

California Code of Regulations
Title 3. California Department of Food and Agriculture
Division 8. Cannabis Cultivation
Chapter 3. OCal Program

SECOND ADDENDUM TO THE INITIAL STATEMENT OF REASONS

This Second Addendum to the Initial Statement of Reasons provides rationale and explains specified changes to the modified regulation text published for the third comment period, which will last for 15 days.

Responses to all comments received during rulemaking will be included in the Final Statement of Reasons which will be published upon approval by the Office of Administrative Law.

Article 1. Definitions

Section 10000. Definitions.

10000(ab): Added “in vitro fertilization” to the list of uses not excluded under the definition of “excluded methods.” The department considers “in vitro fertilization” a method of “tissue culture,” which is recognized under the definition as a use that is not excluded. Therefore, as the OCal regulations do not cover livestock practices, the department considered specifying “in vitro fertilization” redundant. The comment indicates potential for confusion. Therefore, “in vitro fertilization” was added for clarity.

Article 8. Compliance

Section 10701. Adverse actions

10701(e)(2): Amended to clarify that the \$20,000 fine applies to both certified operations and certifying agents. Section 10701(e)(2) was previously amended to ensure that, except in the case of a labeling violation, the department will only issue a fine along with a Notice of Proposed Suspension or Revocation, a Suspension, a Revocation, or in response to a Willful violation. Hence, the department has committed

to making a good faith effort to resolve a non-compliance before it escalates to a Proposed Suspension or Revocation. Therefore, in the rare case that the department must issue the afore-mentioned, the department reserves the right to place fines on all regulated entities to cover the costs of legal action up to \$20,000 and to act as a deterrent.