

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

LEGEND:

January 2, 45-day text proposed for adoption is shown in underline

January 2, 45-day text proposed for deletion is shown in ~~striketrough~~

March 13, 45-day modified text additions are shown in double underline

March 13, 45-day modified text deletions are shown in ~~double striketrough~~

July 3, 45-day modified text additions are shown in red underline

July 3, 45-day modified text deletions are shown in ~~red striketrough~~

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) [...]

~~(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) “Petitioning organization” means **either:**

~~(1) a group of licensed cultivators representing three or more unique businesses within the geographical area of the a proposed appellation of origin.,-or~~

~~(2) all the licensed cultivators within a proposed appellation of origin, when fewer than three licensed cultivators representing unique businesses are within the proposed appellation.~~

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

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

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

~~(hfh)~~ “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.

~~(igi)~~ “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

§ 9100. Submission of Petitions.

(a) ~~A petitioning organization~~ petitioning organization ~~licensed cultivator~~ may submit a petition ~~for their cultivation region~~ to the department to:

(1) Establish a new appellation of origin; or

(2) Amend an existing appellation of origin.

(b) Petitions shall be submitted to the mailing address or email address listed on the Cannabis Appellations Program webpage on the department's website.

(c) Petition submission fees, pursuant to section 9101 of this chapter, shall be paid at the time the petition is submitted to the department.

(d) Petition proposal fees, pursuant to section 9101 of this chapter, shall be paid at the request of the department according to section 9200, subdivision (b) of this chapter.

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

§ 9101. Petition Fees.

(a) The following are the non-refundable petition fees for the specified petitions:

(1) Petition to Establish an Appellation of Origin:

(A) A petition submission fee of \$2,850; and

(B) A petition proposal fee of \$14,250.

(2) Petition to Amend an Appellation of Origin:

(A) A petition submission fee of \$1,425; and

(B) A petition proposal fee of \$7,125.

Authority: Sections ~~26012, 26013, 26063, and 26180~~, Business and Professions Code. Reference: Section ~~26063, 26012, 26013 and 26180~~, Business and Professions Code.

§ 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 Department of Cannabis Control, primary contact ~~primary contact~~ phone number, email address, and ~~preferred method of contact signature~~ preferred method of contact;

(b) Names, license numbers issued by the Department of Cannabis Control, ~~phone numbers, email addresses,~~ and signatures of ~~any~~ individuals ~~designated as alternative contacts in the petitioning organization in the petitioning organization;~~

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

Article 3. Petition Review Process

§ 9204. Effective Date

(a) An appellation of origin shall be considered established 30 days after the notice of final decision approving the appellation is issued by the department.

(b) The use of trademarks containing an appellation of origin, including any similar name which is likely to mislead consumers as to the kind of cannabis, in advertising, labeling, marketing, or packaging is not subject to the appellation of origin use requirements, pursuant to Article 4 of this chapter, during a period of one year following the effective date identified in the notice of final decision to establish the appellation of origin, provided that:

- (1) The trademark is not misleading about geographical origin of the cannabis;
- (2) The trademark was established prior to February 21, 2020, through filing with the California Secretary of State or the United States Patent and Trademark Office, or through use in advertising, labeling, marketing, or packaging in the California cannabis marketplace;
- (3) The trademark was used at least once per a year in the California cannabis marketplace between February 21, 2020, and the date of approval of the appellation in the notice of proposed action for the appellation of origin as described in section 9201, subdivision (a);
- (4) Documentation of compliance with the requirements in subdivisions (b)(2) and (b)(3) is retained by the trademark user and is provided to the department upon request;
- (5) A claim of historical use of the trademark as described in subdivision (b)(3) is communicated to the department during the public comment period as set forth in section 9102; and
- (6) The use of the trademark in advertising, labeling, marketing, or packaging includes a truthful statement, prominently displayed, of the county of origin, city of origin, city and county of origin, or appellation of origin of the cannabis

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