

RE-ADOPTION OF EMERGENCY REGULATIONS REQUIREMENTS FOR CANNABIS MANUFACTURING

The California Department of Public Health (CDPH) developed emergency regulations to implement the mandates of the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA). These regulations outlined the statewide standards and licensing requirements for commercial cannabis manufacturers and became effective on December 7, 2017.

Emergency regulations are effective for 180 days and must be readopted to stay in effect. The proposed re-adoption of these emergency regulations would extend the effective period for an additional 180 days while the licensing authorities finalize permanent regulations.

The proposed emergency regulations will be released to the public on May 18, 2018 and filed with the Office of Administrative Law on May 25, 2018. Emergency regulations have a five-day public comment period on the finding of emergency that begins when the California Office of Administrative Law (OAL) posts the proposed emergency regulations on their website. The comment period for the CDPH emergency regulations for cannabis manufacturing is expected to take place from May 25 until May 29, 2018.

Summary of Proposed Changes

“Adult Use” and “Medicinal Use” License Categories

The transition period includes a provision that businesses can operate with each other regardless of the adult-use (A) or medicinal (M) designation on their license. CDPH proposes making this provision permanent. Applicants will be able to submit one license application to manufacture both “A” and “M” products on their manufacturing premises and pay one licensing fee.

Operations, processes and requirements for cannabis manufacturers are the same for both the adult-use and medicinal markets. For this reason, this package proposes that:

- Businesses can conduct cannabis commercial business with other licensees regardless of the A or M designation.
- Cannabis manufacturers will be required to label cannabis products that are over 1,000 mg for “Medical Use Only” prior to sending the product to the distributor.

Incorporation of Shared-Use Facilities

Emergency regulations for shared-use cannabis manufacturing facilities went into effect on April 13, 2018. CDPH references those regulations in this re-adoption package.

Requirements for Tinctures

CDPH prohibits cannabis products from containing more than 0.5% alcohol by volume but provides an exception for tinctures, a concentrated cannabis product, similar to vanilla extract or bitters, typically taken by dropper under the tongue in very small amounts. The proposed regulations set packaging limits and requirements for these products.

Other Changes

Minor technical and grammatical edits were made throughout the text to provide clarification about the requirements and to better align the regulations with statutory language.