

State of California
Department of Food and Agriculture
Cannabis Appellations Program

Notice of Modifications to Proposed Regulation Text

In accordance with Government Code section 11346.8(c) and section 44 of title 1 of the California Code of Regulations (CCR), the Department of Food and Agriculture (Department) hereby provides notice of proposing to modify the originally proposed text in CCR Title 3, Division 8, Chapter 2, Sections 9000, 9100, 9102, and 9204. The originally proposed regulations were published in the California Regulatory Notice Register on January 2, 2026, Notice File Number Z2025-1217-01.

The text of the regulations with proposed modifications is attached to this Notice. Only those portions of the originally proposed text indicated by a double underline or double strikethrough have been modified. The remainder of the text is the same as originally proposed. These modifications are in response to comments received during the 45-day public comment period that closed on February 17, 2026.

Written Comment Period

Any interested person, or their authorized representative, may submit written comments relevant to the proposed text modifications by mail or email to:

California Department of Food and Agriculture
Office of Agricultural Resilience and Sustainability

1220 N Street, Sacramento, CA 95814
E-mail: CannabisAg@cdfa.ca.gov

The written comment period closes on **Tuesday, March 31, 2026**. All written comments received by the closing and pertaining to the proposed text modifications will be considered by the Department and summarized and responded to in the Final Statement of Reasons. Any written comments received during the original 45-day public comment period remain in the rulemaking file and will also be addressed.

Availability of Rulemaking Documents

Materials associated with this rulemaking may be accessed via the Department's website at: <https://www.cdfa.ca.gov/oars/cap/>

Summary of, and Rationale for, Proposed Modifications to Regulation Text

Issue: 3-Cultivator Requirement

The Department initially proposed changing the requirement to submit a petition to establish or amend an appellation of origin from three cultivators to one cultivator. The rationale was to increase availability to participate in the program to more areas, many of which have seen a dramatic decrease in licensed outdoor cultivation. While some comments received during the 45-day comment period supported the proposed changes, several strongly objected to the changes and pointed to the original intent of the requirements and potential unintended consequences of the proposed changes. Commenters expressed that the three-cultivator requirement promoted regional representation providing a safeguard for legacy growing areas and small farmers by discouraging exclusionary appellations. They recognized the value of facilitating increased opportunities for participation in the program but recommended keeping the original requirement of three cultivators while allowing exemptions in areas with less than three licensed cultivators. The department incorporated that recommendation by reinstating the requirement that petitions are submitted by petitioning organizations, defined as three cultivators within the proposed appellation while providing an exception when less than three cultivators operating within the proposed area.

In addition to proposing an exemption, multiple commenters suggested including specific requirements in a petition when the number of licensees is less than three. Some of those recommendations are accommodated for in these proposed modifications including clarifying that the petitioner must be located within the proposed boundary and preserving joint petitioning capability. The department determined the others are not necessary because they are already addressed in regulations. For example, commenters requested that the department adopt an additional requirement to demonstrate “the proposed geographical area possesses demonstrably distinct environmental, geographic, or climatic characteristics that differentiate it from adjacent areas.” This requirement is already fundamental to defining the area (section 9102) and failure to do so is cause for disapproval of any petition regardless of the number of petitioners in the petitioning organization.

Some commenters recommended additional requirements that are already anticipated to be included in petitions to satisfy regulatory requirements. For example, subsection 9102(h) requires “a description and evidence of the legacy, history, reputation, and economic importance of cannabis production in the area.” Early in the development of the appellation program, the department considered objective measurement of these characteristics but rejected that because of difficulty in defining and obtaining stakeholder consensus on those standards. However, their importance in consideration of the approval of the appellation is evidenced by their inclusion as a reason for denial [subsection 9203(h)].

The commenters suggested that these additional parameters would serve as safeguards ensuring regional representation. The department determined that the safeguards within the existing regulations satisfy that goal. These safeguards include;

- external independent review of the petition elements specifically identified by commenters as concerns; delineation of the area based on geographical features, and the appellation-specific standards, practices, and cultivars,
- a 90-day public comment period when specific concerns about the establishment of an appellation may be communicated to the department, and
- the inclusion of “any other reasonable cause submitted through the public comment process that the department determines would preclude the appellation from being established or amended” as reason to deny approval of a petition [(subsection 9203(g)].

To address stakeholders’ concerns while maintaining the goal of increasing participation in the program, the department is proposing to reinstate the requirement that a petition is submitted by a “petitioning organization.” However, an exemption would be available for areas that meet the requirements to establish an appellation of origin but do not have the minimum number of licensed cultivators to needed to qualify as a petitioning organization. This is achieved by changes to subsection 9100(a) which states who may submit a petition. This change necessitates reinserting a definition for petitioning organization and petitioner in subsections 9100(e) and 9100(f), respectively. Minor changes are also needed in licensee information required in subsection 9102(b).

Article 1. Definitions

Amend subsection 9000(e) Petitioning Organization.

The department proposes to further modify section 9000 by reinserting the definition of “petitioning organization.” This is necessary to clarify the use of the phrase in subsection 9100(a) in association with who may submit a petition to establish an appellation of origin. To address the concerns of stakeholders that the appellations of origin regulations protect regional representation, “petitioning organization” is defined as a “group of three licensed cultivators representing three or more unique businesses within the proposed appellation of origin.”

The department proposes to further modify the definition of “petitioning organization” to include “all the licensed cultivators within a proposed appellation of origin, when fewer than three licensed cultivators representing unique businesses are within the proposed appellation.” This is necessary to maintain the department’s original intent to provide increased access to the program. It is also consistent with commenters’ suggestions to provide exceptions to three-cultivator requirements under specific conditions.

Amend subsection 9000(f) Petitioner.

The department proposes to further modify subsection 9000(f) by reinserting the definition for “petitioner” as “the licensee designated by the petitioning organization to be the primary contact for the petition.” This is necessary because allowance of multi-cultivator petitions requires that a single cultivator is identified as the primary contact for effective administration of the petitioning process.

Article 2. Petitions

Amend subsection 9100(a) Submission of Petitions.

The department proposes to further modify subsection 9100(a) by reinserting the requirement that a petition may be submitted by a “petitioning organization,” rather than a single “licensed cultivator,” to establish an appellation of origin. This is necessary to effectuate the goal of multi-cultivator petitions. The exception allowing a single cultivator to submit a petition is captured in the revised definition of “petitioning organization.”

Amend subsection 9102(b) Petition to Establish an Appellation of Origin.

The department proposes to further modify subsection 9102(b) by replacing “designated as alternative contacts” with “in the petitioning organization” as required information in a petition. This change is necessary to make the required petition information consistent with the petitioning organization requirement in subsection 9100(a).

Issue: Effective Date

Comments received during the 45-day comment period supported the adoption of section 9204 which clarifies when statutory restrictions on the use of an appellation of origin are in effect after its establishment. One commenter recommended providing clarity in the requirement to identify truthful origin to prevent misleading the consumer by adding the modifier “prominently displayed.”

Article 3. Effective Date

Amend subsection 9204(b)(6)

The department proposes to further modify subsection 9204(b)(6) adding the modifier, “prominently displayed” to the requirement to identify truthful origin.

After additional review, the department determined that the modifying phrase is necessary because inconspicuous use of the truthful statement of origin could result in misleading consumers. This change is consistent with the primary goal of all labels of origin programs.