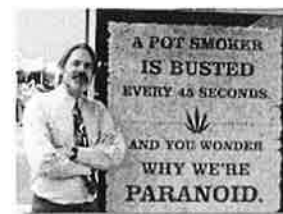




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SUMMARY OF THE MEDICAL CANNABIS REGULATION and SAFETY ACT (MCRSA) and MAUCRSA

GUIDE TO PROP. 64, THE ADULT USE OF MARIJUANA ACT OF 2016 (AUMA)

State Bureau of Marijuana Control

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Cal NORML: A SUMMARY OF THE MEDICAL CANNABIS REGULATION and SAFETY ACT (MCRSA)

Posted September 15th, 2015 by canorml_admin

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Also see: [Summary of Expected Emergency MAUCRSA Regulations](#)

UPDATE September 2017 - The Governor has signed [AB 133](#), a new budget trailer bill making last-minute adjustments to California's cannabis regulations. Among the most important of these is to allow medical and non-medical licensees to operate on the same premises. (This would formerly have been provided under the Bonta bill AB 64, but it and other cannabis regulation bills have been canned by the legislature at the Governor's request. Other technical provisions in the trailer bill would adjust how and when the cannabis tax is assessed. The new trailer bill does NOT include the provision in AB 64 that would have allowed for trademarking of cannabis products.)

SB 663 (Nielsen) was vetoed in favor of pending regulations regarding packaging and labeling. AB 350 (Salas) was amended to read: "A cannabis product shall not be made in the shape of a person, animal, insect, or fruit," and maintains a 10 mg maximum dose.

UPDATE July 2017 - The Governor has signed a new bill, [SB 94, entitled the Medical and Adult-Use Cannabis Regulation and Safety Act \(MAUCRSA\)](#), which took effect immediately. MAUCRSA melds the state's medical-only regulations passed by the legislature (a.k.a. MCRSA) with the adult-use rules approved by the voters under Prop. 64, a.k.a. [AUMA \(Adult Use of Marijuana Act\)](#). For the most part, MAUCRSA follows the more flexible, industry-friendly rules of AUMA, such as allowing applicants to get licenses in different phases of the industry—cultivation, manufacture, distribution and retailing—rather than restrict so-called vertical integration by allowing just a single kind of license, as under MCRSA. It also eliminates MCRSA's independent distributor requirement, authorizes the issuance of temporary special-event licenses, and drops the California residency requirement for license applicants.

Under MAUCRSA, applicants have the choice of applying for a medical "Type M" or adult-use "Type A" license in any category (cultivating, manufacture, etc.). It requires medical and adult-use business to operate separately, but a provision to allow co-location of adult and medical use facilities has been incorporated in a separate regulatory clean-up bill, AB 64 by

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Asm. Ron Bonta (D-Alameda), co-sponsored by Asm. Jim Wood (D-Healdsburg), Reggie Jones-Sawyer (D-Compton), Ken Cooley (D-Rancho Cordova) and Tom Lackey (R-Palmdale).

AB 64 would :

- (1) allow medical and adult-use licenses to operate on the same premises;
- (2) amend California's Model State Trademark Law to allow trademarks for cannabis products; and
- (3) allow existing medical collectives, which must still operate as not-for-profits under SB 420 pending state regulation, to operate on a for-profit basis immediately.

[MCRSA Economic Analysis from UC Agricultural Issues Center 2/23/17](#)

The Governor has signed into law [AB 2516](#) by Asm. Jim Wood to authorize a new "specialty" "cottage" license for home growers with no more than 2,500 square feet of outdoors space.

[SB 837](#) changed the name of the Medical Marijuana Regulation and Safety Act and the Bureau of Medical Marijuana Regulation to the Medical Cannabis Regulation and Safety Act and the Bureau of Medical Cannabis Regulation, and makes other changes.

Key Government Websites:

[Bureau of Cannabis Regulation](#)
[DPH Office of Medical Cannabis Safety](#)
[CDFA Medical Cannabis Cultivation Program](#)
[North Coast Water Board Cannabis Program](#)
[Central Valley Water Board Cannabis Program](#)



The new Medical Cannabis Regulation and Safety Act consists of three separate bills which were enacted together on Sept 11, 2015. The bill creates a comprehensive state licensing system for the commercial cultivation, manufacture, retail sale, transport, distribution, delivery, and testing of medical cannabis. All licenses must also be approved by local governments.

The law went into effect on January 1, 2016; however, the state has said it will need until January 2018 to set up the necessary agencies, information systems, and regulations to actually begin issuing licenses. In the interim, local governments may choose to adopt new ordinances to permit or license local businesses in preparation for state licensing. Facilities currently operating in accordance with state and local laws may continue to do so until such time as their license applications are approved or denied. In the meantime, prospective applicants are strongly advised to

apply to the state Board of Equalization for a Resale Permit, and to prepare for seeking approval from their local governments.

Text of Medical Cannabis Regulation Safety Act (three parts):

[AB 266 \(Bonta/Cooley/Jones-Sawyer/Lackey\)](#)
[AB 243 \(Wood\)](#)
[SB 643 \(McGuire\)](#)

SUMMARY:

AGENCIES AB 266 establishes a new Bureau of Medical Cannabis Regulation under the Department of Consumer Affairs. The Bureau is to establish a comprehensive internet system for keeping track of licensees and reporting the movement of commercial cannabis and cannabis products.

SB 643 & AB 243 give the Dept. of Food and Agriculture responsibility for regulating cultivation; the Dept. of Public Health for developing standards for manufacture, testing, and production and labeling of edibles; the Dept of Pesticide Regulation for developing pesticide standards; and the Depts. of Fish and Wildlife and State Water Board for protecting water quality. (Sec. 19332)

LICENSE TYPES The following license types are established under AB 266 (B&P code 19300.7)) and SB 643 (19331(g) and 19332):

- (1) Type 1 = Cultivation; Specialty outdoor. Up to 5,000 square ft of canopy, or up to 50 noncontiguous plants
- (2) Type 1A = Cultivation; Specialty indoor. Up to 5000 sq ft
- (3) Type 1B = Cultivation; Specialty mixed-light. Using exclusively artificial lighting.
- (4) Type 1C = Specialty Cottage, for cultivation using a combination of natural and supplemental artificial lighting at a maximum threshold to be determined by the licensing authority, of 2,500 square feet or less of total canopy size for mixed-light cultivation, up to 25 mature plants for outdoor cultivation, or 500 square feet or less of total canopy size for indoor cultivation, on one premises
- (5) Type 2 = Cultivation; Outdoor. Up to 5000 sq ft, using a combination of artificial and natural lighting
- (6) Type 2A = Cultivation; Indoor. 5001 -10,000 sq ft.
- (7) Type 2B = Cultivation; Mixed-light. 5001 -10,000 sq ft

- (8) Type 3 = Cultivation; Outdoor. 10,001 sq ft - 1 Acre
- (9) Type 3A = Cultivation; Indoor.. 10,001 - 22,000 sq ft
- (10) Type 3B = Cultivation; Mixed-light. 10,001 - 22,000 sq ft
- (11) Type 4 = Cultivation; Nursery.
- (k) Type 6 = Manufacturer 1 for products not using volatile solvents.
- (l) Type 7 = Manufacturer 2 for products using volatile solvents.
- (m) Type 8 = Testing
- (n) Type 10 = Dispensary; General
- (o) Type 10A = Dispensary; No more than three retail sites
- (p) Type 11 = Distribution
- (q) Type 12 = Transporter

CULTIVATION SIZE LIMITATIONS The maximum allowable size is 1 acre (43,560 sq ft) outdoors (Type 3) or 22,000 sq ft indoors (Type 3A and 3B licenses). The DFA is directed to limit the number of Type 3, 3A and 3B licenses. (AB 243, 19332(g)).

VERTICAL INTEGRATION There are complicated restrictions to prevent vertical integration (AB 266, 19328). In general, licensees can only hold licenses in up to two separate categories. Small cultivation licensee Types 1 -2 may hold manufacturing or Type 10A retail licenses (limited to three dispensaries). It appears that Types 3-4 licensees can't apply for manufacturing licenses at all. However, Type 10A licensees can apply for both manufacturing and cultivation licenses, provided their total cultivation area doesn't exceed 4 acres. Also, facilities in jurisdictions that require or permit cultivation, manufacture and distribution to be integrated as of July 1, 2015 may continue to operate that way until Jan 1, 2026.

DISTRIBUTORS REQUIRED Type 11 distributors are a new kind of entity that has been created to regulate the flow of products. ALL cultivation and manufacturing licensees are required to send their products to a Type 11 licensee for quality insurance and inspection before passing them to the next stage of manufacturing or retailing. The Type 11 licensee in turn submits the product to a Type 8 laboratory for batch testing and certification. Afterwards, the sample returns to the Type 11 distributor for final inspection and execution of the contract between the cultivator and manufacturer or manufacturer and retailer. The Type 11 distributor charges a fee that covers the testing plus any applicable taxes (the act doesn't impose any new taxes, but anticipates that could happen in the near future) (AB 266, 19326)

Type 11 distributors and Type 8 testing facilities can't hold any other kind of licenses (however, licensees may have their own labs for in-house testing).

LOCAL PERMITS REQUIRED No person shall engage in commercial activity without BOTH a state license and a license, permit, or other authorization from their local government. (AB 266, 19320(a); AB 243, 11362.777 (b)).

LAWFUL ACTS Actions by licensees that are permitted by both a state license and local government are lawful and protected from arrest, prosecution, or other legal sanctions (AB 266, 19317).

GRANDFATHERING Facilities already operating in compliance with local ordinances and other laws on or before Jan 1, 2018 may continue to operate until such time as their license is approved or denied. (AB 266, 19321(c)). Facilities in operation before Jan 1, 2016 shall receive priority. Los Angeles may in any case continue to prosecute violations of Measure D.

APPLICANT QUALIFICATIONS (SB 643, 19322): Applicants must provide proof of local approval and evidence of legal right to occupy proposed location. Applicants shall submit fingerprints for DOJ background check. Cultivation licensees must declare selves "agricultural employers" as defined by Alatore-Zenovich-Dunlap-Berman Agricultural Labor Relations Act.

Licensing authority MAY deny application if applicant has been convicted of an offense substantially related to qualifications, including ANY felony controlled substance offense, violent or serious felonies, or felonies involving fraud, deceit or embezzlement, or any sanctions by a local licensing authority in the past 3 years (SB 643, 19323(a)5).

FOR-PROFIT ENTITIES are implicitly allowed under the qualifications established above. These were previously "not authorized" under SB 420, but the new licensing provisions extend to individuals, partnerships, corporations, business trusts, etc. (under the definition of "person" in AB266, 19300.5 (a)). Likewise, applicants no longer need be patients.

CULTIVATION LICENSING The DFA shall establish a medical cannabis cultivation program. All cultivation subject to local land use regulations and permits. [The following provision was repealed by the enactment of AB 21 in Feb, 2016: ~~In cities and counties without cultivation regulations of their own, the state shall be the sole licensing authority as of March 1, 2016 (AB 243, 11362.777 (e)4).~~]

TRACK & TRACE PROGRAM The DFA shall implement a unique identification program for all marijuana plants at a cultivation site, to be attached at the base of each plant. The information shall be incorporated into a "track and trace" program for each product and transaction. (SB 643, 19335 and AB 243, 11362.777 (e)). Cultivation in violation of these provisions subject to civil penalties up to twice the amount of the license fee, plus applicable criminal penalties. Fines enacted daily for each violation (SB 243, 19360).

PATIENT EXEMPTION Qualified patients are exempt from the state permit program if cultivating less than 100 square feet for personal medical use. Primary caregivers with five or fewer patients are allowed up to 500 square feet (AB 243, 11362.777(g) and SB 643, 19319). Exemption under this section does not prevent a local government from further restricting or banning the cultivation, provision, etc. of medical cannabis by individual patients or caregivers in accordance with its constitutional police powers under Section 7, Article XI of the CA Constitution (11362.777(g)).

DELIVERIES Cannabis may be delivered to qualified patients only by dispensaries and only in cities or counties where not prohibited by local ordinance. All deliveries to be documented. No locality can bar transport of delivered products through its territory. Deliveries may be taxed by local county. (AB 266, 19340). [In a separate section (19334 (a) 4) it is confusingly stated that dispensers who have no more than three dispensaries (Type 10A) shall be allowed to deliver "where expressly authorized by local ordinance." It's unclear what conditions if any apply to other, Type 10 licensed dispensers.]

MANUFACTURERS are to be licensed by DPH. The DPH shall limit the number of Type 7 licenses that produce products using volatile solvents.

TESTING (AB 266, 19341-6) The DPH shall ensure that all cannabis is tested prior to delivery to dispensaries or other businesses, and specify how often such testing shall be conducted. *** Confusingly, 19346(c) says the costs of testing are to be paid by cultivators, whereas 19326(c) (3) states that distributors shall charge for the costs of testing; since distributors serve manufacturers as well as cultivators, it doesn't make sense that testing costs for the former should be charged to the latter. *** Licensees shall use standard methods established by International Organization for Standardization approved by an accrediting body that is signatory to the International Laboratory Accreditation Cooperation Mutual Recognition Arrangement (AB 266, 19342). Licensees shall test for cannabinoids, contaminants, microbiological impurities, and other compounds spelled out in Section 19344. Licensees may conduct tests for individual qualified patients, but not certify them for resale or transfer to other licensees.

SCHOOL ZONES Cultivation and dispensary facilities must be at least 600 ft from schools (with grandfathered exceptions specified in HSC 11362.768). (SB 643, 19322 (a) 4).

TRANSPORTATION Only licensed transporters can transport cannabis or cannabis products between licensees (AB 266, 19326(a)). The bill doesn't specify whether cultivators, manufacturers, or retailers can also have transport licenses, but 19328 (a) states they can generally have at most two separate kinds of licenses. Licensed transporters shall transmit an electronic shipping manifest to the state and carry a physical copy with each shipment (SB643, 19337).

LABOR PEACE AGREEMENTS Required of all applicants with 20 employees or more (SB 643, 19322 a (6))

PACKAGING Products shall be labeled in tamper-evident packages with warning statements & information specified in Section 19347.

PRIVACY Identifying names of patients, caregivers, and medical conditions shall be kept confidential. (AB 266, 19355)

SB 420 COLLECTIVE DEFENSE SUNSET The provision in SB 420 affording legal protection to patient collectives and cooperatives, HSC 11362.775, shall sunset one year after the Bureau posts a notice on its website that licenses have commenced being issued. After that date, all cannabis collectives will have to be licensed, except for individual patient and caregiver gardens serving no more than five patients.

PHYSICIAN RECOMMENDATIONS (SB 643): There are several new provisions clarifying the duties of medical cannabis physicians; however, they don't substantially affect or impair patients' current access to medical recommendations.

- The Med Board's enforcement priorities are amended to include "Repeated acts of clearly excessive recommending of cannabis for medical purposes, or repeated acts of recommending without a good faith prior exam." (SB 643, 2220.05). This is identical to existing language regarding controlled substances, which has generally been assumed to apply to MMJ heretofore.
- It is unlawful for physicians who recommend to accept, solicit, or offer remuneration to or from a licensed facility in which they or a family member have a financial interest.
- The Med Board shall consult with the California Center for Medicinal Cannabis Research in developing medical guidelines for MJ recs.
- The recommending person shall be the patient's "attending physician" as defined in HSC 11362.7(a). Contrary to popular misconception, this is nothing new and in no way limits patients to their primary care physician. It merely restates current language in SB 420.
- Physician ads must include a warning notice that MMJ is still a federal Schedule One substance.

PESTICIDE STANDARDS shall be promulgated by DFA and Dept of Pesticide Regulation (SB643, 19332).

ORGANIC CERTIFICATION will be made available by DFA by Jan 1, 2020, federal law permitting. (SB643, 19332.5(a))

APPELLATIONS OF ORIGIN The bureau MAY establish appellations of origin for cannabis grown in California. No product may be marketed as coming from a county where it was not grown. (SB643, 19332.5(b-d)).

FEES and FUNDING Each licensing authority shall establish a scale of application, licensing and renewal fees, based upon the cost of enforcement. Fees shall be scaled dependent on the size of the business. (AB 243, 19350 (c)). A Medical Cannabis Regulation and Safety Act Fund is established in the state treasury to receive fees and penalties assessed under the act. \$10 million is allocated to DCA to begin operations, with the possibility of an additional operating loan of \$10 million from the General Fund (AB 243, 19352). The Bureau shall use the fund for a grant program to assist in state and local agencies in enforcement and remediation of environmental impacts from cultivation. (AB 243, 19351)

COUNTY TAXATION Counties may levy a tax on the cultivating, dispensing, producing, processing, distributing, etc., of medical cannabis subject to standard voter approval requirements. (Many cities already exercise this authority, but the authority of counties to do so has been unclear heretofore). (SB 643, 19348)

Text of Medical Cannabis Regulation Safety Act (three parts):

AB 266 (Bonta/Cooley/Jones-Sawyer/Lackey)

AB 243 (Wood)

SB 643 (McGuire)

Sarah Armstrong, Directory of Industry Affairs for Americans for Safe Access, compiled this list of the deadlines in the bills:

July 1, 2015 – Date by which those claiming vertical integration had to be operating a vertically integrated business. (AB 266 Section 19328 (c1))

January 1, 2016 – date on which AB 266, AB 243 and SB 643 will take effect. (See: the end of the legislative summaries in all three bills)

January 1, 2016 – Beginning business operating date for cannabis businesses who are eligible for priority licensing. "In issuing licenses, the licensing authority shall prioritize any facility or entity that can demonstrate to the authority's satisfaction that it was in operation and in good standing with the local jurisdiction by January 1, 2016." (AB 266 Section 19321 (c))

January 1, 2017 - By January 1, 2017, the Division of Occupational Safety and Health shall convene an advisory committee to evaluate whether there is a need to develop industry-specific regulations related to the activities of facilities issued a licensee. (AB 266 Labor Code Amendment Sec. 7 147.5)

July 1, 2017 - By July 1, 2017, the advisory committee shall present to the board its findings and recommendations for consideration by the board. (AB 266 Labor Code Amendment Sec. 7 147.5)

July 1, 2017 - By July 1, 2017, the board shall render a decision regarding the adoption of industry-specific regulations pursuant to this section. (AB 266 Labor Code Amendment Sec. 7 147.5)

January 1, 2018 – "a facility or entity that is operating in compliance with local zoning ordinances and other state and local requirements on or before January 1, 2018, may continue its operations until its application for licensure is approved or denied pursuant to this chapter." (AB 266 Section 19321 (c))

January 1, 2020 - Not later than January 1, 2020, the Department of Food and Agriculture in conjunction with the Bureau, shall make available a certified organic designation and organic certification program for medical marijuana, if permitted under federal law and the National Organic Program. (SB 643 Section 19332.5(a))

January 1, 2022 - Date by which the loan of up to \$10,000,000. 00 from the general fund to establish the Medical Cannabis Regulation and Safety Act has to be repaid. If the fees collected by that time don't repay the loan, they will begin using funds that come from imposing penalties to repay the loan. (AB 243 Section 19351 (b) (1))

March 1, 2023 - Beginning on March 1, 2023, and on or before March 1 of each following year, each licensing authority shall prepare and submit to the Legislature an annual report on the authority's activities and post the report on the authority's Internet Web Site. (AB 266 Section 19353)

January 1, 2026 – The date Type 10A Paragraph on licensing become inoperative "A Type 10A licensee may apply for a Type 6 or 7 state license and hold a 1, 1A, 1B, 2, 2A, 2B, 3, 3A, 3B, 4 or combination thereof if, under the 1, 1A, 1B, 2, 2A, 2B, 3, 3A, 3B, 4 or combination of licenses thereof, no more than four acres of total canopy size of cultivation by the licensee is occurring throughout the state during the period that the respective licenses are valid... This paragraph shall become inoperative on January 1, 2026." ((AB 266 Section 19328 (a) (9))

January 1, 2026 – Date vertical integration section of AB 266 is repealed. (AB 266 Section 19328 (d))

UPDATE 2/3/2016 - Gov. Brown signed an urgency bill (AB21 - Wood) to delete a provision requiring localities to regulate cultivation by March 1, 2016 or else defer to state regulations.

The bill also deletes language that explicitly authorized local governments to ban storage, cultivation, provision, transport, etc. by patients and caregivers.

UPDATE 1/7/2016 - A "clean up bill" on MMRSA, [AB 1575](#), has been introduced, with new regulations on "virtual dispensaries" (delivery services); it ends the 2026 sunset on 10A licensees holding multiple licenses and leaves it up to the bureau to review by 2025; it amends rules on testing and residual levels of volatile solvents; it clarifies that cities and counties can add fees and taxes on top of state fees; it clarifies that a collective "may operate for profit, not for profit, or any combination thereof"; and it clarifies (in three places) that certain criminal statutes do not apply to licensees under the new law.

UPDATE October 9, 2015 - Governor Brown has signed the bills.

News Reports:

[ABC News \(AP\)](#)

[Mercury News](#)

[LA Weekly](#)

[Sacramento Bee](#)

[SF Gate](#)

[LA Times](#)

[The Guardian](#)

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Specialty cottage question

On January 12th, 2017 Guest says:

Hi I have been doing a ton of research on the new laws coming into effect in 2018. My question is if the Type 1C Specialty Cottage is commercial specific, or will it be permitted in the home? I know the specifications are still being written up, just wondering if there is anything out there that I have missed? Anything helps, thank you.

[reply](#)

What kind of license do I need?

On January 7th, 2017 Guest says:

What kind of license does a company need if it develops its own product/brand but gets the cannabis from a grower and has the products manufactured at a manufacturing company? Is the company considered a manufacturer (Type 6 or 7) if the cultivating and manufacturing is coming from third parties?

[reply](#)

Type of license

On January 8th, 2017 canorml_admin says:

I think so. You can ask the regulators at: <http://www.bmcr.ca.gov>

They will be issuing draft regulations soon and applications in 2018.

[reply](#)

What does 'Introduced' Mean in the banned list

On November 16th, 2016 Guest says:

My understanding is that incorporated towns (i.e. local jurisdictions) have the right to enforce their own regulations on the Medical Marijuana in California. However, if the local jurisdiction has not ruled on it yet or chooses not to at all, the regulatory authority lies solely with California. Is this correct?

If so, do County regulations for UNINCORPORATED areas of a county apply to INCORPORATED areas (i.e. certain towns in the area)?

For instance, Nevada County has passed an ordinance prohibiting indoor an outdoor growth on lots smaller than 5 acres in all UNINCORPORATED areas of Nevada County. However, Nevada City, an INCORPORATED city or Nevada County, has started a discussion but has not ruled on this yet.

In this case, the regulatory authority lies solely with the state of California and the Nevada County regulations for UNINCORPORATED areas don't apply, right?

[reply](#)

jurisdiction

On January 8th, 2017 canorml_admin says:

Yes, you are correct that county regulations apply only to unincorporated parts of a county, and that jurisdictions that have no local zoning ordinances are governed by state law only.

[reply](#)

Licensing and fees

On October 28th, 2016 Guest says:

I would appreciate some clarification regarding patient vending. If I am a patient vendor currently providing CBD capsules (using hemp derived oil only) how would the new regulations/legalization affect my business? Do I register as an LLC or do I need a specific license considering no THC (or cannabis) will be in the capsule.

On the other hand , if I DO choose to use cannabis derived oil for my CBD capsules, I am extremely confused as to what specific license I would need.

Furthermore, If I were to simply purchase cannabis oil from a third party to make my capsules, I am not technically a manufacturer - further complicating my issue as to which license to apply for and how to set up my business if this law passes. Any clarification on these questions would be EXTREMELY appreciated.

[reply](#)

Patient Vendors

On September 9th, 2016 Guest says:

When is the cut off date for patients to have the ability to vend their excess medicine to their collectives?

[reply](#)

Cut-off date

On September 25th, 2016 canorml_admin says:

The state expects to issue license applications under the new rules by January 1, 2018. Once it starts issuing license, patient providers will have to have a license from the state and their city/county in order to sell cannabis.

[reply](#)

In the mean time

On July 12th, 2016 Guest says:

The application what can I do now to give me jump start.. What does the application require ??

[reply](#)

think local

On July 21st, 2016 canorml_admin says:

All state licensees with need local licenses first, so it will be helpful to have a local business license if nothing else, plus state BOE licensing. More at:

<http://www.canorml.org/prop/collectivetips.html>

[reply](#)

Transportation

On July 10th, 2016 Guest says:

Any information in regards to transportation and how to get started and what's required would be greatly appreciated. Thanks

[reply](#)

Licensing

On July 12th, 2016 canorml_admin says:

The BMMR agency won't issue permit applications until 2018. You will need both local and state licensing, so anything you can do to start the ball rolling locally would be good.

[reply](#)

Cultivation Size Limits

On May 17th, 2016 Guest says:

Per the article...

"CULTIVATION SIZE LIMITATIONS The maximum allowable size is 1 acre (43,560 sq ft) outdoors (Type 3) or 22,000 sq ft indoors (Type 3A and 3B licenses). The DFA is directed to limit the number of Type 3, 3A and 3B licenses. (AB 243, 19332(g))."

Does anybody have any insight into the sentence "The DFA is directed to limit the number of Type 3, 3A and 3B licenses?" Seems a bit risky to invest in a grow operation to only be turned down because there was a "maximum" amount of licenses to distribute. Any thoughts would be appreciated.

Thank you and best of luck all!!!

[reply](#)

State is gathering information

On September 25th, 2016 canorml_admin says:

I don't think that regulators know yet what that will look like. They are conducting an EIR (Environmental Impact Report) and have been gathering survey data from Californians about what licenses they plan to apply for. Proposals in Trinity County and San Bernardino would put a moratorium on Type 3 licenses for two years or so, to see how things shake out. More at: <https://www.cdfa.ca.gov/is/mccp>

[reply](#)

Stockton Initiative banning cultivation

On April 11th, 2016 Guest says:

So there is a new initiative in stockton banning patient cultivation and delivery. They will be allowing 4 dispensaries with 4 cultivators. From what i see the dispensaries choose they're cultivators. In order to be eligible for the license for dispensary you must have been operating and in good standing for 3 years with 8,000 patients. If I read it correctly there is only 1 out of the many here in stockton who will be eligible for the new license which is 1950 since he is the only one operating with a city permit. Does that mean he will be the only one in the county eligible to operate legally with cultivators of his choosing? Read the initiative at stocktonmedicalcannabis.org

[reply](#)

Arbitrary and capricious

On February 29th, 2016 Guest says:

These new regulations seem to be a Burden not placed on other drugs such as alcohol. Why no, on or off sale, general license types for marijuana?

It seems like, "political discrimination" due to type of drug involved.

A bible claims God created that plant, along with the rest; and declared it to be very Good and not Bad. Genesis 1:29-31. Why are Only, "original sinners" claiming it is bad.

This could lead to litigation under the concept of Religious freedom, and arbitrary and capricious laws.

[reply](#)

local ordinance prohibits ANY cultivation, delivery in city

On February 26th, 2016 Guest says:

Patients now cannot get their medicinal needs met when cultivation of ANY amount and delivery is prohibited in their own city. Is there a way to circumvent the law?

[reply](#)

County bans, personal grows, school zones

On February 20th, 2016 Guest says:

If a county bans are placed can you still grow personal? If you are located near a school can you still have 100 Sq feet for personal indoors? Im so lost with this new stuff.

[reply](#)

bans and personal

On March 4th, 2016 canorml_admin says:

Some county bans include personal growth; others exclude them. Some have buffer zones near schools. We're doing our best to keep up with them at:

<http://www.canorml.org/bansbycounty.xlsx>

[reply](#)

Ordinance in effect

On February 9th, 2016 Guest says:

Merced just adopt an ordinance to ban all marijuana growing. I have 20 plants grow 2 months before the ordinance was adopted. Do I have to destroy them?

[reply](#)

merced

On March 4th, 2016 canorml_admin says:

Merced has banned, but is holding study sessions, see:

<http://www.mercedsunstar.com/news/local/article63056067.html>

and

<http://www.mercedsunstar.com/news/local/article53064240.html>

[reply](#)

What changed on Jan 1, 2016???

On January 25th, 2016 Guest says:

Can someone please explain to me what exactly was implemented on Jan 1? I cannot figure out what parts of this law went into effect on that date. For instance, can you now operate for-profit? Or, does that not take effect until 2018? If CaNorml could break that down it would be appreciated.

[reply](#)

MMRSA deadlines

On March 4th, 2016 canorml_admin says:

See:

http://www.canorml.org/news/A_SUMMARY_OF_THE_MEDICAL_MARIJUANA_REGULATIO...

and scroll to bottom for deadlines.

[reply](#)

Roommate collective grow?

On January 6th, 2016 Guest says:

What if you live with roommates who are all MMJ patients? Is the household limited to 100sqft total or is each patient permitted 100sqft? If so, is there a restriction on how many patients may grow within the same residence?

What I'm trying to ask is, is it the same as the old regulation where for example a 3 person collective grow of 18 plants was permitted (6 mature plants each)? Or is it 100sqft per residence no matter how many patients reside there?

Also, could you have multiple rooms totaling to 100sqft? Could I have 4 separate 5x5 grow rooms for my total of 100sqft? Or one 6x6 and one 8x8 to be able to grow perpetually?

Also, what are the permissible growing locations for a patient and his 100sqft grow? Is it STRICTLY in your own residence or could you lease/rent out a small place and take care of your growing needs there?

I believe these are all very important questions that I don't think have been addressed. If they have could you please shed some light for all of us? Its January 6th and I would love to start growing my own medicine.

[reply](#)

grow questions

On March 4th, 2016 canorml_admin says:

Under the new state law, caregivers can grow up to 500 sq. ft. for up to 5 patients, and 100 sq. ft. grows need not be contiguous. However, there are many local ordinances that apply and the courts have ruled that locals can zone out cultivation entirely. More at: <http://www.canorml.org/medical-marijuana/local-growing-limits-in-Califor...>

[reply](#)

Jan 1 2016 deadline

On December 27th, 2015 Guest says:

From my understanding, new collectives/co-ops starting on or after 01/01/16 will be limited to five members. Can anyone please shed some light on this?

[reply](#)

Coop limits

On December 31st, 2015 canorml_admin says:

Qualified patients are exempt from the state permit program if cultivating less than 100 square feet for personal medical use. Primary caregivers with five or fewer patients are allowed up to 500 square feet (AB 243, 11362.777(g) and SB 643, 19319).

Once the regulations are written by the various agencies, larger cultivation sites and dispensaries can be permitted. Facilities already operating in compliance with local ordinances and other laws on or before Jan 1, 2018 may continue to operate until such time as their license is approved or denied. (AB 266, 19321(c)). Facilities in operation before Jan 1, 2016 shall receive priority.

[reply](#)

We need to work quickly

On December 21st, 2015 Guest says:

We need to get together and fight this now. This Act need to be repealed. Period. Let's get some petitions going on Change dot org and start getting organized.

NORML - help us stand up to corruption! Inform more people of this injustice, be the tip of the spear in knocking this out. Please?

Now there is no opportunity in the industry for anyone without millions backing them. Requiring Type 11 licenses to transport anything anywhere. Really? BS. Trying to lock down the industry until 2026 is insane.

Why can't we follow Colorado? I guess Jerry Brown wants to give the whole State and everything in it away to big business before he leaves office. Keeps his belly fat.

It's a trap.

[reply](#)

Penalty for non compliance with local ordinance

On October 17th, 2015 Guest says:

Some people discussing this on my local radio station (KVMR) said that, under the new law, violation of the existing ordinance in Nevada County (which restricts how much a patient can grow) would go from being a violation of a nuisance ordinance to being a felony.

Do you know if this is true?

Also, I am having a really hard time reading your captchas

[reply](#)

changing laws

On December 31st, 2015 canorml_admin says:

I don't see how that can be true; local ordinances don't establish felonies, only civil penalties or misdemeanors. Perhaps the point was that one will need local approval to be licensed under the state law, so if someone is operating outside of local rules they will be in violation of state law.

I am investigating the captcha problem.

[reply](#)

cultivation permits

On October 16th, 2015 Guest says:

If I own 10 acres of greenhouse can I lease one acre out to ten different permit holders? can the ten different permit holders be corporations owned by me?

[reply](#)

complicated question

On December 31st, 2015 canorml_admin says:

Suggest you ask an attorney, see: <http://marijuanalistings.canorml.org/listing/find-medical-marijuana-lawy...>

[reply](#)

Type 3 cultivation permit

On October 16th, 2015 Guest says:

Are these permits you buy and then are able to find a grow site or do you have to have the site first? After you have an approved permit can you take it with you to a new location if you loose your lease?

[reply](#)

Permits

On December 31st, 2015 canorml_admin says:

Those regs have yet to be written but I think they will be specific to the plot of land, since they will entail meeting water and environmental regulations, etc. Can check with an attorney, see: <http://marijuanalistings.canorml.org/listing/find-medical-marijuana-lawy...>

[reply](#)

January 1, 2016

On October 15th, 2015 Guest says:

I had a really quick question, so new regulations take effect January 1, 2016 correct? Then what effectively happens to my current and up to date medical marijuana recommendation under which is under Prop 215.

Does it immediately become void, or is it still a legal recommendation until the expiration date.

[reply](#)

Notes do not expire

On December 31st, 2015 canorml_admin says:

The new regulations are only about licensing commercial cannabis operations. Your doctor's recommendation will still be good next year (until it expires).

[reply](#)

about the 100SF/500SF personal exemptions

On October 15th, 2015 Guest says:

does this new reg trump the old SB420 6 flowering/12 vegetative limits?

[reply](#)

cultivation limits

On December 31st, 2015 canorml_admin says:

Those limits have already been thrown out by the CA Supreme Court; the standard is actually what a patient needs (but we recommend staying within those guidelines if possible). The new rule is 100 square feet (or up to 500 for 5 patients).

[reply](#)

For Profit

On October 11th, 2015 Guest says:

It appears that CA will allow marijuana related businesses to operate as for profit entities. Does this kick in on January 1 2016 or will the business need to get stated first in 2018?

[reply](#)

Non Profit

On July 6th, 2016 Guest says:

Did you get an answer to this? Can current business operate for profit?

[reply](#)

Yes, nonprofits are allowed

On July 7th, 2016 canorml_admin says:

MMRSA clarifies that a collective "may operate for profit, not for profit, or any combination thereof"

[reply](#)

So now what?

On October 10th, 2015 Guest says:

I currently live in Mendocino County and am allowed to grow 25 plants. I have purchased zip ties for my medicine. Does this mean I will no longer be able to grow my medicine? And what is the new laws square footage based on? Each plant's square footage tallied up or a garden area and all the plants crammed into that space?

Where do we get a license? And since I live in Mendocino county, will I have to get a state permit too or just work with my county based on this part of the bill:

"If a city, county, or city and county does not have land use regulations or ordinances regulating or prohibiting the cultivation of marijuana, either expressly or otherwise under principles of permissive zoning, or chooses not to administer a conditional permit program pursuant to this section, then commencing March 1, 2016, the division shall be the sole licensing authority for medical marijuana cultivation applicants in that city, county, or city and county." (AB 243 Section 19362.777 (c)(4))

Thank you for any information you can provide.

[reply](#)

Mendo rules

On December 31st, 2015 canorml_admin says:

You should check with an attorney, but I think your options will be to keep your garden within 100 square feet or 500 for a collective garden (not contiguous; it should be measured by the radius of each plant) or apply for a permit under the new law. It's good that you are already in the zip tie program because that could give you priority licensing once the state writes its regulations. Humboldt is taking action to license its growers in anticipation of MMRSA, but Mendo already has with its zip ties I reckon. The March 1 deadline is expected to be pushed back, see:

http://www.canorml.org/news/Gov_Brown_Supports_Fix_to_MMRSA_Deadline. For a list of attorneys see: <http://marijuanalistings.canorml.org/listing/find-medical-marijuana-lawy...>

[reply](#)

Where are the employment and child custody protections?

On October 10th, 2015 Guest says:

Arizona protects MMJ patient employees from being wrongfully fired based on trace amounts of metabolites. Arizona also protects parents from being denied custody or visitation time based on trace amounts of metabolites.

Under this law, any cop can inspect your confidential patient records, and any patient who is a parent can be hassled by social workers.

[reply](#)

Not yet

On October 10th, 2015 canorml_admin says:

Those are in the ReformCA Initiative that is aiming at the November 2016 ballot. See: <http://www.ReformCA.com>

[reply](#)

Conflicting

On October 6th, 2015 Guest says:

Hi I've noticed that the reformca initiative would be in conflict with the medical marijuana regulation and safety act in several areas so if both of these go on the books what's going to happen will one of them trump the other?

[reply](#)

Initiative question

On October 12th, 2015 canorml_admin says:

The ReformCA initiative mostly addresses recreational use. It says:

this Act shall not infringe upon the protections granted under the Compassionate Use Act of 1996 (codified in Section 11362.5, Article 2 of Chapter 6 of Division 10 of the Health and Safety Code) or to qualified patients and primary caregivers as defined in Health and Safety Code Section 11362.7. Patients with valid physician recommendations, prescriptions, or proof of authorization to use medical cannabis from the state in which he or she resides shall be deemed to be qualified patients.

What specific provisions are you asking about?

[reply](#)

The MMRS act taxes medical

On October 20th, 2015 Guest says:

The MMRS act taxes medical cannabis more than ReformCA does

[reply](#)

I object!!!

On October 6th, 2015 Guest says:

If you do not want these bills to pass, please sign the petition below. Thank you.

<https://www.change.org/p/jerry-brown-jim-wood-mike-mcguire-rob-bonta-ken...>

[reply](#)

Lake county?

On October 5th, 2015 Guest says:

How does this affect areas with voter approved laws allowing more than the states 100 Sq ft? Like measure N In Lake county. How can they change voter approved measure with a statute? Thank you.

[reply](#)

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