

Re-Adopted Emergency Regulations: A Summary for Cannabis Cultivators

Licensed Cannabis Cultivation in California

In June 2017, California Governor Jerry Brown signed into law the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA), which creates one regulatory system for both medicinal and adult-use (recreational) cannabis. Under MAUCRSA, the California Department of Food and Agriculture (CDFA) was designated as the state agency responsible for issuing licenses to commercial cannabis cultivators in California.

CDFA's emergency regulations were released on November 17, 2017, and now must be re-adopted for an additional 180-day period. Based on public feedback, the re-adopted emergency regulations include some changes, as highlighted below.

Commercial Cannabis Activity Between Licensees

Section 8214 of the emergency regulations provides that licensees may conduct commercial cannabis activities with any other licensee, regardless of the A or M designation. As a result, licenses will be issued to cultivators, nurseries, and processors as either type "A" or "M," and licensees no longer need both designations for the same premises to conduct business with licensees who have a different designation.

Definitions

The definition of **canopy** has been revised to clarify how a canopy will be measured for indoor, mixed-light, and outdoor license types.

A definition of **light deprivation** has been added to provide clarification for determining license types.

Temporary License Application

Section 8100 of the emergency regulations has been revised to include three new items that must be included with a temporary cannabis cultivation license application:

- a proposed cultivation plan
- identification of applicable water sources
- evidence of enrollment in water-quality-protection programs with the applicable Regional Water Quality Control Board or State Water Resources Control Board—or written verification from the appropriate board that enrollment is not necessary