

**State of California  
Office of Administrative Law**

**In re:**  
**Department of Food and Agriculture**

**Regulatory Action:**

**Title 03, California Code of Regulations**

**Adopt sections:** 9301, 9302

**Amend sections:** 9000, 9102, 9106, 9202,  
9203

**Repeal sections:**

**NOTICE OF APPROVAL OF REGULATORY  
ACTION**

**Government Code Section 11349.3**

**OAL Matter Number: 2025-0602-04**

**OAL Matter Type: Regular Resubmittal (SR)**

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This rulemaking action by the Department of Food and Agriculture amends and adopts regulations regarding the Cannabis Appellations Program to include recordkeeping and Notice of Use requirements to the program.

OAL approves this regulatory action pursuant to section 11349.3 of the Government Code. This regulatory action becomes effective on 10/1/2025.

**Date:** July 14, 2025



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**Kevin D. Hull**  
**Assistant Chief Counsel**

**For:** **Kenneth J. Pogue**  
**Director**

**Original:** Karen Ross, Secretary  
**Copy:** Francis Bean

OAL FILE NUMBERS	NOTICE FILE NUMBER <b>Z-</b>	REGULATORY ACTION NUMBER <b>2025-0602-04SR</b>	EMERGENCY NUMBER
For use by Office of Administrative Law (OAL) only			
NOTICE		REGULATIONS	
AGENCY WITH RULEMAKING AUTHORITY Department of Food and Agriculture		AGENCY FILE NUMBER (If any)	

**OFFICE OF ADMIN. LAW**  
2025 JUN 2 AM 11:19

**ENDORSED - FILED**  
in the office of the Secretary of State  
of the State of California  
  
**JUL 14 2025**  
  
1:47 PM  
  
NM

**A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)**

1. SUBJECT OF NOTICE		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)
OAL USE ONLY <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER <b>2024, 40-2</b>	PUBLICATION DATE <b>10/4/24</b>	

**B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)**

1a. SUBJECT OF REGULATION(S) Cannabis Appellations Program		1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S) 2025-0122-01s	
2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)			
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)		ADOPT 9301 and 9302 AMEND 9000, 9102, 9106, 9202, and 9203 REPEAL NA	
3. TYPE OF FILING			
<input type="checkbox"/> Regular Rulemaking (Gov. Code §11346) <input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute. <input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h)) <input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)			
<input checked="" type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4) <input type="checkbox"/> File & Print <input type="checkbox"/> Print Only			
<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b)) <input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1) <input type="checkbox"/> Other (Specify) _____			
4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1) 06/28/2024 to 07/15/2024, 10/04/2024 to 10/21/2024, and 04/23/2025 to 05/09/2025			
5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100.) <input checked="" type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a)) <input type="checkbox"/> Effective on filing with Secretary of State <input type="checkbox"/> \$100 Changes Without Regulatory Effect <input type="checkbox"/> Effective other (Specify) _____			
6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY <input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660) <input type="checkbox"/> Fair Political Practices Commission <input type="checkbox"/> State Fire Marshal <input type="checkbox"/> Other (Specify) _____			
7. CONTACT PERSON Francis Bean		TELEPHONE NUMBER 916-387-5853	FAX NUMBER (Optional) NA E-MAIL ADDRESS (Optional) Francis.Bean@cdfa.ca.gov

8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE  
Christine Birdsong  
Digitally signed by Christine Birdsong  
Date: 2025.05.30 08:43:46 -0700

DATE

TYPED NAME AND TITLE OF SIGNATORY  
Christine Birdsong Undersecretary

For use by Office of Administrative Law (OAL) only

**ENDORSED APPROVED****JUL 14 2025****Office of Administrative Law**

Department of Food and Agriculture  
Cannabis Appellations Program  
Proposed Text of Regulations

Existing regulations are in normal text, amendments to the regulations are underlined, and deletions are shown with ~~strikethrough~~.

CCR TITLE 3. FOOD AND AGRICULTURE  
DIVISION 8. CANNABIS CULTIVATION  
CHAPTER 2. CANNABIS APPELLATIONS PROGRAM

**Article 1. Definitions**

§ 9000. Definitions.

The following definitions apply to this chapter:

(a) “Appellation of Origin” means a name of an area, or the area and production requirements represented by that name, that has been approved by the department based on the requirements detailed in this chapter.

(~~a~~b) “Cultivar” means a cultivated variety, trade designation, or strain of cannabis.

(c) “Department” means the Department of Food and Agriculture.

(d) “Notice of Use” means a notification from a licensed cultivator to the Department of Food and Agriculture of the use of an appellation of origin in the commercial cannabis marketplace and satisfies the requirements of section 9302 of this chapter.

(~~b~~e) “Petitioning organization” means a group of licensed cultivators representing three or more unique businesses within the geographical area of the proposed appellation of origin.

(~~e~~f) “Petitioner” means the licensee designated by the petitioning organization to be the primary contact for the petition.

(~~d~~g) “Practice” means an allowed or prohibited method of cultivation or method of conducting commercial cannabis activity.

(h) “Produced” means the following occurred within the specified geographical area of the appellation of origin:

(1) the cannabis was cultivated within that geographical area starting from the time the plants were no taller or wider than 18 inches; and

(2) the cannabis was planted, grown, harvested, dried, cured, graded, and trimmed within that geographical area.

(e) "Standard" means a measurable, scorable, or certified requirement applicable to the cannabis or cultivation.

Authority: Section 26063, Business and Professions Code. Reference: Section 26063, Business and Professions Code.

## **Article 2. Petitions**

### **§ 9102. Petition to Establish an Appellation of Origin.**

A petition to establish a new appellation of origin shall include:

- (a) Petitioner name, license numbers issued by the ~~d~~Department of Cannabis Control, primary contact phone number, email address, and preferred method of contact;
- (b) Names, license numbers issued by the ~~d~~Department of Cannabis Control, and signatures of individuals in the petitioning organization;
- (c) A general description and location of the proposed geographical area which may include information such as total acreage of the area, total canopy acreage within the area that is currently occupied under licensed commercial cannabis cultivation, and estimated cannabis canopy acreage eligible to use the proposed appellation of origin;
- (d) Evidence of name use pursuant to section 9104 of this chapter;
- (e) A description and documentation of the boundary of the proposed appellation of origin pursuant to section 9105 of this chapter;
- (f) A description and evidence of distinctive geographical features affecting cannabis produced in the boundary of the proposed appellation of origin pursuant to section 9106 of this chapter;
- (g) Identification and definition of all standard, practice, and cultivar requirements of the proposed appellation of origin pursuant to section 9107 of this chapter;
- (h) A description and evidence of the legacy, history, reputation, and economic importance of cannabis production in the area;

(i) If the proposed appellation of origin is located either partially or fully within the geographical area of another appellation of origin, an explanation of how the proposed appellation of origin is distinct from the existing appellation of origin; and

(j) Practice requirements described according to section 9107 of this chapter ensuring that the appellation of origin be applicable only to cannabis that is planted in the ground in the canopy area; cultivated without the use of structures including a greenhouse, hoop house, glasshouse, conservatory, hothouse, or any similar structure covering the plant or modifying the natural light received by the plant in the canopy area; and cultivated without any artificial light in the canopy area pursuant to Business and Professions Code section 26063, subdivision (c).

Authority: Section 26063, Business and Professions Code. Reference: Sections ~~26061~~ and 26063, Business and Professions Code.

#### § 9106. Geographical Features.

The petition shall include:

(a) A narrative description of the distinctive geographical features affecting cannabis production. Examples include, but are not limited to:

- (1) Climate information which may include temperature, precipitation, wind, fog, solar orientation and radiation;
- (2) Geological information which may include underlying formations, landforms, and such geophysical events as earthquakes, eruptions, and major floods;
- (3) Soil features which may include microbiology and soil series or phases of a soil series;
- (4) Physical features which may include flat, hilly, or mountainous topography, geographical formations, bodies of water, watersheds, and irrigation resources; and
- (5) Minimum and maximum elevations.

(b) Substantial evidence that the geographical area is distinctive when compared to areas outside the proposed boundary and to other relevant areas which produce cannabis for sale into the marketplace; and

(c) A description of the quality or characteristics of the cannabis which are essentially or exclusively caused by one or more distinctive geographical feature(s), including an

explanation of how the distinctive geographical feature(s) cause(s) the cannabis to have that quality or characteristic, and

~~(d) Identification of at least one specific standard, practice, or cultivar requirement which acts to preserve the causal link(s) between one or more distinctive geographical feature(s) and the cannabis, including:~~

~~(1) Description of the mechanism by which the requirement preserves or maintains the causal link; and~~

~~(2) A clear distinction between cultivation methods which are allowed and prohibited under each requirement.~~

Authority: Section 26063, Business and Professions Code. Reference: Section 26063, Business and Professions Code.

### **Article 3. Petition Review Process**

§ 9202. Notice of Final Decision on Appellation of Origin.

(a) The department shall provide notice of final decision on a petition for an appellation of origin (i.e. established, amended, or denied) on its website and by e-mail to:

(1) The petitioner;

(2) Designated responsible parties of licenses issued by the ~~d~~Department of Cannabis Control and located within the areas directly impacted by the decision; and

(3) Stakeholders enrolled on the department's Cannabis Appellations Program Mailing List. Enrollment on to the department's Cannabis Appellations Program Mailing List can be requested by any stakeholder using an electronic request form on the Department of Food and Agriculture's Cannabis Appellations Program webpage or by submitting a written request to the mailing address or email address listed on the Cannabis Appellations Program webpage.

(b) If the petition is denied, the notice of final decision shall include all of the reasons why the petition was denied.

Authority: Section 26063, Business and Professions Code. Reference: Section 26063, Business and Professions Code.

## § 9203. Denial of Petition for Appellation of Origin.

The Department may deny the petition for the following reasons:

- (a) Evidence is not sufficient to demonstrate the legacy, history, reputation, and economic importance of cannabis production in the proposed geographical area pursuant to section 9102, subdivision (h);
- (b) Evidence is not sufficient to demonstrate that the proposed appellation name has been used in direct association with a cannabis production area pursuant to section 9104, subdivisions (b)(2) through (b)(4) of this chapter;
- (c) Evidence is not sufficient to demonstrate that the proposed geographical area is distinctive with respect to the geographical features affecting cannabis pursuant to section 9106, subdivision (b) of this chapter;
- (d) Proposed geographical features as described are not causally-linked to the cannabis or ~~the causal links are not maintained according to~~ the standards set forth in section 9106, subdivisions (c) ~~and (d)~~ of this chapter, are not met for at least one of those causal links;
- (e) Proposed standard, practice, and cultivar requirements do not meet the clarity, form, or recordkeeping standards set forth in section 9107, subdivisions (a) through (e) of this chapter;
- (f) Amendments to the appellation of origin are not consistent with the proposed geographical features according to section 9103, subdivisions (b) through (d) of this chapter; and
- (g) Any other reasonable cause submitted through the public comment process that the department determines would preclude the appellation from being established or amended.

Authority: Section 26063, Business and Professions Code. Reference: Section 26063, Business and Professions Code.

## Article 4. Requirements for Use of an Appellation of Origin

### § 9301. Recordkeeping

- (a) For each appellation of origin used in the advertising, labeling, marketing, or packaging of cannabis, cultivators must maintain records showing 100 percent of the

cannabis was produced in the appellation of origin. These records must demonstrate the following:

(1) The production activities specified in section 9000, subdivision (h) of this chapter occurred within the appellation of origin; and

(2) The cannabis was produced in compliance with all standard, practice, and cultivar requirements as detailed in the petition to establish the appellation of origin.

(b) Information submitted to the track and trace system confirming the requirements of subdivision (a)(1) are met will show compliance.

(c) The records demonstrating compliance with subdivision (a) shall be maintained pursuant to Business and Professions Code section 26160.

Authority: Section 26063, Business and Professions Code. Reference: Section 26063, Business and Professions Code.

#### § 9302. Notice of Use for Appellation of Origin

(a) A licensed cultivator shall notify the department within 30 days before or after the first use of an appellation of origin in advertising, labeling, marketing, or packaging of cannabis produced by the cultivator. The notification from a licensed cultivator to the department shall be referred to as the "Notice of Use." The cultivator shall submit the Notice of Use to the email address listed on the department's website.

(b) The Notice of Use shall include the following:

(1) The licensee's name and Department of Cannabis Control cultivation license number(s) using the appellation(s) of origin;

(2) The licensee's email address associated with the cultivation license(s);

(3) The appellation(s) of origin used; and

(4) The date that the licensee began or will begin use of the appellation(s) of origin.

(c) A Notice of Use shall be effective for three (3) years. For continued use of an appellation of origin, the cultivator shall resubmit a Notice of Use every three years.

(d) Filing a Notice of Use is not evidence of compliance with the standard, practice, and cultivar requirements for the appellation of origin.



(e) If the department does not receive a Notice of Use from at least one cultivator within a specific appellation of origin during a period of five (5) years, the department shall issue a notice that the appellation of origin is cancelled.

(1) The notice shall be sent to the licensee's email(s) previously provided in any Notices of Use associated with that appellation of origin and to those entities designated in section 9202, subdivision (a).

Authority: Section 26063, Business and Professions Code. Reference: Section 26063, Business and Professions Code.