95971
(916) 283-1840

January 2, 1987

ROBERT SHULMAN
COUNTY COUNSEL

JANET A. HILDE
DEPUTY COUNTY COUNSEL

To: Board of Supervisors
From: Robert Shulman
Re: Brown Act Changes effective January 1, 1987.

The purpose of this memo is to alert you to the changes in the Brown Act.

1. AGENDA

Action is allowed only on items posted on the agenda by ~~4 p.m. Friday~~ ^{Wednesday} for a Tuesday meeting.

Exceptions:

- (a) Emergency: Board must find by majority vote that there is a work stoppage, disaster, or other immediate threat to health and safety. The vote is a majority of the body (3 out of those present).
- (b) New Item: Board must find by 2/3 vote that the item arose after the agenda was posted. The vote is 2/3 of the body (4 out of 5, 3 out of 4, or 3 out of 3).
- (c) Discussion only: An item not on the agenda can be discussed so long as no action is taken.

2. SPECIAL MEETINGS

The new requirement is that notice of the meeting must be posted in a public place at least 24 hours prior to the meeting except in emergencies [see 1(a) above]. Posting was not required before.

3. PUBLIC COMMENT OPPORTUNITY

Every agenda for regular meetings must provide an opportunity for members of the public to directly address the Board on items of interest that:

- (a) are within the Board's jurisdiction.
- (b) have not already been heard fully by the Board or a Board committee at a public meeting or hearing, unless the Board in its discretion finds that the item has substantially changed.

The Board may adopt reasonable regulations for orderly management of this time (see proposed RESOLUTION attached).

RS/g



Plumas County Cannabis Ordinance Development

Brainstorm Ideas

July 2016

- Use an open public process with the Planning Commission to develop a Plumas County Ordinance regarding the regulation and permitting of the commercial cultivation, distribution, and dispensing of cannabis. Create a public notice list which contains interested parties, medical cannabis users, and those who would like to do cannabis business in Plumas County.
- Process must start with education of the Planning Commission and the public about the current state law (MMRSA), now (MCRSA) regarding the state permitting of commercial cannabis cultivation, distribution, and dispensing of cannabis. Create a detail summary of MMRSA which can be used for educating the Planning Commission and the public.
- Conduction initial workshops with Planning Commission focused on what the current state law (MMRSA), now (MCRSA) says, how this law may work, and impacts to current commercial cannabis cultivators. Make sure that the Planning Commission and the public understands what the law is saying and means. Conduct these workshops in the various areas of the County; Chester, Greenville, Quincy, Greagle, and Portola.
- Research various existing cannabis ordinances and present these ordinances to the Planning Commission at workshops. Potential example ordinances include Humboldt, Lassen, Calaveras, Monterey, Oakland and others-keep researching ordinances.
- Discuss with the Planning Commission and public compatibility issues that may arise with the permitting of commercial cannabis. Issues include noise, water use and quality.
- Discuss with the Planning Commission the issues of commercial and personal cannabis cultivation. Provide an example ordinance on personal cultivation of cannabis, such as the Humboldt County Ordinance and others.
- Provide the Planning Commission and the public with the language of the initiative regarding adult recreational use of cannabis (AUMA Initiative) that will be on the ballot in November. Provide some analysis of the similarities and differences between MMRSA, now (MCRSA) and AUMA. If AUMA passes the initiative will put into law changes to MCRSA.

- Investigate the CEQA needs of a cannabis ordinance. Can the ordinance be exempt? Humboldt County was sued over their CEQA doc and now has to do an EIR. Calaveras County has an interim cannabis ordinance and will be doing an EIR for its ordinance. Monterey County is using a Negative Declaration, but will not be allowing any new land development for cannabis growing or dispensing.
- Key aspects of an ordinance:
 - 1) Process of permitting of commercial cannabis cultivation, distribution (mobile), and dispensing. Special Use Permits inform the neighbors as to what is happening and the public process can develop specific compatibility conditions. Special Use Permits require considerable staff time to process as well as have lengthy processing time and may require individual CEQA compliance documents. State issued permits under MMRSA, now (MCRSA) are good for 1 (one) year and local permits can follow this same pattern. This allows for an annual review for compliance.
 - 2) May need to develop a Cannabis Cultivation Permit, similar to a special use permit or consider a minor use permit where standards are developed and if the applicant meets them then the permit is issued. A minor use permit does not need a public hearing. Can there be a Cannabis Cultivation Permit that is publically noticed that is not as process orientated as a Special Use Permit?
 - 3) Dispensaries seems to fit a Special Use Permit. Make sure setbacks from sensitive uses, such as schools and daycare facilities, are addressed. Can develop more stringent setbacks than those found in state law (MMRSA), now (MCRSA), which are 600 feet from sensitive uses. Many of the ordinances reviewed have a 1000 foot setback from sensitive uses. Dispensaries allowed only in Communities and Towns in what commercial zones?
 - 4) How to address cultivation, commercial and private medical, in the County's communities. Don't allow commercial cultivation in residential zones? Allow personal medical cultivation in residential zones? Only allow personal medical cultivation indoors in a properly permitted structure?
 - 5) Address outdoor, indoor, and mixed outdoor cultivation in accordance with the standards set in MMRSA, now (MCRSA).
 - 6) Require that all state permits be acquired for commercial cultivation, such as a waste discharge permit from the Regional Water Quality Board, Calfire permit when trees are removed and any other state agency required permit. Make sure that commercial cannabis growing permits will meet the standards of state law such that the growers can get the state permits once a local permit is issues
 - 7) Address cannabis oil refineries. Permit in industrial zones?

Notice of Preparation

To: Responsible, Federal and Trustee Agencies From: California Department of Food and
 Agriculture

 (Agency) _____

 (Address) 1220 N Street, Suite 400

 Sacramento, CA 95814

Subject: **Notice of Preparation of a Draft Subsequent Environmental Impact Report**

The California Department of Food and Agriculture (CDFA) is the lead agency and is preparing a Program Environmental Impact Report (PEIR) for the project identified below. CDFA would like input from your agency and interested members of the public regarding the scope and content of the environmental information that is germane to your agency's statutory responsibilities in connection with the proposed project. Your agency may need to use the PEIR prepared by the CDFA when considering any permit or other approval related to the proposed project.

The project description, location, and potential environmental effects are contained in the attached materials. A copy of the initial study *is* *is not* attached.

Because of the time limits mandated by state law, your response must be sent at the earliest possible date but not later than 30 days after receipt of this notice.

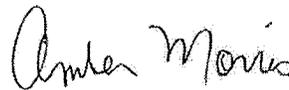
Please send your response to Amber Morris at the address above. Please include your name or the name of a contact person in your agency.

Project Title: Medical Cannabis Cultivation Program

Project Applicant, if any: n/a

Date: September 1, 2016

Signature: _____



Title: _____

Branch Chief

Telephone: _____

(916) 263-0801

Email: _____

mccp.peir@cdfa.ca.gov

1. Introduction

In late 2015, the State Legislature passed, and Governor Brown signed into law, the Medical Cannabis Regulation and Control Act (Act). This Act, consisting of three separate bills (Assembly Bills 243 and 266, and Senate Bill 643), outlines a new structure for regulation and enforcement of medical cannabis production and use in California. The Act addresses issues such as cultivation, manufacture of cannabis products, quality control and inspection, distribution, dispensaries, and prescriptions for patients. The Act establishes new licensing procedures for various aspects of the production process. Marijuana is currently a Schedule 1 controlled substance under federal law. Individuals engaging in cannabis cultivation and other activities risk prosecution under federal, state, or local law.

The Act identifies a number of state agency responsibilities, including tasking the California Department of Food and Agriculture (CDFA) with licensing medical cannabis cultivation, as well as establishing a “track and trace” system, which involves development of a unique identifier for each plant, a reporting system, fees, and documents the transport path of plants from cultivation to distribution as a medicinal cannabis product.

In compliance with the Act’s requirements, CDFA is developing regulations to establish a licensing program for medical cannabis cultivation and establish a track and trace system. These are collectively referred to as the Medical Cannabis Cultivation Program (MCCP), Program, or Proposed Program. CDFA is preparing a Program Environmental Impact Report (PEIR) to provide the public, responsible agencies, trustee agencies, and permitting agencies with information about the potential environmental effects associated with the adoption and implementation of these statewide regulations. The PEIR will be prepared by CDFA in accordance with the provisions of the California Environmental Quality Act (CEQA) and the State CEQA Guidelines. CDFA will be the lead agency pursuant to CEQA and will consider comments from responsible and trustee agencies, property owners, and interested persons and parties regarding the scope and content of the environmental information to be included in the PEIR.

2. Program Description

2.1 Program Area

The Program would occur in various locations within the state of California at licensed medical cannabis cultivation sites, and at sites implementing the track and trace system.

2.2 Program Purpose

The overall purpose of CDFA’s Program is to establish a regulatory licensing program that would ensure that medical cannabis cultivation operations would be performed in a manner that protects the environment, cannabis cultivation workers, and the general public from the individual and cumulative effects of these operations, and fully complies with all applicable laws. An additional Program purpose is to establish a track and trace program to

ensure the movement of medical marijuana items are tracked throughout the production chain.

2.3 Program Objectives

The regulations will be developed to achieve the following objectives:

- Establish minimum requirements for indoor, outdoor, and mixed light medical cannabis cultivation operations that must be achieved by cultivators in order to obtain a cultivation license from CDFA;
- Establish a limit on the quantity of licenses issued for the Type 3, 3A, and 3B cultivation categories;
- Ensure that individual and cumulative effects of water diversion and discharge associated with cultivation do not affect the instream flows needed for fish spawning, migration, and rearing, and the flows needed to maintain natural flow variability;
- Ensure that cultivation will not negatively impact springs, riparian wetlands, and aquatic habitats;
- Require that cannabis cultivation by licensees is conducted in accordance with state and local laws related to land conversion, grading, electricity usage, water usage, water quality, woodland and riparian habitat protection, agricultural discharges, and similar matters;
- Establish procedures for the issuance and revocation of unique identifiers for activities associated with a cannabis cultivation license;
- Prescribe standards for the reporting of information as necessary related to unique identifiers;
- Establish a scale of application, licensing, and renewal fees, based upon the cost of administering and enforcing the Program; and
- Develop a cultivation checklist tool that can be used by CDFA, other agencies, and local governments to evaluate environmental impacts of cannabis cultivation license programs.

2.4 Preliminary Regulations

A table of contents and an outline of CDFA's preliminary regulations are attached to this notice.

3. CEQA Process

3.1 Notice of Preparation

This Notice of Preparation (NOP) presents general background information on the Program, the scoping and larger CEQA process, and the environmental issues to be addressed in the PEIR. CDFA has prepared this NOP pursuant to CEQA Guidelines section 15082.

3.2 Scoping Workshops

In order for the public and regulatory agencies to have an opportunity to ask questions and submit comments on the scope of the EIR, public scoping workshops will be held during the NOP review period. Because the Statewide Program is a “project of statewide, regional, or areawide significance,” the scoping workshops will be conducted in eight different locations throughout the State. The scoping workshops will solicit input from the public and interested public agencies regarding the nature and scope of environmental impacts to be addressed in the Draft EIR.

All eight workshops will use the same format and interested parties may attend one or all meetings. Oral comments will be noted and considered at the workshops, and written comments will be accepted both during the workshops as well as anytime during the 30-day scoping period. Comment forms will be available at the scoping workshops for those who wish to submit written comments during or at the workshop.

The dates, times, and exact locations of the public scoping workshops are scheduled for:

- September 13th 2016, 4 – 7 PM
Sacramento Convention Center
1400 J Street, Room 202
Sacramento, CA 95814
- September 14th 2016, 4 – 7 PM
Red Lion Hotel
(Sierra Room)
1830 Hilltop Drive
Redding, CA 96002
- September 15th 2016, 4 – 7 PM
Red Lion Hotel
(Pacific Room)
1929 4th Street
Eureka, CA 95501
- September 20th 2016, 4 – 7 PM
Oakland Marriott
(Skyline Room)
1001 Broadway
Oakland, CA 94607
- September 21st 2016, 4 – 7 PM
Courtyard by Marriott
(Grand Ballroom)
1605 Calle Joaquin
San Luis Obispo, CA 93405
- September 22nd 2016, 4 – 7 PM
Harris Ranch
(Garden Ballroom)
24505 West Dorris Ave
Coalinga, CA 93210
- September 27th 2016, 4 – 7 PM
Pasadena Convention Center
(Ballroom F)
300 East Green Street
Pasadena, CA 91101
- September 28th 2016, 4 – 7 PM
Miracle Springs Resort and Spa
(Mirage Ballroom)
10625 Palm Drive
Desert Hot Springs, CA 92240

This scoping workshop information has also been published in Eureka Times Standard, Redding Record Searchlight, Sacramento Bee, San Francisco Chronicle, San Luis Obispo Tribune, Fresno Bee, Los Angeles Times, Riverside Press Enterprise and CDFA's website (www.cdfa.ca.gov/is/mccp).

3.3 Draft PEIR

The primary purpose of a PEIR is to analyze and disclose the reasonably foreseeable direct and indirect environmental impacts that may occur as a result of the Program. The Draft PEIR, as informed by public and agency input through the scoping period, will analyze and disclose the potentially significant environmental impacts associated with the Program and, where any such impacts are significant, identify potentially feasible mitigation measures and alternatives that substantially lessen or avoid such effects will be identified and discussed.

Below is a preliminary list of potential environmental issues to be addressed in detail in the PEIR. The analysis in the Draft PEIR ultimately will determine whether these impacts are reasonably foreseeable, whether they are significant based on identified thresholds of significance, and whether they can be avoided or substantially lessened by potentially feasible mitigation measures and alternatives.

- Aesthetics
- Agriculture and Forestry Resources
- Air Quality
- Biological Resources
- Cultural Resources
- Geology and Soils
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Mineral Resources
- Noise
- Population and Housing
- Public Services
- Recreation
- Transportation and Traffic
- Tribal Cultural Resources
- Utilities and Service Systems
- Cumulative Impacts
- Irreversible Impacts

3.4 Public Review of the Draft PEIR

Once the Draft PEIR is completed, it will undergo public review for a minimum of 45 days. CDFA is also planning to hold public workshops during this public review period. The date, time, and exact location of the public workshops will be made available prior to the events.

3.5 Final PEIR

Written and oral comments received in response to the Draft PEIR will be addressed in a Response to Comments document which together with the Draft PEIR will constitute the Final PEIR. The Final PEIR, in turn, will inform CDFA's exercise of discretion as a lead agency under CEQA in deciding whether to approve the Program.

4. Submittal of Scoping Comments

This NOP is being circulated to local, state, and federal agencies, and to interested organizations and individuals who may wish to review and comment on the Program or the Draft PEIR at this stage in the process. In addition, the NOP is available for review at the CDFA's offices and on CDFA's internet website (www.cdfa.ca.gov/is/mccp). Written comments concerning the scope and content of this PEIR are welcome.

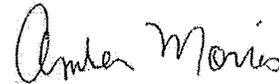
Consistent with the time prescribed by State law for public review of an NOP, your response to and input regarding the project should be sent at the earliest possible date, but **not later than September 30, 2016**. Please include your name, address, and contact number for your agency as applicable for all future correspondence related to the Program. Written comments may be sent via email or letter to:

California Department of Food and Agriculture
Attn: Amber Morris
Medical Cannabis Cultivation Comments
1220 N Street, Suite 400
Sacramento, CA 95814

Email: mccp.peir@cdfa.ca.gov
Subject Line: Medical Cannabis Cultivation Program Comments

PUBLICATION DATE: September 1, 2016

Signature: _____



Amber Morris

Attachment: Table of Contents and Outline of Preliminary Regulations

CALIFORNIA CODE OF REGULATIONS
TITLE 3. FOOD AND AGRICULTURE
DIVISION 8. Cannabis Cultivation
CHAPTER 1. Medical Cannabis Cultivation Program

Article 1. Definitions

§ 8000. Definitions.....X

Article 2. Applications for Cultivation Licenses

§ XXXX. General Application Information for Cultivation LicensesX

§ XXXX. Application Requirements for Cultivation LicensesX

§ XXXX. Incomplete Applications.....X

§ XXXX. Application Processing Fee Schedule.....X

§ XXXX. Application Payment Method.....X

Article 3. Licensing

§ XXXX. License Types.....X

§ XXXX. License Allowances and ConstraintsX

§ XXXX. License Denial and Appeal Process.....X

§ XXXX. Petition of License Denial.....X

§ XXXX. License Renewal.....X

§ XXXX. License Fee ScheduleX

Article 4. Cultivator Requirements

§ XXXX. Requirements for All License Types.....X

§ XXXX. Requirements for Indoor License Types.....X

§ XXXX. Requirements for Mixed Light License Types.....X

§ XXXX. Requirements for Outdoor License Types.....X

§ XXXX. Requirements for Cannabis NurseriesX

Article 5. Track and Trace Requirements

§ XXXX. Unique IdentifiersX

§ XXXX. Tracking SystemX

§ XXXX. Reporting Requirements.....X

Article 6. Inspections

§ XXXX. Inspections RequirementsX

Article 7. Enforcement

§ XXXX. License Violations.....X

§ XXXX. Administrative Hold Procedure.....X

§ XXXX. Voluntary Surrender of Cannabis or Cannabis ProductX

§ XXXX. Completed Investigations.....X

§ XXXX. Minor, Moderate, or Serious Violations.....X

§ XXXX. Appeal Process.....X

Cannabis is a Schedule I drug pursuant to the Controlled Substance Act 21 U.S.C. § 812. Activity related to cannabis use is subject to federal prosecution, regardless of the protections provided by State law.

Medical Cannabis Cultivation Program Outline of Draft Regulations

Below is a detailed outline of the draft regulations to implement the Medical Cannabis Cultivation Program (MCCP), including licensing and “track and trace” program elements. Where necessary, the regulations will restate statutory requirements from the Medical Cannabis Regulations and Safety Act (MCRSA) for clarity.

DEFINITIONS: In addition to the statutory definitions provided by MCRSA, the MCCP will define the following terms:

- Canopy
- Flowering
- Immature
- Mixed-light cultivation
- Premises
- Propagate

APPLICATIONS FOR CULTIVATION LICENSES:

- **General Application Information for Cultivation Licenses** – Includes where to find application form, how to submit, and references sections for application component requirements and fees.
- **Application Requirements:** Licensees will have to provide the following, at a minimum, in order to be considered for a license:
 - ✓ Board of Equalization seller’s permit number
 - ✓ Proof of fingerprinting submission to the California Department of Justice
 - ✓ Copy of a local license, permit or other authorization from a local jurisdiction to cultivate, and related California Environmental Quality Act (CEQA) documentation
 - ✓ A cultivation plan detailing grow site dimensions, chemical use protocols, water source and storage, waste removal plan, security protocols, inventory tracking procedures, quality control procedures, product storage and labeling, and details regarding the method of compliance with applicable MCCP environmental requirements
 - ✓ Proof of the legal right to occupy the proposed cultivation site
 - ✓ Proof of a bond in the amount of \$25,000
 - ✓ If applicable, copy of a valid Fish and Game Code section 1602 lake or streambed alteration agreement or written verification from the Department of Fish and Wildlife that an agreement is not required
 - ✓ If applicable, approval of water diversion and water rights
 - ✓ If applicable, a certificate of rehabilitation for a conviction

Applicants will also need to attest to the following:

- ✓ A license is only valid for the single, identified location
- ✓ The proposed location is located beyond a 600-foot radius from a school
- ✓ The applicant is not a licensed retailer of alcoholic beverages
- ✓ The applicant is an “agricultural employer”
- ✓ For an applicant with 20 or more employees, the applicant will enter into a Labor Peace Agreement
- ✓ Comply with prohibition of weapons and firearm at the cultivation site
- ✓ Under penalty of perjury, the information in the application is complete, true and accurate; the applicant has read and is familiar with all applicable laws and regulations

Cannabis is a Schedule I drug pursuant to the Controlled Substance Act 21 U.S.C. § 812. Activity related to cannabis use is subject to federal prosecution, regardless of the protections provided by state law.

- **Incomplete Applications** – Inform applicants if application is incomplete and provide a time-frame to submit missing information.
- **Application Processing Fee Schedule** – Provide fee requirements when submitting applications. This fee will be non-refundable and will pay for resources necessary to process applications.
- **Application Pay Method** – Specify the accepted method of payments and location(s) where payments can be made.

LICENSING:

License Types: Specifies license types as follows:

License Types			
Category	Outdoor (no artificial light)	Indoor (exclusively artificial light)	Mixed-light (combo of natural & supplemental artificial light)
Specialty Cultivator	Type 1 Up to 5,000 sq ft, or up to 50 mature plants on noncontiguous plots	Type 1a Up to 5,000 sq ft	Type 1b Up to 5,000 sq ft
Small Cultivator	Type 2 5,001 - 10,000 sq ft	Type 2a 5,001 - 10,000 sq ft	Type 2b 5,001 - 10,000 sq ft
Cultivator	Type 3 10,001 sq ft to one acre	Type 3a 10,001 - 22,000 sq ft	Type 3b 10,001 - 22,000 sq ft
Nursery	Type 4 Up to one acre	Type 4 Up to one acre	Type 4 Up to one acre

- **License Allowances and Constraints** –
 - ✓ Clarifies allowable license combinations.
 - ✓ Multiple cultivation licenses may be obtained by one applicant, but total canopy cannot exceed four acres.
- **License Denial** – Failure to comply with application requirements will result in MCCP denying the license.
- **Petition of License Denial** – Procedure by which the decision to deny the license can be reviewed; must file the petition within 30 days.
- **License Renewal** – Cannabis cultivation licenses must be renewed annually. Renewal applications must be received 100 days prior to expiration of license.
- **License Fee Schedule** – Fees will be based on license type, fees have not yet been determined.

CULTIVATION REQUIREMENTS:

- **Requirements for All License Types** –
 - ✓ **Environmental Management Measures and Best Management Practices:** Any relevant environmental management measures and best management practice requirements included in the regulations, or determined by the environmental impact report (EIR), shall be included in a license for cultivation.
 - ✓ **Water:** Requires compliance with applicable principles, guidelines and requirements established by the State Water Resources Control Board.
 - ✓ **Waste Discharges:** Requires compliance with applicable general orders issued by the Regional Water Quality Control Boards or State Water Resources Control Board, or in regions where no general order exists, individual Waste Discharge Requirements from the applicable Regional Water Quality Control Board.

- ✓ **Wildlife (aquatic):** Requires compliance with Department of Fish and Wildlife guidelines and laws to ensure that individual and cumulative effects of water diversion and discharge of cannabis cultivation operations do not affect instream flows needed for fish spawning, migration and rearing.
 - ✓ **Wildlife (general):** Requires compliance with the California Endangered Species Act, including possession of an Incidental Take Permit from the Department of Fish and Wildlife, if the cultivation operation has the potential to result in “take” of a species listed as threatened or endangered.
 - ✓ **Pesticides:** Requires the Department of Pesticide Regulation (DPR) to develop guidelines for the use of pesticides in the cultivation of cannabis. DPR is also required to ensure that the application of pesticides in connection with indoor or outdoor cannabis cultivation is compliant with existing pesticide use laws. Use of pesticides may be further limited based on the EIR.
- **Indoor License Types** – Lighting, building, ventilation requirements as determined necessary and feasible to mitigate environmental impacts by the EIR.
 - **Mixed Light License Types** – Additional requirements as determined necessary and feasible by the EIR.
 - **Outdoor License Types** - Additional requirements as determined necessary and feasible by the EIR.
 - **Cannabis Nurseries** - Additional requirements as determined necessary and feasible by the EIR.

TRACK & TRACE PROGRAM:

- **Unique Identifiers** – Every plant greater than 8 inches in height must receive a unique identifier. The MCCP, in collaboration with several departments, is still determining the form of the unique identifier.
- **Tracking System** – The MCCP shall implement a system for tracking unique identifiers; licensees shall report movement of cannabis through the tracking system.
- **Reporting Requirements** – Specific information including but not limited to quantity, weight, variety, estimated times of departure and arrival, licensee receiving product, and transaction date are required.

INSPECTIONS:

- Inspections include review of records and inspection of the cultivation site(s); identifies site safety conditions for inspection, inspection hours; specifies time frame in which records must be provided.

ENFORCEMENT:

- **License Violations** – CDFA will have two years from the date of the violation within which to bring an administrative action to suspend, revoke or other disciplinary action for the violation.
- **Administrative Hold Procedure** – To prevent the destruction of evidence, diversion, and threats to public safety, cannabis or cannabis products may be placed under a hold. Licensees shall segregate the items on hold so that they are secure.
- **Voluntary Surrender of Cannabis or Cannabis Product** – Procedure allowing licensee to surrender cannabis or cannabis products prior to the completion of an investigation. The

cannabis or cannabis products surrendered will be destroyed. Does not waive a licensee's right to a hearing.

- **Completed Investigations** – Upon completing an investigation, CDFA shall determine if the violation occurred and if so, what the appropriate penalty should be.
- **Minor, Moderate, Serious violations** – The M CCP will provide for penalties to be assessed based on the severity of a violation of license requirements or other regulatory provisions. Penalties will range from fines to license suspension or revocation.
- **Appeal Process** – Licensees will have 30 days to appeal any violation issued. Appeals shall be submitted to CDFA's Office of Hearings and Appeals. Licensees may request a formal hearing. Formal hearings will be conducted by a hearing officer designated by CDFA. A decision shall be issued within 14 days after the conclusion of the hearing.

BUREAU OF MEDICAL CANNABIS REGULATION
REGULATIONS PROCESS

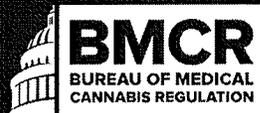
In 2015, Governor Brown signed legislation that established California's first regulatory framework for the medical cannabis industry.

The Medical Cannabis Regulation and Safety Act (Act) provides for licenses to be issued by three licensing authorities: the Bureau of Medical Cannabis Regulation (BMCR), California Department of Food and Agriculture (CDFA), and California Department of Public Health (CDPH).

HOW TO GET INVOLVED: CONTACT INFORMATION

All members of the public are able to participate in the regulatory process and have a voice in the implementation of the Act. Sign up for the licensing authorities' mailing lists to receive updates on the status of implementation of the Act and information on pre-regulatory meetings and other opportunities for public comment.

Licensing Author	Website	E-mail	Listserv
BMCR	www.bmcr.ca.gov	bmcr@dca.ca.gov	www.dca.ca.gov/webapps/bmcr/subscribe.php
MCCP	www.cdfa.ca.gov/ls/mccp	cdfa.mccp@cdfa.ca.gov	www.cdfa.ca.gov/subscriptions/?cdfa_list_listd
OMCS	www.cdph.ca.gov/omcs	omcs@cdph.ca.gov	listserv@maillist.dhs.ca.gov



CALIFORNIA'S REGULATORY PROCESS

The Act provides a basic structure for how the medical cannabis industry will be regulated in the state, leaving the specific rules to be determined by various state entities through the state's regulatory process. For example, the Act requires all businesses to have security protocols in order to obtain a state license; however, the details of the security protocols will be determined through the regulatory process.

The goal for all licensing authorities is to complete the rule-making process by the end of 2017, and begin accepting applications on January 1, 2018. The flowchart below highlights the typical process necessary to adopt a regulation.

