



MEETING OF THE MEDICAL CANNABIS COMMISSION, CULTIVATION SUBCOMMITTEE

Permit Service Center
2120 Milvia Street
Douglas Fir Room (First Floor)

Wednesday, April 6, 2016
3:00 PM

AGENDA

- I. **Call to Order**
 - A. Roll Call
 - B. Changes to Order of Agenda

- II. **Public Comment**

- III. **Discussion and Action Items**
 - A. Vote on a subcommittee chair.
 - B. Select dates for future meetings.
 - C. Discuss community issues related to cultivation.
 - D. Discuss City Council concerns related to cultivation.
 - E. Discuss issues to consider in a cultivation selection process. Three attachments:
 1. BMC Chapter 12.25 (proposed cultivation regulations);
 2. Zoning Ordinance Section 23E.72.040 (effective April 10, 2016); and
 3. Medical Marijuana Regulation and Safety Act (MMRSA) Licensed Cultivation Sites section (SB 643, Article 6)

- IV. **Information Items** *(In compliance with Brown Act regulations, no action may be taken on these items. However, discussion may occur at this meeting if the item is moved to the Discussion section.)*

None

- V. **Adjournment**

Berkeley Medical Cannabis Commission website: <http://www.cityofberkeley.info/medicalcannabis/>)

Medical Cannabis Commission Secretary: Elizabeth Greene, 2120 Milvia Street, 2nd Floor, Berkeley CA 94704. Phone: 510-981-7484 EGreene@cityofberkeley.info

Communications to Berkeley boards, commissions or committees are public record and will become part of the City's electronic records, which are accessible through the City's website. **Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to a City commission, will become part of the public record.** If you do not want your e-mail address or any other contact information to be made public, do not include that information in your communication – you may deliver communications via U.S. Postal Service or in person to the Commission Secretary. Please contact the Commission Secretary for further information.

Any writings or documents provided to a majority of the Commission regarding any item on this agenda will be made available for public inspection at the Planning and Development Department located at 2120 Milvia Street, Berkeley CA. Please contact the Commission Secretary for further information.

 This meeting is being held in a wheelchair accessible location. To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at 981-6342 (V) or 981-6345 (TDD) at least three business days before the meeting date. Please refrain from wearing scented products to this meeting.

ORDINANCE - N.S.

ADDING A NEW CHAPTER 12.25 TO THE BERKELEY MUNICIPAL CODE RELATING TO CULTIVATION OF MEDICAL CANNABIS

BE IT ORDAINED by the Council of the City of Berkeley as follows:

Section 1. That a new Chapter 12.28 is added to the Berkeley Municipal Code is amended to read as follows:

**Chapter 12.25
MEDICAL CANNABIS CULTIVATION**

Sections:

Article I	General
12.25.010	Applicability
12.25.020	Reserved
Article II	Medical Cannabis Cultivation Businesses and Facilities
12.25.030	Eligibility requirements
12.25.040	Information requirements
12.25.050	Operating Standards
12.25.060	Signage
12.25.070	Product Safety, Quality Assurance and Labeling
12.25.080	Energy use
12.25.090	Records
12.25.100	Ranking and allocation procedure and criteria
12.25.110	Confidentiality of information
Article III	Enforcement
12.25.120	Authority of City Manager
12.25.130	Abatement of violations
12.25.140	Fees
12.25.150	Severability

Article I General

12.25.010 Applicability

This Chapter applies to Medical Cannabis Cultivation.

12.25.020 Reserved

Article II Medical Cannabis Cultivation Businesses and Facilities

12.25.030 Eligibility requirements

A. No Principal of any Cultivation Business may be a Principal for any other Cultivation Business in Berkeley.

12.25.040 Information requirements

Every Cultivation Business shall provide the following information to the City, and shall update it annually and whenever there is any material change.

A. A description of each Facility operated by the Cultivation Business and its location, which shall include such information as the City may require that demonstrates compliance with applicable provisions of this Chapter.

B. The name, address and 24-hour contact information for each Principal, including a photocopy of at least one primary form of photo identification, such as a California Drivers License or US Passport. This information shall also include any aliases, maiden or married names or other former legal names.

C. Proof of each Principal's status as a qualified patient or primary caregiver.

D. For each Principal, a signed consent for the City to conduct a background check, including criminal history.

E. Proof of the nature of the Cultivation Business's organizational status, such as articles of incorporation, by-laws, partnership agreements, and other documentation as may be appropriate or required by the City.

12.25.050 Operating Standards

A. General operating standards.

1. A Principal or designated Member of the Board of a Cultivation Business must be a member of the Dispensary or Collective that the Cultivation Business supplies.

2. No physician recommendations for Medical Cannabis may be provided on site.

B. Non-diversion. Cultivation Businesses shall take all practicable steps necessary to prevent and deter diversion of Medical Cannabis or Medical Cannabis Products to non-Members. Cultivation Businesses must limit access to Medical Cannabis and Medical Cannabis Products to authorized personnel only, and must maintain an inventory management system that:

1. Accounts for all Medical Cannabis and Medical Cannabis Products;

2. Tracks each Batch of Medical Cannabis and Medical Cannabis Products produced by the Cultivation Business from each Facility, including each Batch's approximate content of Active Ingredients and Cannabis By-Products as a percentage of weight;

3. Retains all information listed in paragraphs 1 and 2 above for a period of at least 120 days from production of the Batch; and

4. Is capable of producing a summary showing the information necessary to verify non-diversion.

C. Product Distribution.

Cultivation Businesses may only provide Medical Cannabis or Medical Cannabis Products to other Medical Cannabis Organizations that are permitted by local authorities or permissible under local law.

D. Members and employees.

All employees and volunteers must be Members who are at least 18 years of age.

E. Security.

1. Cultivation Businesses shall provide adequate security and lighting at each Facility to ensure the safety of persons and protect the premises from theft at all times. Lighting shall be of sufficient intensity to illuminate all areas of the lot.

2. Cultivation Businesses must maintain security guards and camera coverage of the entire grounds of each Facility to an extent sufficient to ensure the safety of persons and deter crime. Cameras must be maintained in good condition, and use a format approved by the City Manager, which is of adequate quality, color rendition and resolution to allow the ready identification of any individual committing a crime. The cameras shall be in use 24 hours per day, seven (7) days per week. The areas to be covered by the security cameras include, but are not limited to, distribution areas, storage areas, cultivation areas, all doors, parking lots, and any other area determined

by the City Manager. Surveillance footage must be retained for a period of 90 days and made available to the Berkeley Police Department for purposes of investigation of alleged crimes, promptly upon request without the necessity of a warrant or subpoena. Retention and maintenance of security camera recordings shall comply with Section [12.25.110](#).

3. Facilities must be equipped with an alarm system that is operated and monitored by a security company licensed by and in good standing with the California Department of Consumer Affairs. Alarms shall be maintained and in good working condition at all times.

4. In order to prevent unauthorized entry to a Facility during non-business hours, a Business shall either secure all exterior windows and roof hatches from the inside with bars, retractable, folding or sliding metal gates, or metal rollup or accordion doors, or provide at least one security guard during those hours.

5. Any security guards employed by Cultivation Businesses shall be licensed and possess a valid Department of Consumer Affairs "Security Guard Card" at all times. Security personnel may not be armed.

6. All Medical Cannabis- and, Medical Cannabis Products shall be securely stored at all times, and the entrance to all storage areas shall be locked and under the control of staff.

7. Cultivation Businesses shall make transactions with payment methods other than cash whenever feasible. All cash received, except that needed for retail customer transactions shall be kept in a secure receptacle such as a drop safe or other type of safe.

F. Neighborhood compatibility.

1. Facilities shall be operated in a manner that ensures neighborhood compatibility, and shall take all steps necessary to ensure that they do not create neighborhood disturbances. Such measures shall include, but not be limited to, providing a security guard to patrol the area surrounding the Facility during all hours of operation.

2. Facilities shall provide the Police Department and all residents, businesses and property owners within 100 feet with the current name, phone number, secondary phone number and e-mail address of an on-site community relations staff person to whom notice of any operating problems associated with the Facility may be reported. This information shall be updated as necessary to keep it current. Cultivation Businesses shall encourage neighbors to call this person to try to solve any operating problems.

3. All Cultivation Businesses shall have an on-site manager at each Facility who is responsible for overall operation at all times that employees are conducting operations, and shall provide the Police Department with contact information for all such persons,

including telephone number and e-mail address. Cultivation Businesses shall also provide the Police Department with the current name and phone numbers of at least one 24-hour-on-call manager. This information shall be updated as necessary to keep it current.

4. Cultivation Businesses shall take all reasonable steps to discourage and correct objectionable conditions that constitute a public or private nuisance in parking areas, sidewalks, alleys and areas surrounding a Facility and adjacent properties. Such conditions include, but are not limited to: smoking; creating a noise disturbance; loitering; littering; and graffiti.

5. Cultivation Businesses shall ensure all graffiti is removed from property and parking lots under their control within 72 hours of its appearance.

G. Dispensing and Consumption of Medical Cannabis, Tobacco and Alcohol.

1. Dispensing of Medical Cannabis or Medical Cannabis Products to end users at a Facility is prohibited.

2. Sale or consumption of tobacco is prohibited at Facilities.

3. Sale and/or service of alcoholic beverages at Facilities is prohibited.

4. This subdivision does not prohibit the use of non-combustible Medical Cannabis, Medical Cannabis Products or Edibles on the premises of the facility by persons for whom such use is not a crime under California law, for treatment of medical conditions pursuant to a recommendation by a physician.

H. Accessibility. Facilities shall comply with all physical accessibility requirements that would be applicable to a newly-constructed building.

12.25.060 Signage

No signage is required. Signage is discouraged.

12.25.070 Product Safety, Quality Assurance and Labeling

Medical Cannabis and Medical Cannabis Products shall be tested, and specified compounds shall be quantitated, as set forth in this Section.

A. The following compounds shall be quantitated as set forth in the following table, using equipment and methodologies with limits of detection for all compounds no greater than 0.1% by weight, or 1 mg/g.

Constituent	Equipment/Methodology
THCA	HPLC ¹ , or GC ² with derivatization, or other methodology approved by a state or the federal government as meeting a limit of quantitation of 0.1% by weight
THC	
CBDA	

Constituent	Equipment/Methodology
CBD	
CBN	
¹ High-performance liquid chromatography ² Gas chromatography	

B. The quantitative information required by subdivision A shall be printed on labels for all Medical Cannabis and Medical Cannabis Products as set forth in the following table.

Product type	Label information
Cannabis (flowers, leaf and concentrates, including water processed concentrates)	% by weight and mg/g
Capsules/pills	mg/capsule
Oils, butters, tinctures (for internal consumption)	weight/volume mg/g
Topicals (external application)	mg/g or mg/mL, as applicable

C. Medical Cannabis and Medical Cannabis Products shall be tested for contaminants as set forth in the following table. Medical Cannabis and Medical Cannabis Products that contain more than the permissible levels may not be provided to any Member or any other person, and shall either be destroyed or returned to their source(s) at the option of the owner.

Contaminant	Testing methodology	Permissible amount
EPA-controlled pesticides commonly used in cannabis cultivation	Any methodology that the City determines is sufficiently sensitive to determine that the permissible amount has not been exceeded, using EPA-or FDA-accepted methodologies for pesticides, including, not limited to, GC-MS ¹ , Elisa ²	100 ppb (total of all quantitated pesticides) ³
Microbiological contaminants	Any methodology approved by any U.S. or recognized international standards organization	• APC ⁴ < 100,000 CFUs ⁵

Contaminant	Testing methodology	Permissible amount
		<ul style="list-style-type: none"> • Yeast/Mold = APC < 10,000 CFUs • Coliform ≤ 1,000 CFUs • Pseudomonas ≤ 1,000 CFUs⁶ • Salmonella = 0 CFU • E. coli = 0 CFU
Residual flammable solvents (concentrates only)	Head space analysis	400 ppm (total of all solvents) ⁷
<p>¹ Gas chromatography-mass spectrometry ² Enzyme-linked immunosorbent assay ³ Parts per billion ⁴ Aerobic plate count ⁵ Colony-forming unit ⁶ This limit shall apply as of July 1, 2016. Prior to that date, the limit for Pseudomonas shall be 10,000 CFU. ⁷ Parts per million</p>		

D. Cultivation Businesses shall maintain a written or computerized log documenting:

1. the date, type, and amount of Product tested;
2. the source(s) of any contaminated Medical Cannabis or Medical Cannabis Products;
3. the report containing the results of the testing, including the name and level of the substance detected; and
4. the disposition of the Medical Cannabis or Medical Cannabis Product from which the contaminated sample was obtained, including the amount and the date and manner of disposition.

Such logs shall be maintained for at least one year and made available to the City upon request.

E. Packaging and Labeling for Medical Cannabis and Medical Cannabis Products.

1. Medical Cannabis and Medical Cannabis Products shall be contained in packaging that bears labels containing the following information, in addition to any other information that a Cultivation Business may choose to provide or that may be required by law:

- a. the name and contact information for the Facility;
- b. the weight;
- c. the quantity of compounds as set forth in subdivision B;
- d. the date of manufacture or production; and
- e. a complete list of ingredients.

2. Scales and weighing mechanisms must be able to weigh to within 1/100th of a gram, shall be maintained in good working order and shall be subject to annual inspection by either the Alameda County Department of Agriculture/Weights and Measures or a licensed scale company.

F. This Section shall be deemed repealed and of no further force or effect once testing as set forth in Article 10 of Chapter 3.5 of the Business and Professions Code is available.

12.25.080 Energy use

A. A Facility may not be approved unless it includes all feasible cost-effective water and energy efficiency measures, including but not limited to natural daylight, high efficiency task lighting, natural ventilation, on-site renewable generation, automatic controls, water collection, filtration and reuse, and rainwater harvesting. The application for a Facility shall include a description of all energy and water systems, measures employed to maximize efficient resource use, and the following metrics, with supporting documentation:

1. Planned lighting power density (watts per square foot)
2. Planned lighting Energy Utilization Index (kBtu/sf/year)
3. Planned total site Energy Utilization Index (kBtu/sf/year)
4. Planned potable water consumption (gallons/sf/year)

B. A Cultivation Business shall mitigate the carbon dioxide emissions caused by the generation of electrical energy delivered to its Facility through either:

1. purchase of renewable energy certificates certified by the Center for Resource Solutions;
2. a local carbon offset fund established by the City of Berkeley.

C. If a Facility uses natural gas to generate electricity for consumption at the site, the Cultivation Business shall offset the carbon content of all electrical energy delivered to the Facility through either:

1. a program that is included in one of the Offset Project Registries approved by the California Air Resources Board and consists of a project or projects that are solely located in the United States and are either producing energy or reducing energy consumption;
2. a local carbon offset fund established by the City of Berkeley.

D. For purposes of calculating carbon emissions, the carbon dioxide content of natural gas shall be 5.302 metric tons per 1,000 therms and the carbon dioxide content for electricity shall be the value, at the time of filing, from the most recent Power Content Label published by the California Energy Commission.

E. The Cultivation Business shall be responsible for demonstrating compliance on a calendar-year basis. Documentation shall include copies of energy and water bills, as well as an authorization to energy and water providers to disclose energy and water consumption at the Facility directly to the City. All parties that are responsible for energy and water bills shall also be responsible for providing such documentation and authorization.

F. The annual amount paid by a Cultivation Business to both mitigate carbon dioxide emissions caused by the generation of electrical energy to its Facility and to offset the carbon content of all electrical energy delivered to its Facility shall not exceed 10% of the Facility's annual energy bill. This fee shall be reconsidered after five years to determine whether it should be readjusted to reflect lower energy rates or higher costs of renewable energy certificates.

12.25.090 Records

A. General. All Cultivation Businesses and Facilities shall maintain contemporaneous financial and operational records sufficient to show compliance with this Chapter, Chapter [12.26](#), and applicable California law, as well as satisfaction of commitments made in the Cultivation Business's application and during the ranking and allocation process, if any. Such records shall be maintained in a secure location under the control of the Cultivation Business within the City of Berkeley, and shall be subject to inspection by the City upon reasonable notice during regular operational hours or by appointment.

B. Finances.

1. Cultivation Businesses shall operate on a Not-for-Profit basis. Sale of Medical Cannabis to cover anything other than reasonable compensation and reasonable out-of-pocket expenses is explicitly prohibited. To the extent they provide goods or services

not related to Medical Cannabis, Cultivation Businesses need not operate on a Not-For-Profit basis.

2. Cultivation Businesses shall make their financial records available to the City on an annual basis. Such audited records shall be limited to information necessary for the City to determine the not-for-profit status of the organization and shall include information on staff/principal compensation.

C. Qualified Patient or Primary Caregiver status. Cultivation Businesses shall keep an accurate roster of all Principals and employees, which shall include either the State of California Medical Marijuana Identification Card number issued by a county pursuant to Health & Safety Code Sections [11362.7](#) et seq. or a copy of a physician's referral and, if any such person is a Primary Caregiver, a written authorization from the Qualified Patient to be represented by such Primary Caregiver. Such records shall be maintained in a manner that protects the confidentiality of all persons identified therein.

D. Operations. Cultivation Businesses shall maintain the following information and make it available to the City within 30 days of the end of each calendar year.

1. The Collectives and /or Dispensaries of which the Principals and employees are Members.

2. The total amount of revenue collected during the year;

3. The consideration received for each Batch;

4. Monetary and non-monetary contributions;

5. Total monetary and non-monetary distributions to Members of any of the Dispensaries and/or Collectives of which the Principals or employees are Members, other than Medical Cannabis, Medical Cannabis Products or Edibles provided for monetary consideration;

6. Salaries and overhead; and

7. A complete list of the types of Medical Cannabis, Medical Cannabis Products and Edibles available, and the prices thereof.

E. Convictions. Cultivation Businesses shall immediately report any conviction of a person subject to Section [12.28.030.A](#) that would cause him or her to be ineligible to be a Principal or employee.

12.25.100 Ranking and allocation procedure and criteria

The Council may by resolution establish procedures and criteria for accepting applications to operate Facilities and determining which, if any, to approve.

12.25.110 Confidentiality of information

A. The City's review of information submitted or maintained pursuant to this Chapter shall preserve the confidentiality of all information about Principals to the maximum extent consistent with state and local law. The City shall incur no liability for the inadvertent or negligent disclosure of such information. Disclosure of any Principal information to the City for purposes of this Chapter shall not be deemed a waiver of confidentiality. Financial information provided to the City pursuant to Section [12.25.090](#) shall be deemed to be "financial information" covered by Chapter [7.26](#).

B. The information required by Section [12.25.040](#) and recordings from security cameras, shall be confidential and shall not be subject to public inspection or disclosure except to City employees for purposes of law enforcement.

C. In order to protect confidentiality, Dispensaries shall not collect or maintain Protected Health Information. Dispensaries shall maintain membership records and information about members in a manner that ensures that the information will not be disclosed except as required by this Chapter or other laws. If a Dispensary maintains information conveyed by a Member to a Dispensary regarding such Member's medical condition, information conveyed by a Member to a Dispensary regarding efforts to ameliorate or otherwise address symptoms associated with such Member's medical condition, or information regarding Medical Cannabis, Medical Cannabis Products and/or Edibles provided to a Member, such information shall be kept in a manner that is in compliance with the Confidentiality of Medical Information Act. Membership lists shall be available to City employees charged with the administration of this Chapter for inspection on site without a warrant during business hours or by appointment.

Article III Enforcement

12.25.120 Authority of City Manager

A. The City Manager or his or her designee shall have authority to determine the nature of any purported Cultivation Business or Facility and whether that Cultivation Business or Facility complies with any of the requirements of this Chapter and to conduct inspections as provided in Chapter [1.16](#).

B. The City Manager or his or her designee shall have authority to enter onto private property and perform such inspections as may be necessary or convenient to implement and enforce this Chapter, and to adopt regulations to implement this Chapter.

12.25.130 Abatement of violations

- A. Violations of this Chapter shall constitute a public nuisance under Chapter [1.26](#). The City may enforce this Chapter through proceedings under Chapter [1.24](#), Chapter [1.28](#), Chapter [23B.64](#) and any other law or ordinances it deems appropriate.
- B. Notwithstanding anything to the contrary, violations of this Chapter shall not be punishable as public offenses to the extent that doing so would conflict with state law.

12.25.140 Fees

The City Council may establish by resolution the fees that shall be charged for administration and implementation of this Chapter. The adoption of such fees shall not prevent the City from recovering enforcement costs not specified in such resolution.

12.25.150 Severability

If any word, phrase, sentence, part, section, subsection, or other portion of this Chapter, or any application thereof to any person or circumstance is declared void, unconstitutional, or invalid for any reason, then such word, phrase, sentence, part, section, subsection, or other portion, or the prescribed application thereof, shall be severable, and the remaining provisions of this Chapter, and all applications thereof, not having been declared void, unconstitutional or invalid, shall remain in full force and effect. The City Council hereby declares that it would have passed this title, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases had been declared invalid or unconstitutional.

Section 2. Posting.

Copies of this Bill shall be posted for two days prior to adoption in the display case located near the walkway in front of Old City Hall, 2134 Martin Luther King Jr. Way. Within fifteen days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.

ORDINANCE NO. 7,464–N.S.

ZONING ORDINANCE AMENDMENT: AMENDING SECTION 23E.72.040 OF THE BERKELEY MUNICIPAL CODE TO AMEND THE MEDICAL CANNABIS CULTIVATION ORDINANCE

BE IT ORDAINED by the Council of the City of Berkeley as follows:

Section 1. That Berkeley Municipal Code Section 23E.72.040 is amended to read as follows:

Section 23E.72.040 Medical Cannabis Cultivation

- A. Notwithstanding anything to the contrary in this Chapter, cultivation of medical cannabis as defined in Chapter 12.23, Chapter 12.26, Chapter 12.25 and the State’s Medical Marijuana Regulation and Safety Act shall be permitted as a matter of right with a Zoning Certificate in the M District, subject to the following limitations:
1. Such locations shall be limited to licensed medical cannabis organizations.
 2. Medical cannabis may not be dispensed, and client, patient or member services are prohibited, at such locations.
 3. No single location used for cultivation and associated uses by a licensee may exceed 22,000 square feet, except that separate spaces used by different licensees may be aggregated on the same location.
 4. The total area used for medical cannabis cultivation shall not exceed 180,000 square feet.
- B. Such locations shall comply with security regulations promulgated by the Chief of Police, and the requirements of this Chapter, and shall not be located within 600 feet of a private or public elementary, middle or high school. Such locations may include testing, processing, manufacturing and food preparation, if permitted by the State’s Medical Marijuana Regulation and Safety Act.
- C. No medical cannabis uses may be approved under this Section until the City Council adopts a licensing process and standards for such uses. Such standards shall include a requirement that indoor cultivation uses provide for an energy offset through a program specified by the City to offset the net increased energy that is used by the facility as compared to a regular industrial facility, and may include, but shall not be limited to, whether proposed facilities will provide a percentage of all usable product cultivated at no cost to very low income patients and will use organic methods in cultivation and processing to the maximum extent reasonable; and whether their form of organization, ownership and practices ensure equity and accountability, low prices and an adequate supply of high quality medical cannabis to their members.

Section 2. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of Council Chambers, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.

At a regular meeting of the Council of the City of Berkeley held on February 23, 2016, this Ordinance was passed to print and ordered published by posting by the following vote:

Ayes: Anderson, Arreguin, Capitelli, Droste, Maio, Moore, Wengraf, Worthington and Bates.

Noes: None.

Absent: None.

**Senate Bill No. 643 (2015-2016)
(Partial)**

SEC. 13. Article 6 (commencing with Section 19331) is added to Chapter 3.5 of Division 8 of the Business and Professions Code, to read:

Article 6. Licensed Cultivation Sites

19331. The Legislature finds and declares all of the following:

(a) The United States Environmental Protection Agency has not established appropriate pesticide tolerances for, or permitted the registration and lawful use of, pesticides on cannabis crops intended for human consumption pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.).

(b) The use of pesticides is not adequately regulated due to the omissions in federal law, and cannabis cultivated in California for California patients can and often does contain pesticide residues.

(c) Lawful California medical cannabis growers and caregivers urge the Department of Pesticide Regulation to provide guidance, in absence of federal guidance, on whether the pesticides currently used at most cannabis cultivation sites are actually safe for use on cannabis intended for human consumption.

19332. (a) The Department of Food and Agriculture shall promulgate regulations governing the licensing of indoor and outdoor cultivation sites.

(b) The Department of Pesticide Regulation, in consultation with the Department of Food and Agriculture, shall develop standards for the use of pesticides in cultivation, and maximum tolerances for pesticides and other foreign object residue in harvested cannabis.

(c) The State Department of Public Health shall develop standards for the production and labeling of all edible medical cannabis products.

(d) The Department of Food and Agriculture, in consultation with the Department of Fish and Wildlife and the State Water Resources Control Board, shall 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.

(e) The Department of Food and Agriculture shall have the authority necessary for the implementation of the regulations it adopts pursuant to this chapter. The regulations shall do all of the following:

(1) Provide that weighing or measuring devices used in connection with the sale or distribution of medical cannabis are required to meet standards equivalent to Division 5 (commencing with Section 12001).

(2) Require that cannabis cultivation by licensees is conducted in accordance with state and local laws related to land conversion, grading, electricity usage, water usage, agricultural discharges, and similar matters. Nothing in this chapter, and no regulation adopted by the department, shall be construed to supersede or limit the authority of the State Water Resources Control Board, regional water quality

control boards, or the Department of Fish and Wildlife to implement and enforce their statutory obligations or to adopt regulations to protect water quality, water supply, and natural resources.

(3) Establish procedures for the issuance and revocation of unique identifiers for activities associated with a cannabis cultivation license, pursuant to Article 8 (commencing with Section 19337). All cannabis shall be labeled with the unique identifier issued by the Department of Food and Agriculture.

(4) Prescribe standards, in consultation with the bureau, for the reporting of information as necessary related to unique identifiers, pursuant to Article 8 (commencing with Section 19337).

(f) The Department of Pesticide Regulation, in consultation with the State Water Resources Control Board, shall promulgate regulations that require that the application of pesticides or other pest control in connection with the indoor or outdoor cultivation of medical cannabis meets standards equivalent to Division 6 (commencing with Section 11401) of the Food and Agricultural Code and its implementing regulations.

(g) State cultivator license types issued by the Department of Food and Agriculture include:

(1) Type 1, or “specialty outdoor,” for outdoor cultivation using no artificial lighting of less than or equal to 5,000 square feet of total canopy size on one premises, or up to 50 mature plants on noncontiguous plots.

(2) Type 1A, or “specialty indoor,” for indoor cultivation using exclusively artificial lighting of less than or equal to 5,000 square feet of total canopy size on one premises.

(3) Type 1B, or “specialty mixed-light,” for cultivation using a combination of natural and supplemental artificial lighting at a maximum threshold to be determined by the licensing authority, of less than or equal to 5,000 square feet of total canopy size on one premises.

(4) Type 2, or “small outdoor,” for outdoor cultivation using no artificial lighting between 5,001 and 10,000 square feet, inclusive, of total canopy size on one premises.

(5) Type 2A, or “small indoor,” for indoor cultivation using exclusively artificial lighting between 5,001 and 10,000 square feet, inclusive, of total canopy size on one premises.

(6) Type 2B, or “small mixed-light,” for cultivation using a combination of natural and supplemental artificial lighting at a maximum threshold to be determined by the licensing authority, between 5,001 and 10,000 square feet, inclusive, of total canopy size on one premises.

(7) Type 3, or “outdoor,” for outdoor cultivation using no artificial lighting from 10,001 square feet to one acre, inclusive, of total canopy size on one premises. The Department of Food and Agriculture shall limit the number of licenses allowed of this type.

(8) Type 3A, or “indoor,” for indoor cultivation using exclusively artificial lighting between 10,001 and 22,000 square feet, inclusive, of total canopy size on one premises. The Department of Food and Agriculture shall limit the number of licenses allowed of this type.

(9) Type 3B, or “mixed-light,” for cultivation using a combination of natural and supplemental artificial lighting at a maximum threshold to be determined by the licensing authority, between 10,001 and

22,000 square feet, inclusive, of total canopy size on one premises. The Department of Food and Agriculture shall limit the number of licenses allowed of this type.

(10) Type 4, or “nursery,” for cultivation of medical cannabis solely as a nursery. Type 4 licensees may transport live plants.

19332.5. (a) 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 (Section 6517 of the federal Organic Foods Production Act of 1990 (7 U.S.C. Sec. 6501 et seq.)), and Article 7 (commencing with Section 110810) of Chapter 5 of Part 5 of Division 104 of the Health and Safety Code.

(b) The bureau may establish appellations of origin for marijuana grown in California.

(c) It is unlawful for medical marijuana to be marketed, labeled, or sold as grown in a California county when the medical marijuana was not grown in that county.

(d) It is unlawful to use the name of a California county in the labeling, marketing, or packaging of medical marijuana products unless the product was grown in that county.

19333. An employee engaged in commercial cannabis cultivation activity shall be subject to Wage Order 4-2001 of the Industrial Welfare Commission.