

# **Department Of Cannabis Control**

## **Disciplinary Guidelines For All Distributor, Retailer, Microbusiness, Cannabis Event Organizer, Cannabis Event, And Testing Laboratory Commercial Cannabis Licenses**

**Amended  
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## **I. Introduction**

Pursuant to Business and Professions Code section 26011.5, the protection of the public is of the highest priority for the Department of Cannabis Control (Department). In keeping with its mandate to protect the public, the Department has adopted these recommended uniform guidelines in order to promote consistency in disciplinary orders for similar offenses on a statewide basis. This document is intended for use by those involved in the administrative disciplinary process (e.g., Administrative Law Judges (ALJ), Deputy Attorneys General (DAG), Department licensees and their legal counsel, and other interested parties), and may be revised from time to time, and distributed to interested parties upon request.

The Department requests that the suggested disciplinary orders contained in these guidelines be levied consistently and appropriately, based on the nature and seriousness of the violation(s) confirmed in an administrative action. The Department recognizes that mitigating or aggravating circumstances, in addition to other factors, may necessitate departure from these recommended orders and terms of probation. If there are any deviations from the guidelines, the Department requests that the ALJ hearing the matter include an explanation in the Proposed Decision so that the circumstances can be better understood and evaluated by the Department before final action is taken.

Additionally, these guidelines only apply to formal administrative disciplinary processes. These guidelines do not apply to other alternatives available to the Department, such as administrative citations and fines, except in cases where an Accusation has been filed for failure to pay an assessed administrative fine and/or comply with an order of abatement issued by the Department.

## **II. Factors to Be Considered in Determining Penalties**

In determining whether revocation, suspension, probation, fine, or a combination is to be imposed in a given case, factors such as the following should be considered:

1. Nature, gravity, and severity of the act(s), violations, offenses, or crime(s) under consideration.
2. Actual or potential harm to the public.
3. Actual or potential harm to any consumer.
4. Prior disciplinary and/or administrative record.
5. Number and/or variety of current violations.
6. Mitigating evidence.
7. Rehabilitation evidence, including but not limited to, a statement of rehabilitation containing any evidence that demonstrates fitness for licensure, or a certificate of rehabilitation under Penal Code section 4852.01.
8. In case of a criminal conviction, compliance with conditions of sentence and/or court-ordered probation.
9. Overall criminal record.

10. Time passed since the act(s) or offense(s) occurred.
11. If applicable, evidence of dismissal or expungement proceedings pursuant to Penal Code ~~Section~~ section 1203.4, 1203.4a, or 1203.41.
12. Whether the conviction is a felony conviction based on possession or use of cannabis or cannabis products ~~goods~~ that would not be a felony if the person was convicted during the time of licensure.

### III. Disciplinary Guidelines

The Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA) specifies the offenses for which the Department may take disciplinary action. Following are samples of the codes and regulation numbers, titles of the offenses and the associated Department determined disciplinary recommendations. When filing an accusation, the Department or Office of the Attorney General are not limited to the violations listed herein. They may also cite any and all additional related statutes and regulations violated not listed below. The following is **not** a comprehensive list of potential violations and in no way, should limit the Department or the Attorney General's Office from asserting any relevant and applicable violation. The Department suggests that for cases with multiple violations, suspensions or other disciplines run concurrently. All standard terms of probation as stated in these Disciplinary Guidelines shall be included for all probations.

As used in these Disciplinary Guidelines, statutes and regulations are referenced as follows:

1. Business and Professions Code: (B&P)
2. Title 4, California Code of Regulations: (CCR)
3. Penal Code: (PC)

#### **A. Violations and Fine Formula for all Distributor, Retailer, Microbusiness, Cannabis Event Organizer, Cannabis Event, Manufacturer, and Testing Laboratory Licenses.**

The following Tier 1 through Tier 3 violations, are samples of the codes and regulation numbers, titles of the offenses and the associated Department determined disciplinary recommendations, and Fine Formula for all license types, excluding cultivation licenses.

#### **California Code of Regulations Disciplinary Order Guidelines - Tier 1**

**Minimum Penalty:** †Revocation stayed, 5 to 15-day suspension, a fine (as determined by the "Fine Formula" below), or a combination of a suspension and fine.

**Maximum Penalty:** †Revocation

Tier 1 discipline is recommended for:

- †Violations which are potentially harmful.

Violations of the following codes listed in the below table are representative of this category:

<b>Violation Description</b>	<b>Authority</b>
Failure to Pay Appropriate Fees	CCR § 15015
<del>Failure to Cancel, Destroy, or Surrender License</del>	<del>B&amp;P § 119(d)</del> CCR § 15022
Failure to Comply with Business Modifications Requirements and Notice	CCR § 15023
Use of Cannabis Diffuser or Vaporizer on Licensed Premises	CCR § 15025
Unauthorized Modification of Licensed Premises	B&P § 26055(c) CCR § 15027
Prohibited Distribution or Sale of Cannabis Goods Designated “For Medical Use Only”	CCR § <del>15032</del> <u>15000.2</u>
Unauthorized Storage of Inventory	CCR § <del>15033</del> <u>15000.7</u>
Failure to Maintain Records	B&P § 26160 CCR §§ <del>15037, 15310, 15426, 15505-15507, 15739</del>
<del>Unauthorized Use of the Track and Trace System and Failure to Maintain Track and Trace System Requirements</del>	<del>CCR §§ 15048-15052</del>
Failure to Properly Display and Post License	CCR § 15039
Failure to Comply with Advertising and Marketing Requirements	B&P §§ 26151- 26152 CCR §§ 15040-15041
Failure to Maintain and Restrict Limited-Access and Other Restricted Areas	B&P § 26070 CCR § 15042
Failure of Licensee or Employee to Properly Display Licensee-issued Identification Badge	CCR § 15043
Failure to Comply with Security Requirements	CCR §§ 15044-15047 and 15403.1

<b>Violation Description</b>	<b>Authority</b>
Improper Acceptance or Rejection of Cannabis <u>or Cannabis Products</u> <del>Goods</del> Shipment	CCR § <del>15052.1</del> <u>15049.2</u>
Failure to Comply with Proper Cannabis Destruction and Waste Management	CCR §§ <del>15054, 15405(c), 15410(e), and 15727(ed), and 17223</del>
Unauthorized Storage of Cannabis <u>or Cannabis Products</u> <del>Goods</del> and Storage-only Services	CCR §§ <del>15033</del> <u>15000.7</u> and 15300-15302
Failure to Comply with Packaging and Labeling Requirements	B&P §§ 26120-26124 <u>2</u> CCR §§ 15303, <del>15408(a)(3)</del> , and 15412 <u>CCR §§ 17398-17410</u> <u>CCR §§ 17411-17415</u>
Failure to Comply with Insurance Requirements	CCR § 15308
<del>Failure to Account for Inventory, or to Complete Inventory Reconciliation as Required</del>	<del>CCR §§ 15051, 15309 and 15423-15424</del>
Unauthorized Return of Cannabis Goods	CCR §§ <del>15053 and 15410</del>
Failure to Comply with Transportation Requirements of Cannabis <u>or Cannabis Products</u> <del>Goods</del>	B&P § 26070 CCR §§ 15311-15312
Failure to Comply with Transport Personnel Requirements	CCR § 15313
Unauthorized Use of Distributor Transport Only License	CCR § 15315
Failure to Maintain Proper Chain of Custody of Testing Sample	CCR § 15706
Failure to Timely Submit a Certificate of Analysis and Results	CCR § 15726
Failure to Supply Requested Data to the Department in a Timely Manner	CCR § 15732

<b>Violation Description</b>	<b>Authority</b>
Failure to Comply with Shipping Manifest Requirements	B&P §§ 26067 and 26070 CCR § 15314
Failure to Confirm Age of Customers	B&P § 26140 CCR §§ 15400 and 15402
Unauthorized Hours of Operation	CCR §§ 15403 and 15422(b)
Failure to Properly Display Cannabis Goods	CCR § 15405
Unauthorized Sale of Cannabis Plants and Seeds	CCR § 15408(a)-(b)
Use of Pesticide on Live Plants	CCR § 15408(eb)
Give Away or Furnishing of Free Cannabis Goods or Accessories	B&P § 26153 CCR § 15411
Failure to Comply with Exit Packaging Requirements	B&P § 26070.1 CCR § 15413
Failure to Comply with Delivery Requirements	CCR §§ 15415-15418 and 15421
Failure to Provide Delivery Request Receipts	B&P § 26090 CCR § 15420
Receipt of Inventory That Does Not Meet Requirements	CCR § 15422
Improper Retailer Premises Transfer	CCR § 15427
Failure to Comply with Requirements for Temporary Cannabis Event License	CCR § 15600 et seq.
<del>Non-Permitted Use of License</del>	<del>B&amp;P § 119(b)-(f)</del>
Failure to Comply with Local Ordinance Regulating Commercial Cannabis Activity	B&P § 26030(f)
Failure to Comply with Operating Procedures	B&P § 26030(j)

<b>Violation Description</b>	<b>Authority</b>
Allowing for the Sale of Alcohol or Tobacco Products, or Storage or Consumption of Alcoholic Beverages, on Licensed Premises	B&P § 26054(a) CCR §§ 15025( <del>b</del> ) <u>and 15602(f)</u>
False or Misleading Health-Related Statements	B&P § 26154 <u>CCR § 17408(c)</u>
Failure to Record Commercial Cannabis Activity on Sales Invoice or Receipt	B&P § 26161
Failure to Exercise Care for Safety of Self or Others Due to Being Under the Influence of an Intoxicating Substance	PC § 647(f)

## California Code of Regulations Disciplinary Order Guidelines - Tier 2

**Minimum Penalty:** ~~r~~Revocation stayed, 15 to 30-day suspension, a fine (as determined by the “Fine Formula” below), or a combination of a suspension and fine.

**Maximum Penalty:** ~~r~~Revocation

Tier 2 discipline is recommended for:

- Violations with a serious potential for harm
- Violations which involve greater risk and disregard of public safety

Violations of the following codes listed in the below table are representative of this category:

<b>Violation Description</b>	<b>Authority</b>
Exceeding License Privileges for Commercial Cannabis Activity	B&P §§ 26050 and 26053
Holding an Interest in a Licensed Testing Laboratory and Other Commercial Cannabis License	B&P § 26053(b)
Unauthorized Use and Operation of Designated Licensed Premises	CCR § 15025
Sale or Delivery of Cannabis Goods to a Motor Vehicle	CCR § 15025( <u>ea</u> )

<b>Violation Description</b>	<b>Authority</b>
Subletting of Premises	CCR § <del>45028</del> <u>15000.4</u>
Failure to Comply with Track and Trace Reporting and System Reconciliation Requirements	CCR §§ 15049-15051
<u>Unauthorized Use of the Track and Trace System and Failure to Maintain Track and Trace System Requirements</u>	<u>CCR §§ 15048-15051</u>
<u>Failure to Account for Inventory, or to Complete Inventory Reconciliation as Required</u>	<u>CCR §§ 15051, 15309, 15423-15424, and 17218</u>
Failure to Comply with Video Surveillance System Requirements	CCR § 15044
Failure to Comply with Security Personnel Requirements	CCR § 15045
Failure to Comply with Age Restrictions for Employees and Other Persons Retained by Licensee	B&P § 26140 CCR § <del>45034</del> <u>15000.6</u>
Sale or Furnish of Adult-use Cannabis Goods to Minors	B&P §§ 26030(g) and 26140 CCR § 15404(a)
Unauthorized Consumption of Cannabis <u>or Cannabis Products</u> <del>Goods</del> on Licensed Premises	B&P § 26200
Unauthorized Sale of Non-Cannabis Goods on Premises	CCR § 15407
Exceeding Daily Limits of Cannabis Goods Sales	CCR § 15409
Unauthorized Storefront Activities with Non-Storefront Retail License	CCR § 15414
Consumption of Cannabis <u>or Cannabis Products</u> <del>Goods</del> During Delivery	CCR § 15419
Failure to Ensure Laboratory Testing Arrangements, Proper Sampling and Quality Assurance	CCR §§ 15304-15305, and 15307

<b>Violation Description</b>	<b>Authority</b>
Failure to Present the Cannabis or Cannabis Products Goods Batch with Accurate Information, and in its Entirety, and Final Form	CCR §§ 15304 and 15305
Reporting Results when Laboratory Quality Control (LQC) Data is Outside of Acceptance Criteria and/or Not Analyzing Required LQC Samples	CCR § 15730
Failure to Follow Good Laboratory Practices	CCR §§ 15729 and 15730
Unauthorized Remediation of Failed Sample Batches	CCR § 15306
Failure to Comply with Microbusiness Requirements	CCR § 15500 et seq.
Failure to Comply with Laboratory Testing Requirements	CCR § 15700 et seq.
Failure to Obtain a Representative Sample	CCR §§ 15707 and 15708
Unauthorized Re-sampling and/or Re-testing of a Cannabis Goods Batch	CCR § 15305.1
False or Misleading Declaration of Correction in a Notice to Comply	CCR § <del>15804</del> <u>17801</u>
Prohibited Attire and Conduct	CCR § <del>15806</del> <u>17806</u>
Prohibited Entertainers and Conduct	CCR § <del>15807</del> <u>17807</u>
Allowing for the Copy or Display of a Fictitious License or a License that is Canceled, Revoked, or Altered	B&P § 119
Misdemeanor Offenses by Licensees	B&P § 125
Discipline by Another Agency	B&P § 441 <u>15035</u>
Failure to Provide Safe Conditions for Inspection	B&P § 26030(i)

<b>Violation Description</b>	<b>Authority</b>
Engaging in any Prohibited Restraint of Trade, or Other Prohibited Act to Create a Monopoly or Injure Competitors	B&P § 26052
Violation of Building Standards or Regulations Relating to Hazardous Materials	B&P § 26056
Failure to Comply with Manufacturing Standards and <u>Good Manufacturing Practices</u>	B&P §§ 26130- 26131 <u>CCR §§ 17208-17218</u>
<u>Failure to Comply with Manufacturer Requirements for Extraction Processes and Solvent Use</u>	<u>B&amp;P § 26132</u> <u>CCR §§ 17202.1-17206</u>
<u>Failure to Comply with Manufactured Cannabis Product Standards</u>	<u>B&amp;P § 26130</u> <u>CCR §§ 17208-17218</u>
<u>Failure to Comply with Mandatory Recall Requirements</u>	<u>B&amp;P § 26039.1</u> <u>CCR § 17227</u>
<u>Failure to Investigate Cannabis Product Complaints</u>	<u>CCR § 17225</u>
<u>Failure to Comply with Failed Batch Requirements</u>	<u>CCR § 17305</u>
<u>Manufacturing Cannabis Products at an Unauthorized Location or Products Other than Cannabis Products</u>	<u>CCR § 17117</u>
<u>Misbranding Violations</u>	<u>B&amp;P § 26039.5</u>
<u>Adulteration Violations</u>	<u>B&amp;P § 26039.6</u>

### **California Code of Regulations Disciplinary Order Guidelines - Tier 3**

**Minimum Penalty:** Revocation stayed, 45-day suspension, a fine (as determined by the “Fine Formula” below), or a combination of a suspension and fine.

**Maximum Penalty:** Revocation

Tier 3 discipline is recommended for:

- Knowing or willfully violating laws or regulations pertaining to commercial cannabis activity.

- Fraudulent acts relating to the licensee’s commercial cannabis business.

Violations of the following codes listed in the below table are representative of this category:

<b>Violation Description</b>	<b>Authority</b>
Engaging in Business Modification Practices without Department Approval	CCR § 15023
<del>Failure to Notify the Department of a Change in Ownership</del>	<del>CCR §§ 15023(c) and 15024</del>
Obtaining a License for Premises in Restricted Location	B&P § 26054 CCR §§ <del>15026</del> <u>15000.3</u> and <u>17202.1(b)</u>
Conducting Commercial Cannabis Activity with Non-Licensees	<u>B&amp;P § 26053</u> CCR § <del>15032(a)</del> <u>15000.1</u>
Failure to Notify the Department of Criminal Acts, Civil Judgments, Labor Standards Violations, and Revocation of a Local Authorization after Licensure	CCR § 15035
Failure to Notify the Department of Significant Discrepancy, Theft, Loss, and Criminal Activity	B&P § 26070(k) CCR § 15036
Restricting or Hindering the Examination of Books, Records, or Equipment	B&P §§ 26160-26161 CCR §§ <del>15037(c)-(e)</del> and <del>15800</del> <u>17800</u>
False Reporting of a Disaster	CCR § 15038
Retail Sale of Untested Cannabis Goods, or Cannabis Goods Not Received from a Licensed Distributor or Licensed Microbusiness	CCR § 15406
Sale of Customer-Returned Cannabis Goods	CCR § 15410(c)
Unauthorized Release of a <del>Cannabis Goods</del> Batch for Retail Sale, Including Dry-labbing and/or False Reporting of Results	CCR §§ 15707-15708, 15710, <del>15715</del> , 15717 et seq., 15727, 15730

<b>Violation Description</b>	<b>Authority</b>
Unauthorized Release of a <del>Cannabis Goods</del> Batch for Retail Sale or Distribution Transfers	CCR §§ 15304, 15305, 15306, 15307, 15307.1, and 15307.2
Failure to Complete all Required Analyses at One Licensed Laboratory Premises, Including Subcontracting or Transferring Samples Between Laboratories	CCR § 15705
<del>Unauthorized</del> Amending or Change toing a Regulatory Compliance COA after Issuance	CCR § 15726
Obstruction of Inspections, Investigations, or Audits	<u>B&amp;P § 26160(e)</u> CCR § <del>45800</del> <u>17800</u>
Failure to Provide Access to Premises for Any Inspection, Audit, Review, or Investigation	CCR § <del>45800</del> <u>17800</u>
Delivery or Transport of Cannabis or Cannabis <del>Products Goods</del> Outside of California or to a Publicly Owned or Leased Location	B&P § 26080 CCR § 15416(b)-(c)
Failure to Correct Any Objectionable Conditions on Premises	CCR § <del>45808(a)-(b)</del> <u>17808(a)-(b)</u>
Illegal Sale of Dangerous Drugs, or Other Controlled Substances	CCR § <del>45808(e)</del> <u>17808(e)</u>
Failure to Pay Fine	B&P § <del>425.9(b)(5)</del> 26031.5(f) CCR § <del>45802</del> <u>17802</u>
Engage in Conduct that is Grounds for Denial of Licensure	B&P § 480(a)
False Statement or Omission in Application	B&P § 480(d)
Conviction of a Crime Substantially Related to Qualifications, Functions, or Duties of Licensure	B&P § 490(a)
Securing License by Fraud, Deceit, or Misrepresentation.	B&P § 498 and <del>26031.01</del>
Failure to Pay Taxes	B&P § 26030(d)

<b>Violation Description</b>	<b>Authority</b>
Unauthorized Release of Patient Information	B&P § 26162.5
<u>Failure to Obtain License at Each Location Engaging in Commercial Cannabis Activity</u>	<u>B&amp;P §§ 26037.5 and 26053</u>
<u>Violation of an Embargo</u>	<u>B&amp;P § 26039.3</u> <u>CCR § 17801.5</u>
<u>Volatile Solvent Extraction, Post-Extracting Processing Operations, or Other Closed Loop-System Operations in an Area Zoned as Residential.</u>	<u>CCR § 17202.1(b)</u>

### **Fine Formula**

In instances where the ~~Bureau~~ Department allows a fine to be paid by all license types except for cultivation, the following method will be used to calculate the fine.

**Gross Revenue** divided by **Number of Days Open During the Preceding 12 Months** = **Average Daily Sale Amount**

**50% of the Average Daily Sale Amount** multiplied by **Number of Days of the Suspension** = **Potential Fine Amount**

The books and records of the licensee shall be kept in such a manner that the gross revenue, average daily sale amount, and/or the loss of profits from commercial cannabis activity that the licensee would have suffered from a suspension can be determined with reasonable accuracy, and such books, records, and information shall be accessible to the Department to make an accurate and complete determination of any fine amount. The fine formula is a guide for calculating a fine amount and is not determinative of any assessed or final fine amount. The Department may in its sole discretion adjust the fine amount against any licensee to any amount within the minimum and maximum fine amounts, or to any amount exceeding the maximum fine amount for each license type. The factors the Department will consider in determining a fine amount include those factors under Section II of the Disciplinary Guidelines.

## Minimum and Maximum Fine Amounts

The minimum and maximum fine amount is based on the tier the licensee falls into on the annual license fee schedule listed in 4 CCR § 15014. These fine amounts do not limit or supersede any fine amounts prescribed by statute, if the statutory fines exceed those amounts listed here. For instance, Business and Professions Code section 26160, subsection (f), provides that a licensee shall be subject to a citation and fine of up to thirty thousand dollars per individual violation, for a failure to maintain or provide records as required pursuant to that section. The minimum fine amount for any disciplinary action shall not be less than \$1,000.

### Minimum and Maximum Fine Amounts for Testing Laboratory

Gross Revenue (\$ Max. Per License)	Minimum Fine to Maximum Fine
Less or equal to \$160,000	\$1,500 to \$6,000
More than \$160,000 and less or equal to \$320,000	\$3,000 to \$12,000
More than \$320,000 and less or equal to \$480,000	\$4,000 to \$16,000
More than \$480,000 and less or equal to \$800,000	\$6,500 to \$26,000
More than \$800,000 and less or equal to \$1.2 million	\$10,000 to \$40,000
More than \$1.2 million and less or equal to \$2.0 million	\$16,000 to \$64,000
More than \$2.0 million and less or equal to \$2.8 million	\$24,000 to \$96,000
More than \$2.8 million and less or equal to \$4.4 million	\$36,000 to \$144,000
More than \$4.4 million	\$56,000 to \$224,000

### Minimum and Maximum Fine Amounts for Distributor

Gross Revenue (\$ Max. Per License)	Minimum Fine to Maximum Fine
Less or equal to \$1.0 million	\$1,000 to \$3,000
More than \$1.0 million and less or equal to \$2.5 million	\$3,000 to \$12,000
More than \$2.5 million and less or equal to \$5.0 million	\$5,625 to \$22,500
More than \$5.0 million and less or equal to \$10.0 million	\$11,250 to \$45,000
More than \$10.0 million and less or equal to \$20.0 million	\$22,500 to \$90,000
More than \$20.0 million and less or equal to \$30.0 million	\$37,500 to \$150,000
More than \$30.0 million and less or equal to \$50.0 million	\$60,000 to \$240,000
More than \$50.0 million and less or equal to \$70.0 million	\$90,000 to \$360,000
More than \$70.0 million	\$120,000 to \$480,000

**Minimum and Maximum Fine Amounts for Distributor Transport Only (Self Distribution)**

<b>Gross Revenue (\$ Max. Per License)</b>	<b>Minimum Fine to Maximum Fine</b>
Less or equal to \$1,000	\$1,000 to \$2,000
More than \$1,000 and less or equal to \$3,000	\$1,000 to \$4,000
<u>More than \$3,000</u>	<u>\$1,000 to \$6,000</u>

**Minimum and Maximum Fine Amounts for Retailer**

<b>Gross Revenue (\$ Max. Per License)</b>	<b>Minimum Fine to Maximum Fine</b>
Less or equal to \$500,000	\$1,250 to \$5,000
More than \$500,000 and less or equal to \$750,000	\$2,750 to \$11,000
More than \$750,000 and less or equal to \$1.0 million	\$3,750 to \$15,000
More than \$1.0 million and less or equal to \$1.5 million	\$5,500 to \$22,000
More than \$1.5 million and less or equal to \$2.0 million	\$7,250 to \$29,000
More than \$2.0 million and less or equal to \$3.0 million	\$11,250 to \$45,000
More than \$3.0 million and less or equal to \$4.0 million	\$15,250 to \$61,000
More than \$4.0 million and less or equal to \$5.0 million	\$19,250 to \$77,000
More than \$5.0 million and less or equal to \$6.0 million	\$23,250 to \$93,000
More than \$6.0 million and less or equal to \$7.5 million	\$28,500 to \$114,000
More than \$7.5 million	\$48,000 to \$192,000

**Minimum and Maximum Fine Amounts for Microbusiness**

<b>Gross Revenue (\$ Max. Per License)</b>	<b>Minimum Fine to Maximum Fine</b>
Less or equal to \$1.0 million	\$2,500 to \$10,000
More than \$1.0 and less or equal to \$2.0 million	\$6,000 to \$24,000
More than \$2.0 and less or equal to \$3.0 million	\$10,000 to \$40,000
More than \$3.0 and less or equal to \$4.0 million	\$16,000 to \$64,000
More than \$4.0 and less or equal to \$6.0 million	\$22,500 to \$90,000
More than \$6.0 and less or equal to \$7.0 million	\$30,000 to \$120,000
More than \$7.0 and less or equal to \$10.0 million	\$40,000 to \$160,000
More than \$10.0 and less or equal to \$20.0 million	\$50,000 to \$200,000

More than \$20.0 and less or equal to \$30.0 million	\$60,000 to \$240,000
More than \$30.0 and less or equal to \$40.0 million	\$70,000 to \$280,000
More than \$40.0 and less or equal to \$50.0 million	\$80,000 to \$320,000
More than \$50.0 and less or equal to \$60.0 million	\$90,000 to \$360,000
More than \$60.0 and less than or equal to \$80.0 million	\$110,000 to \$440,000
More than \$80 million	\$150,000 to \$600,000

**Minimum and Maximum Fine Amounts for Manufacturers**

<b>Gross Revenue (\$ Max. Per License)</b>	<b>Minimum Fine to Maximum Fine</b>
Less or equal to \$100,000	\$1,000 to \$4,000
More than \$100,000 and less or equal to \$500,000	\$3,750 to \$15,000
More than \$500,000 and less or equal to \$1.5 million	\$7,500 to \$30,000
More than \$1.5 million and less or equal to \$3.0 million	\$12,500 to \$50,000
More than \$3.0 million and less or equal to \$5.0 million	\$17,500 to \$70,000
More than \$5.0 million and less or equal to \$10.0 million	\$25,000 to \$100,000
More than \$10.0 million	\$37,500 to \$150,000

**B. Violations and Fine Amounts for all Cultivation Licenses**

The following Table A and Table B below, are samples of the codes and regulation numbers, titles of the offenses and the associated Department determined disciplinary recommendations for all cultivation licenses.

For the violations under Table A and Table B applicable to cultivation licensees, violation classes are designated as “Minor,” “Moderate,” and “Serious.”

“Serious.” Violations which preclude or significantly interfere with enforcement of any state law, or those that cause significant false, misleading, or deceptive business practices, potential for significant level of public or environmental harm, or for any violation that is a repeat of a Moderate violation that occurred within a two-year period and that resulted in an administrative civil penalty. All Serious violations are subject to license suspension or revocation. For Table A violations, the proposed fine range is \$1,001 - \$5,000, and for Table B violations, the proposed fine range is \$10,001 - \$30,000.

“Moderate.” Violations that undermine enforcement of any state law, are likely to cause public or environmental harm, or are a repeat of a Minor violation that occurred within a two-year period and resulted in an administrative civil penalty. For Table A violations, the proposed fine range is \$501 - \$1,000, and for Table B violations, the proposed fine range is \$1,001 - \$10,000.

“Minor.” Violations that are not likely to have an adverse effect on public safety or environmental health. For Table A violations, the proposed fine range is \$100 - \$500, and for Table B violations, the proposed fine range is \$100 - \$1,000.

Repeat violations may result in an escalation of violation class.

Table A below shall be used to establish the initial level of severity of the referenced violations and the corresponding penalty range for “Serious,” “Moderate,” and “Minor” violation classes, except for record-keeping requirements which are contained in Table B. For violations of other state laws, including state labor laws and related regulations, the Department shall also utilize the definitions of violation classes contained herein.

Table A

<u>Authority</u>	<u>Description of Violation</u>	<u>Violation Class</u>	<u>Fine Range</u>
<u>B&amp;P § 26037.5</u>	<u>Licensee engaged in commercial cannabis activity without a state license.</u>	<u>Serious</u>	<u>\$1,001 – \$5,000</u>
<u>B&amp;P § 26053(a)</u>	<u>Licensee engaged in commercial cannabis activity with an unlicensed person.</u>	<u>Serious</u>	<u>\$1,001 - \$5,000</u>
<u>B&amp;P § 26055(b)</u>	<u>Licensee continued to operate after revocation of state license.</u>	<u>Serious</u>	<u>\$1,001 - \$5,000</u>
<u>B&amp;P § 26060.1(a)</u>	<u>Licensee used a water source that was not identified or permitted on their application.</u>	<u>Serious</u>	<u>\$1,001 - \$5,000</u>
<u>B&amp;P § 26060</u> <u>CCR § 15006(i)(5)(B)</u>	<u>Licensee shared area(s) outside the canopy where only immature plants shall be maintained, as designated on the licensee’s premises diagram, with another cultivation license held by the licensee.</u>	<u>Minor</u>	<u>\$100 - \$500</u>
<u>B&amp;P § 26060</u> <u>CCR § 15006(i)(5)(C)</u>	<u>Licensee shared processing area(s), as designated on the licensee’s premises diagram, with another cultivation license held by the licensee.</u>	<u>Moderate</u>	<u>\$501 - \$1,000</u>
<u>B&amp;P § 26060</u> <u>CCR § 15006(i)(5)(E)</u>	<u>Licensee shared packaging area(s), as designated on the licensee’s premises diagram, with another cultivation license held by the licensee.</u>	<u>Moderate</u>	<u>\$501 - \$1,000</u>

<u>Authority</u>	<u>Description of Violation</u>	<u>Violation Class</u>	<u>Fine Range</u>
<u>B&amp;P § 26060</u> <u>CCR § 15006(i)(5)(I)</u>	<u>Licensee shared area(s) for physically segregating cannabis or nonmanufactured cannabis products subject to administrative hold or embargo, as designated on the licensee's premises diagram, with another cultivation license held by the licensee.</u>	<u>Minor</u>	<u>\$100 - \$500</u>
<u>CCR § 17223(b)</u>	<u>Failure to dispose of cannabis waste as identified in the licensee's approved waste management plan.</u>	<u>Minor</u>	<u>\$100 - \$500</u>
<u>CCR § 17223(b)(3)</u>	<u>Failure to deposit cannabis waste at a manned, fully permitted solid waste landfill or transformation facility; manned, fully permitted composting facility or manned composting operation; manned, fully permitted in-vessel digestion facility; manned, fully permitted in-vessel digestion operation; or manned, fully permitted chip and grind operation or facility.</u>	<u>Moderate</u>	<u>\$501 - \$1,000</u>
<u>CCR § 15000.1(a)</u>	<u>Failure to obtain a separate license for each premises where the person engaged in commercial cannabis activity.</u>	<u>Serious</u>	<u>\$1,001 - \$5,000</u>
<u>CCR § 15000.1(e)</u>	<u>Licensee transferred or assigned their license to another person or premises.</u>	<u>Serious</u>	<u>\$1,001 - \$5,000</u>
<u>CCR § 15000.1(d)</u>	<u>Licensee transferred cannabis and cannabis product from their licensed premises to another licensee without using a licensed distributor.</u>	<u>Serious</u>	<u>\$1,001 - \$5,000</u>
<u>CCR § 15039(a)</u>	<u>Failure to prominently display license on licensed premises where it can be viewed by state and local agencies.</u>	<u>Minor</u>	<u>\$100 - \$500</u>
<u>CCR § 15000.4</u>	<u>Licensee sublet a portion of the licensed premises.</u>	<u>Moderate</u>	<u>\$501 - \$1,000</u>

<u>Authority</u>	<u>Description of Violation</u>	<u>Violation Class</u>	<u>Fine Range</u>
<u>CCR § 16202(b)</u>	<u>Licensee used light deprivation at a licensed outdoor cultivation site.</u>	<u>Moderate</u>	<u>\$501 - \$1,000</u>
<u>CCR § 15023</u>	<u>Failure to timely comply with business modification notices.</u>	<u>Minor</u>	<u>\$100 - \$500</u>
<u>CCR § 15023</u>	<u>Engaging in business modification practices without Department approval.</u>	<u>Serious</u>	<u>\$1,001 - \$5,000</u>
<u>CCR § 15035(a)-(b)</u>	<u>Failure to notify the Department in writing of a penalty or judgment of a criminal conviction or civil judgment rendered against the licensee or any owner within forty-eight (48) hours of receiving a penalty or judgement of a criminal penalty or civil judgement.</u>	<u>Serious</u>	<u>\$1,001 - \$5,000</u>
<u>CCR § 15035(d)</u>	<u>Failure to notify the Department in writing of a revocation of a local license, permit, or other authorization within forty-eight (48) hours of the revocation.</u>	<u>Serious</u>	<u>\$1,001 - \$5,000</u>
<u>CCR § 15035(c)</u>	<u>Failure to notify the Department in writing within 48 hours of receiving an administrative order for violations of labor standards against the licensee or any owner in their individual capacity.</u>	<u>Serious</u>	<u>\$1,001 - \$5,000</u>
<u>CCR § 15048</u>	<u>Failure to request a change in the licensee's designated track and trace system account manager.</u>	<u>Moderate</u>	<u>\$501 - \$1,000</u>
<u>CCR § 15027(a)</u>	<u>Licensee made physical modifications to the licensed premises that materially or substantially altered the licensed premises or use of the licensed premises from the premises diagram originally filed with the license application without receiving prior written approval from the Department.</u>	<u>Minor</u>	<u>\$100 - \$500</u>

<u>Authority</u>	<u>Description of Violation</u>	<u>Violation Class</u>	<u>Fine Range</u>
<u>CCR § 15027(e)</u>	<u>Failure to file a request through the online licensing system for approval of a premises modification with the Department associated with a physical modification of the licensed premises.</u>	<u>Minor</u>	<u>\$100 - \$500</u>
<u>CCR § 15027(f)</u>	<u>Failure to provide additional documentation requested by the Department to evaluate the request for approval of a premises modification.</u>	<u>Minor</u>	<u>\$100 - \$500</u>
<u>CCR § 15024(a)</u>	<u>Failure of an owner's successor in interest as specified in section 15024(a) to notify the Department within 14 calendar days of the death, incapacity, receivership, assignment for the benefit of creditors of an owner, or other event rendering a licensee incapable of performing the duties associated with the license.</u>	<u>Moderate</u>	<u>\$501 - \$1,000</u>
<u>CCR § 15038(h)(1)</u>	<u>Failure to move cannabis to a secure location where access to the cannabis is restricted to the licensee, its employees, and contractors.</u>	<u>Minor</u>	<u>\$100 - \$500</u>
<u>CCR § 15038(h)(2)</u>	<u>Failure to notify the Department, in writing, within twenty-four (24) hours of moving cannabis and requesting relief pursuant to section 15038(a) of this division.</u>	<u>Minor</u>	<u>\$100 - \$500</u>
<u>CCR § 15038(h)(3)</u>	<u>Failure to provide the Department access to the location where the cannabis were moved pursuant to section 15038 of this division.</u>	<u>Minor</u>	<u>\$100 - \$500</u>

<u>Authority</u>	<u>Description of Violation</u>	<u>Violation Class</u>	<u>Fine Range</u>
<u>CCR § 15038(h)(4)</u>	<u>Failure to submit, in writing, a request for temporary relief that clearly indicates the statutory and regulatory sections from which relief is being requested, the time period for which the relief is requested, and the reason relief is needed, within 14 calendar days of moving cannabis pursuant to section 15038 of this division.</u>	<u>Minor</u>	<u>\$100 - \$500</u>
<u>CCR § 17800</u>	<u>Failure to allow the Department to collect samples for the Department's own laboratory analysis from cannabis transferred to a licensed distributor.</u>	<u>Moderate</u>	<u>\$501 - \$1,000</u>
<u>CCR § 17398(b)</u>	<u>Failure to comply with bulk cannabis packaging requirements.</u>	<u>Minor</u>	<u>\$100 - \$500</u>
<u>CCR § 17398(c)</u>	<u>Failure to comply with bulk cannabis labeling requirements.</u>	<u>Minor</u>	<u>\$100 - \$500</u>
<u>CCR § 17399(b)</u>	<u>Failure to comply with live immature plant labeling requirements.</u>	<u>Minor</u>	<u>\$100 - \$500</u>
<u>CCR § 17400</u>	<u>Failure to comply with seed labeling requirements</u>	<u>Minor</u>	<u>\$100 - \$500</u>
<u>CCR § 17402</u>	<u>Failure to comply with general labeling requirements.</u>	<u>Minor</u>	<u>\$100 - \$500</u>
<u>CCR § 17403</u>	<u>Failure to comply with nonmanufactured cannabis goods labeling requirements.</u>	<u>Minor</u>	<u>\$100 - \$500</u>
<u>CCR § 17407</u>	<u>Failure to comply with cannabinoid content labeling requirements.</u>	<u>Minor</u>	<u>\$100 - \$500</u>
<u>CCR § 17408</u>	<u>Failure to comply with labeling restrictions</u>	<u>Minor</u>	<u>\$100 - \$500</u>
<u>CCR § 17410</u>	<u>Failure to comply with Universal Symbol requirement</u>	<u>Minor</u>	<u>\$100 - \$500</u>
<u>CCR § 17411</u>	<u>Failure to comply with packaging requirements.</u>	<u>Minor</u>	<u>\$100 - \$500</u>

<u>Authority</u>	<u>Description of Violation</u>	<u>Violation Class</u>	<u>Fine Range</u>
<u>CCR § 17412</u>	<u>Failure to comply with Child-Resistant Packaging Requirements</u>	<u>Minor</u>	<u>\$100 - \$500</u>
<u>CCR § 17221(a)</u>	<u>Failure to use weighing devices approved, tested, and in accordance with the requirements in Business and Professions Code, division 5, section 12001 et seq. and its implementing regulations, and registered with the county sealer pursuant to Chapter 2 (commencing with section 12240) of Division 5 of the Business and Professions Code.</u>	<u>Minor</u>	<u>\$100 - \$500</u>
<u>CCR § 17221(b)</u>	<u>Licensee failed to have a licensed weighmaster determining any weight or measurement of cannabis for the purposes specified in section 17221(a) of this division.</u>	<u>Minor</u>	<u>\$100 - \$500</u>
<u>CCR § 17221(c)</u>	<u>Failure to obtain a weighmaster certificate pursuant to Chapter 7 (commencing with section 12700) of Division 5 of the Business and Profession Code.</u>	<u>Minor</u>	<u>\$100 - \$500</u>
<u>CCR § 16300(a)</u>	<u>Failure to prohibit cannabis plants maintained outside the designated canopy area from flowering.</u>	<u>Serious</u>	<u>\$1,001 - \$5,000</u>
<u>CCR § 16300(a)</u>	<u>Failure to move flowering cannabis plants located outside the designated canopy area(s) to the designated canopy area(s) without delay and report the movement and UID tagging in the track and trace system.</u>	<u>Serious</u>	<u>\$1,001 - \$5,000</u>
<u>CCR § 16300(b)</u>	<u>Failure to properly apply UIDs to cannabis plants used for seed production pursuant to section 15048.4 of this division.</u>	<u>Minor</u>	<u>\$100 - \$500</u>

<u>Authority</u>	<u>Description of Violation</u>	<u>Violation Class</u>	<u>Fine Range</u>
<u>CCR § 16300(c)</u>	<u>Licensee propagating immature plants for distribution or seed for distribution without a nurse license.</u>	<u>Serious</u>	<u>\$1,001 - \$5,000</u>
<u>CCR § 16300(d)</u>	<u>Licensee processed cannabis on the licensed premises in an area(s) not designated for processing as identified on their approved cultivation plan.</u>	<u>Moderate</u>	<u>\$501 - \$1,000</u>
<u>CCR § 16301</u>	<u>Failure to properly apply UIDs to mature cannabis plants used for seed production pursuant to section 15048.4 of this division.</u>	<u>Serious</u>	<u>\$1,001 - \$5,000</u>
<u>CCR § 16301</u>	<u>Licensee allowed cannabis products to enter the commercial distribution chain other than seed.</u>	<u>Serious</u>	<u>\$1,001 - \$5,000</u>
<u>CCR § 16302</u>	<u>Licensee conducted research and development in areas that were not identified in their approved cultivation plan.</u>	<u>Serious</u>	<u>\$1,001 - \$5,000</u>
<u>CCR § 16302</u>	<u>Failure to properly tag with a UID mature plants maintained in the area on the licensed premises designated for research and development.</u>	<u>Moderate</u>	<u>\$501 - \$1,000</u>
<u>CCR § 16302</u>	<u>Licensee allowed cannabis and nonmanufactured cannabis products from the research and development area to enter the commercial distribution chain or to be transferred off the licensed premises.</u>	<u>Serious</u>	<u>\$1,001 - \$5,000</u>
<u>CCR § 16303(a)</u>	<u>Failure to adhere to track and trace requirements for aggregation of cannabis product.</u>	<u>Moderate</u>	<u>\$501 - \$1,000</u>
<u>CCR § 16303(c)</u>	<u>Processor licensee cultivated cannabis plants on their licensed premises.</u>	<u>Serious</u>	<u>\$1,001 - \$5,000</u>
<u>CCR § 16304</u>	<u>Failure to comply with specified general environmental protection measures.</u>	<u>Serious</u>	<u>\$1,001 - \$5,000</u>

<u>Authority</u>	<u>Description of Violation</u>	<u>Violation Class</u>	<u>Fine Range</u>
<u>CCR § 16305</u>	<u>Failure to comply with specified renewable energy requirements.</u>	<u>Serious</u>	<u>\$1,001 - \$5,000</u>
<u>CCR § 16306</u>	<u>Failure to comply with specified generator requirements.</u>	<u>Serious</u>	<u>\$1,001 - \$5,000</u>
<u>CCR § 16307</u>	<u>Failure to comply with specified pesticide use requirements.</u>	<u>Serious</u>	<u>\$1,001 - \$5,000</u>
<u>CCR § 17223(c)</u>	<u>Failure to dispose of cannabis waste in a secure waste receptacle or in a secured area on the licensed premises.</u>	<u>Moderate</u>	<u>\$501 - \$1,000</u>
<u>CCR § 17223(d)</u>	<u>Failure to obtain and retain required information from the local agency, waste hauler franchised or contracted by the local agency, or private waste hauler permitted by the local agency.</u>	<u>Minor</u>	<u>\$100 - \$500</u>
<u>CCR § 17223(e)(3)</u>	<u>Failure to obtain and retain, for each delivery of cannabis waste by the licensee, a copy of a certified weight ticket or receipt.</u>	<u>Minor</u>	<u>\$100 - \$500</u>
<u>CCR § 17223(f)</u>	<u>Failure to comply with disposal requirements for batch cannabis or cannabis products.</u>	<u>Moderate</u>	<u>\$501 - \$1,000</u>
<u>CCR § 15047.2</u>	<u>Failure to accurately enter data and information into the track and trace system.</u>	<u>Moderate</u>	<u>\$501 - \$1,000</u>
<u>CCR § 15048(a)</u>	<u>Failure to identify an owner in the licensee's organization to be the licensee's track and trace system account manager.</u>	<u>Moderate</u>	<u>\$501 - \$1,000</u>
<u>CCR § 15048(b)</u>	<u>Failure of the licensee's designated track and trace system account manager to complete track and trace system training as required by the Department.</u>	<u>Moderate</u>	<u>\$501 - \$1,000</u>
<u>CCR § 15048.1(a)</u>	<u>Failure to properly train all track and trace system users before the users</u>	<u>Moderate</u>	<u>\$501 - \$1,000</u>

<u>Authority</u>	<u>Description of Violation</u>	<u>Violation Class</u>	<u>Fine Range</u>
	<u>were permitted to access the track and trace system.</u>		
<u>CCR § 15048.1(b)</u>	<u>Failure to maintain an accurate and complete list of all track and trace system users and to update the list immediately when changes occurred.</u>	<u>Moderate</u>	<u>\$501 - \$1,000</u>
<u>CCR § 15048.1(c)</u>	<u>Failure to remove a track and trace system user account.</u>	<u>Moderate</u>	<u>\$501 - \$1,000</u>
<u>CCR § 15048.1(d)</u>	<u>Failure to correct data entered into the track and trace system in error within three (3) calendar days of discovery of the error.</u>	<u>Moderate</u>	<u>\$501 - \$1,000</u>
<u>CCR § 15048.1(g)</u>	<u>Failure to notify the Department immediately for any loss of access that exceeds 72 hours.</u>	<u>Moderate</u>	<u>\$501 - \$1,000</u>
<u>CCR § 15050(a)</u>	<u>Failure to prepare and maintain comprehensive records detailing all tracking inventory activities which occurred during a loss of access to the track and trace system for any reason.</u>	<u>Moderate</u>	<u>\$501 - \$1,000</u>
<u>CCR § 15050(c)(1)</u>	<u>Failure to enter all inventory tracking activities that occurred during a loss of access to the track and trace system within three (3) calendar days of the loss of access.</u>	<u>Moderate</u>	<u>\$501 - \$1,000</u>
<u>CCR § 15050(c)(2)</u>	<u>Failure to document the date and time when licensee lost access to the track and trace system, the cause of the loss, and when access was restored.</u>	<u>Moderate</u>	<u>\$501 - \$1,000</u>
<u>CCR § 15050(b)</u>	<u>Licensee transferred cannabis or nonmanufactured products to a distributor without having access to the track and trace system.</u>	<u>Moderate</u>	<u>\$501 - \$1,000</u>
<u>CCR § 15048.3(a)</u>	<u>Failure of the licensee's designated account manager to order plant or package tags within ten (10) calendar</u>	<u>Moderate</u>	<u>\$501 - \$1,000</u>

<u>Authority</u>	<u>Description of Violation</u>	<u>Violation Class</u>	<u>Fine Range</u>
	<u>days of credentialing into the track and trace system.</u>		
<u>CCR § 15048.2(a)</u>	<u>Failure to use only plant or package tags provided and distributed by the Department or the Department's designee.</u>	<u>Moderate</u>	<u>\$501 - \$1,000</u>
<u>CCR § 15048.2(c)</u>	<u>Failure to maintain a sufficient supply of tags to support tagging requirements.</u>	<u>Moderate</u>	<u>\$501 - \$1,000</u>
<u>CCR § 15048.3(b)</u>	<u>Failure to use track and trace system to document receipt of plant or package tags within three (3) calendar days of physical receipt by the licensee or notify the Department that the ordered tags were not received.</u>	<u>Moderate</u>	<u>\$501 - \$1,000</u>
<u>CCR § 15048.4(a)(1)</u>	<u>Failure to properly assign a plant tag to each lot of immature plants.</u>	<u>Moderate</u>	<u>\$501 - \$1,000</u>
<u>CCR § 15048.4(a)(1)</u>	<u>Licensee had more than one hundred (100) immature plants in a lot.</u>	<u>Moderate</u>	<u>\$501 - \$1,000</u>
<u>CCR § 15048.4(a)(1)(A)</u>	<u>Failure to keep immature plants contiguous to one another to facilitate identification of the immature lot by the Department.</u>	<u>Moderate</u>	<u>\$501 - \$1,000</u>
<u>CCR § 15048.4(a)(1)(A)</u>	<u>Failure to label each plant in an immature lot with a label containing the UID number assigned to the immature lot by the licensee.</u>	<u>Moderate</u>	<u>\$501 - \$1,000</u>
<u>CCR § 15048.4(a)(1)(B)</u>	<u>Failure to fully separate a lot from other immature or mature plants by a physical barrier.</u>	<u>Moderate</u>	<u>\$501 - \$1,000</u>
<u>CCR § 15048.4(a)(2)</u>	<u>Licensee failed to properly label with a UID immature plants transported from a licensed nursery, to a licensed cultivation site and failure to transfer all plants transported from a licensed nursery to a plant or package tag belonging to the</u>	<u>Moderate</u>	<u>\$501 - \$1,000</u>

<u>Authority</u>	<u>Description of Violation</u>	<u>Violation Class</u>	<u>Fine Range</u>
	<u>receiving licensee within 3 calendar days of receipt.</u>		
<u>CCR § 15048.4(a)(3)</u>	<u>Failure to apply a plant tag to all individual plants at the time the plants were moved to the designated canopy area or when individual plants began flowering.</u>	<u>Moderate</u>	<u>\$501 - \$1,000</u>
<u>CCR § 15048.4(a)(2)</u>	<u>Licensee applied UID to an individual plant that was not associated with the UID for the lot of immature plants from which it was derived.</u>	<u>Moderate</u>	<u>\$501 - \$1,000</u>
<u>CCR § 15048.4(b)(1)</u>	<u>Licensee failed to properly place and maintain the required plant tags on each mature plant.</u>	<u>Moderate</u>	<u>\$501 - \$1,000</u>
<u>CCR § 15048.4(b)(2)</u>	<u>Licensee removed plant tag from the mature plant to which it was attached and assigned prior to the plant being harvested, destroyed, or disposed.</u>	<u>Moderate</u>	<u>\$501 - \$1,000</u>
<u>CCR § 15048.5(a)</u>	<u>Failure to assign a unique harvest batch name that is entered in the track and trace system for all harvested plants that are hanging, drying, and curing or failure to place the harvest batch name within clear view of an individual standing next to the batch</u>	<u>Moderate</u>	<u>\$501 - \$1,000</u>
<u>CCR § 15048.5(b)</u>	<u>Failure to assign a package tag to each harvest batch.</u>	<u>Moderate</u>	<u>\$501 - \$1,000</u>
<u>CCR § 15048.5(b)(1)</u>	<u>Failure to affix or label cannabis held in containers with the package tag or UID number to each container or unit as specified or place all containers associated with the same UID contiguous to one another to facilitate identification by the Department.</u>	<u>Moderate</u>	<u>\$501 - \$1,000</u>
<u>CCR § 15048(c)</u>	<u>Failure to utilize a unique track and trace system user login for the account</u>	<u>Minor</u>	<u>\$100 - \$500</u>

<u>Authority</u>	<u>Description of Violation</u>	<u>Violation Class</u>	<u>Fine Range</u>
	<u>manager and each user entering information into the track and trace system.</u>		
<u>CCR § 15048(c)</u>	<u>The account manager or user shared their unique login, username, or password to be used by another person.</u>	<u>Minor</u>	<u>\$100 - \$500</u>
<u>CCR § 15047.2(d)</u>	<u>Licensee, account manager, user, employee, or agent misrepresented or falsified data and information entered into the track and trace system.</u>	<u>Serious</u>	<u>\$1,001 - \$5,000</u>
<u>CCR § 15048.1(f)</u>	<u>Failure to monitor notifications and/or resolve issues included in the notification in the time frame specified in the notification.</u>	<u>Minor</u>	<u>\$100 - \$500</u>
<u>CCR § 15049.2(a)</u>	<u>Failure to report through the track and trace system any and all transfers of cannabis or nonmanufactured cannabis products to another licensee prior to movement of the cannabis or nonmanufactured cannabis products off the licensed premises.</u>	<u>Moderate</u>	<u>\$501 - \$1,000</u>
<u>CCR § 15049.2</u>	<u>Failure to report through the track and trace system any and all receipt or rejection of cannabis or nonmanufactured cannabis products received or rejected by the licensee on their licensed premises from another licensee</u>	<u>Moderate</u>	<u>\$501 - \$1,000</u>
<u>CCR § 15049.1</u>	<u>Failure to report in the track and trace system information related to the disposition of cannabis and nonmanufactured cannabis products on the licensed premises within three (3) calendar days of the change in disposition or to indicate that the harvest batch is finished.</u>	<u>Moderate</u>	<u>\$501 - \$1,000</u>

<u>Authority</u>	<u>Description of Violation</u>	<u>Violation Class</u>	<u>Fine Range</u>
<u>CCR § 15049.2</u>	<u>Licensee failed to record all required information for each transfer of cannabis or nonmanufactured cannabis products to, or cannabis or nonmanufactured cannabis products received from, other licensed premises.</u>	<u>Moderate</u>	<u>\$501 - \$1,000</u>
<u>CCR § 15051(a)</u>	<u>Failure to reconcile all on-premises and cannabis or nonmanufactured cannabis product inventories at least once every thirty (30) calendar days</u>	<u>Moderate</u>	<u>\$501 - \$1,000</u>
<u>CCR § 15049.1(c)</u>	<u>Failure indicate in the track and trace system that the harvest is finished after the entire harvest batch has completed drying, trimming, and curing, and has been packaged.</u>	<u>Moderate</u>	<u>\$501 - \$1,000</u>
<u>CCR § 15036(a)</u>	<u>Failure to notify the Department and law enforcement authorities within 24 hours of discovery of any diversion, theft, loss of, or criminal activity related to licensee's cannabis or nonmanufactured cannabis products.</u>	<u>Serious</u>	<u>\$1,001 - \$5,000</u>
<u>CCR § 17800</u>	<u>Applicant, licensee, its agent, or employees denied the Department access to the licensed premises.</u>	<u>Serious</u>	<u>\$1,001 - \$5,000</u>
<u>B&amp;P § 26039.3</u> <u>CCR § 17801.5</u>	<u>Violation of an Embargo</u>	<u>Serious</u>	<u>\$1,001 - \$5,000</u>
<u>CCR § 17815</u>	<u>Failure to physically segregate all designated cannabis or nonmanufactured cannabis products subject to hold within twenty-four (24) hours of receipt of the notice of administrative hold.</u>	<u>Serious</u>	<u>\$1,001 - \$5,000</u>
<u>CCR § 17815</u>	<u>Licensee sold, donated, transferred, transported, or destroyed cannabis or nonmanufactured cannabis products subject to administrative hold.</u>	<u>Serious</u>	<u>\$1,001 - \$5,000</u>

<u>Authority</u>	<u>Description of Violation</u>	<u>Violation Class</u>	<u>Fine Range</u>
<u>CCR § 17815</u>	<u>Failure to put all cannabis and nonmanufactured cannabis products on administrative hold into separate batches.</u>	<u>Serious</u>	<u>\$1,001 – \$5,000</u>
<u>CCR § 17815</u>	<u>Failure to identify in the track and trace system cannabis or nonmanufactured cannabis products subject to an administrative hold which were voluntarily surrendered by the licensee.</u>	<u>Serious</u>	<u>\$1,001 - \$5,000</u>

Table B

<u>Authority</u>	<u>Description of Violation</u>	<u>Violation Type</u>	<u>Fine Range</u>
<u>B&amp;P § 26161</u>	<u>Failure to prepare a sales invoice or receipt for every sale or transport of cannabis or nonmanufactured cannabis product to another licensee</u>	<u>Minor</u>	<u>\$100 - \$1,000</u>
<u>B&amp;P § 26160</u> <u>CCR § 15037(a)</u>	<u>Failure to keep and maintain records in connection with the licensed commercial cannabis business.</u>	<u>Minor</u>	<u>\$100 - \$1,000</u>
<u>B&amp;P § 26160</u> <u>CCR § 15037(a)</u>	<u>Failure to keep and maintain records for at least seven (7) years from the date the record was created unless a shorter time is specified.</u>	<u>Moderate</u>	<u>\$1,001 - \$10,000</u>
<u>B&amp;P § 26160</u>	<u>Failure to provide or deliver required records, upon request.</u>	<u>Minor</u>	<u>\$100 - \$1,000</u>
<u>B&amp;P § 26160</u>	<u>Failure to provide the Department with ability to review all records subject to review by the Department during standard business hours.</u>	<u>Minor</u>	<u>\$100 - \$1,000</u>
<u>B&amp;P § 26160</u> <u>CCR § 15037(a)(5)</u>	<u>Failure to maintain on the licensed premises the Department issued cultivation license or any other license, permit or other local authorization to conduct the licensee's commercial cannabis activity.</u>	<u>Minor</u>	<u>\$100 - \$1,000</u>

<u>Authority</u>	<u>Description of Violation</u>	<u>Violation Type</u>	<u>Fine Range</u>
<u>B&amp;P § 26160</u> <u>CCR § 15037(a)(6)</u>	<u>Failure to maintain on the licensed premises the licensee's cultivation plan and any other document prepared or executed by an owner, employee or assignee in connection with the licensed commercial cannabis business.</u>	<u>Minor</u>	<u>\$100 - \$1,000</u>
<u>B&amp;P § 26160</u> <u>CCR § 15037(a)(1)</u>	<u>Failure to keep and maintain on the licensed premises all financial records in connection with the licensed commercial cannabis business, including but not limited to, bank statements, sales invoices, receipts, tax records, and all records required by the California Department of Tax and Fee Administration (formerly Board of Equalization) under title 18, California Code of Regulations, sections 1698 and 4901.</u>	<u>Minor</u>	<u>\$100 - \$1,000</u>
<u>B&amp;P § 26160</u> <u>CCR § 15037(a)(4)</u>	<u>Failure to keep and maintain on the licensed premises all contracts in connection with the licensed commercial cannabis business regarding commercial cannabis activity.</u>	<u>Minor</u>	<u>\$100 - \$1,000</u>
<u>B&amp;P § 26160</u> <u>CCR § 15037(a)(2)</u>	<u>Failure to keep and maintain on the licensed premises personnel records, including each employee's full name, social security or individual taxpayer identification number, date of employment, and date of termination of employment.</u>	<u>Minor</u>	<u>\$100 - \$1,000</u>
<u>B&amp;P § 26160</u> <u>CCR § 15037(a)(3)</u>	<u>Failure to maintain on the licensed premises records related to training including, but not limited to, the content of the training provided and the names of the employees that received the training.</u>	<u>Minor</u>	<u>\$100 - \$1,000</u>

## IV. Standard Conditions of Probation

The protection of the public is the highest priority of the Department. In disciplinary matters where probation has been imposed, the Department believes the conditions of probation will help ensure public protection and allow the probationer the opportunity to demonstrate rehabilitation. The following conditions of probation provide for consumer protection and establish a mechanism to monitor the rehabilitation progress of a probationer. Generally, the Department recommends a minimum of three (3) years' probation.

Introductory Language and Conditions 1-9 are required as follows:

### 1. Obey Laws

Respondent shall obey all state and local laws. A full and detailed account of any and all violations of law shall be reported by the respondent to the Department in writing within seventy-two (72) hours of occurrence. To permit monitoring of compliance with this condition, respondent shall submit completed fingerprint forms and fingerprint fees within 45 days of the effective date of the decision, unless previously submitted as part of the licensure application process.

**CRIMINAL COURT ORDERS:** If respondent, or an owner of the respondent, is under criminal court orders, including probation or parole, and the order is violated, this shall be deemed a violation of these probation conditions, and may result in the filing of an accusation and/or petition to revoke probation.

### 2. Submit Written Reports

Respondent, during the period of probation, shall submit or cause to be submitted such written reports/declarations and verification of actions under penalty of perjury, as required by the Department, but no more frequently than once each calendar quarter. These reports/declarations shall contain statements relative to respondent's compliance with all the conditions of the Department's Probation Program.

Respondent shall immediately execute all release of information forms as may be required by the Department or its representatives.

### 3. Report in Person

Respondent, during the period of probation, through its designated owner or owners, shall appear in person at interviews/meetings as directed by the Department or its representatives.

### 4. Comply with Conditions Of Probation

Respondent shall fully comply with the conditions of probation established by the Department and cooperate with representatives of the Department in its monitoring and investigation of the respondent's compliance with the Department's Probation Program. Respondent shall inform the Department in writing within no more than 45 14 calendar days of any address change. Upon successful completion of probation, respondent's license shall be fully restored.

5. Posting of Sign

During the period of suspension, Respondent shall prominently post a sign or signs, provided by the Department, indicating the beginning and ending dates of the suspension and indicating the reason for the suspension. The sign or signs shall be conspicuously displayed in a location or locations open to and frequented by customers. The location(s) of the sign(s) shall be approved by the Department and shall remain posted during the entire period of actual suspension.

Additionally, the Respondent shall circulate a notice of the conditions of probation to all employees and post the notice in a conspicuous place where notices to employees are posted or available to employees. New employees shall also be provided a copy of the notice of the conditions of probation.

6. Maintain Valid License

Respondent shall, at all times while on probation, maintain a current and valid license with the Department, including any period during which suspension or probation is tolled.

7. Cost Recovery

Respondent shall pay to the Department costs associated with its investigation and enforcement pursuant to Business and Professions Code Section 26031 in the amount of \$\_\_\_\_\_. Respondent shall be permitted to pay these costs in a payment plan approved by the Department, with payments to be completed no later than three months prior to the end of the probation term.

If respondent has not complied with this condition during the probationary term, and respondent has presented sufficient documentation of good faith efforts to comply with this condition, and if no other conditions have been violated, the Department, in its discretion, may grant an extension of the respondent's probation period up to one year without further hearing in order to comply with this condition. During the one year extension, all original conditions of probation will apply.

8. License Surrender

During respondent's term of probation, if it ceases business or is otherwise unable to satisfy the conditions of probation, respondent may surrender its license to the Department. The Department reserves the right to evaluate respondent's request and to exercise its discretion whether to grant the request, or to take any other action deemed appropriate and reasonable under the circumstances, without further hearing. Upon formal acceptance of the tendered license, respondent will no longer be subject to the conditions of probation. Surrender of respondent's license shall be considered a disciplinary action and shall become a part of respondent's license history with the Department.

## 9. Violation of Probation

If a respondent violates the conditions of probation, the Department, after giving the respondent notice and an opportunity to be heard, may set aside the stay order and impose the stayed discipline (revocation/suspension) of the respondent's license. If during the period of probation, an accusation or petition to revoke probation is filed against respondent's license, or the Department has served the respondent a notice of intent to set aside the stay, the Department shall have continuing jurisdiction, and the probationary period shall automatically be extended and shall not expire until final resolution of the matter.

## V. Introductory Language and Optional Terms and Conditions of Probation

The following introductory language and all standard probation conditions are to be included in probationary decisions/orders. For applicants, cost recovery conditions do not apply. For licensees, all standard probation conditions apply. Optional terms and conditions may be included in orders of probation based upon violations.

### Introductory Language for All Orders

IT IS HEREBY ORDERED that License Number \_\_\_\_\_ issued to Respondent is [revoked/suspended/fined] [for/in the amount of] [days/amount], [however, the revocation is stayed] and respondent is placed on probation for \_\_\_\_\_ years on the following conditions.

SEVERABILITY CLAUSE – Each condition of probation contained herein is a separate and distinct condition. If any condition of this Order, or any application thereof, is declared unenforceable in whole, in part, or to any extent, the remainder of this Order, and all other applications thereof, shall not be affected. Each condition of this Order shall separately be valid and enforceable to the fullest extent permitted by law.