

AMENDED EXPRESS TERMS
DEPARTMENT OF FOOD AND AGRICULTURE
CANNABIS APPELLATIONS PROGRAM

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

KEY TO PROPOSED MODIFICATIONS

1. Originally Proposed Modifications (45-Day)
 - Single-underline for additions
 - Single-strikeout for ~~deletions~~
2. Additional Modifications (First 15-day)
 - Double-underline for additions
 - Double-strikeout for ~~~~deletions~~~~
3. Additional Modifications (Second 15-day)
 - Italicized for *additions*
 - Italicized and double-strikeout for ~~~~*deletions*~~~~
4. Current Modifications (Third 15-day)
 - Blue text for additions
 - Red text with single-strikeout for ~~deletions~~

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.

(ab) “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.

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

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

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

~~(gh)~~ “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) ~~all remaining cultivation activities occurred within that geographical area, inclusive of the cannabis was planteding, growinging, harvesteding, driedying, cureding, gradeding, and trimmeding~~ within that geographical area.

~~(ehi)~~ “Standard” means a measurable, scorable, or certified requirement applicable to the cannabis or cultivation.

Authority: Section 26063, Business and Professions Code. Reference: Sections ~~s 26001 and~~ 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 ~~department~~ Department of Cannabis Control, primary contact phone number, email address, and preferred method of contact;
- (b) Names, license numbers issued by the ~~department~~ 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 ~~26012, 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 ~~department~~ 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: Sections ~~s 26012 and 26014~~ 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 ~~documentation the following in accordance with all recordkeeping requirements developed by the Department of Cannabis Control pursuant to Business and Professions Code 26160; for seven (7) years demonstrating~~ records showing 100 percent of the cannabis was produced in the appellation of origin. These records must demonstrate the following:

~~a)1) Records showing 100 percent of the cannabis was produced in the geographical area of~~ The production activities specified in section 9000, subdivision (h) of this chapter occurred within the ~~appellation of origin; in accordance with the track and trace program developed by the Department of Cannabis Control pursuant to Business and Professions Code 26067; and~~

~~b)2) Records showing T~~he cannabis was produced ~~according to~~ in compliance with all standard, practice, and cultivar requirements ~~as detailed in the petition to establish the appellation of origin. in accordance with subsection 9107(e).~~

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: Sections ~~26063 and 26160~~, Business and Professions Code.

§ 9302. Notice of Use for Appellation of Origin

a) ~~A licensee~~ cultivator shall ~~notify submit a Notice of Use to~~ the department within 30 days before or after the first ~~of~~ use of an appellation of origin in advertising, labeling, marketing, or packaging of cannabis produced by the cultivator. ~~by email to CDEA.CalCannabis.Appellations@cdfa.ca.gov. 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 of a specific appellation of origin during a period of five (5) years, the department may-shall in its sole discretion issue a notice of final decision that the appellation of origin is cancelled.
 - (1) ~~At least 30 days before canceling an appellation of origin, the dDepartment will provide written~~ 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: Sections ~~26012, 26061,~~ and 26063, Business and Professions Code.