BMCR
BUREAU OF MEDICAL CANNABIS REGULATION

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P.O. Box 138200
Sacramento, CA 95813-8200
E-mail: bmcr@dca.ca.gov
www.bmcr.ca.gov

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DEPARTMENT OF CONSUMER AFFAIRS

MEDICAL CANNABIS REGULATION AND SAFETY ACT (MCRSA)

STATE AGENCY RESPONSIBILITIES

BMCR
BUREAU OF MEDICAL CANNABIS REGULATION

STATE OF CALIFORNIA
dca
DEPARTMENT OF CONSUMER AFFAIRS

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The following chart is designed to provide an overview of the statutory requirements of state agencies under the Medical Cannabis Regulation and Safety Act (MCRSA). The MCRSA's three licensing authorities (i.e. Bureau of Medical Cannabis Regulation (BMCR), Office of Medical Cannabis Safety (OMCS), and Medical Cannabis Cultivation Program (MCCP)) will be developing regulations in the coming months, with the goal of accepting applications for state licensure of medical commercial cannabis activity by January 1, 2018. For more information on the MCRSA, visit **www.leginfo.legislature.ca.gov** or **www.bmcr.ca.gov**.

GENERAL LICENSING AUTHORITY REQUIREMENTS	STATE LICENSING AUTHORITIES					
	BUREAU OF MEDICAL CANNABIS REGULATION (BMCR) (LEAD AGENCY)				MEDICAL CANNABIS CULTIVATION PROGRAM (MCCP)	OFFICE OF MEDICAL CANNABIS SAFETY (OMCS)
	DEPARTMENT OF CONSUMER AFFAIRS				DEPARTMENT OF FOOD AND AGRICULTURE	DEPARTMENT OF PUBLIC HEALTH
	Testing Laboratories	**Dispensaries**	**Distribution**	**Transportation**	**Cultivation**	**Manufacturing**
	Type 8	**Types 10, 10A**	**Type 11**	**Type 12**	**Types 1, 1A, 1B, 2, 2A, 2B, 3, 3A, 3B, 4**	**Types 6, 7**
• Licensing authorities required to create regulations for the MCRSA according to the Administrative Procedure Act. • Each licensing authority may create, issue, renew, revoke, suspend, and deny licenses under their jurisdiction. • Licensing authorities to establish license/renewal fees. • Security, inventory, recordkeeping, disciplinary, and enforcement protocols to be established through regulations. • MCRSA outlines fundamental requirements for application for state license (e.g., valid seller's permit, background check, landlord approval, proof of bond to cover costs of destruction of product when necessary, etc.); each licensing authority will include additional requirements.	• Licenses and regulations will be established through BMCR. • All MC and MC products must go to testing lab via a distributor prior to sale to dispensary. • Licensees must ensure their labs are accredited appropriately. • Licensees must issue a certificate of analysis for each sample tested. • Testing, calibration and sampling activities must be consistent with ISO/IEC 17025 and any other requirements set by BMCR. • Testing must occur prior to sending to dispensary. • Testing labs must destroy samples once testing is complete. • Primary caregivers and patients with recommendations may have homegrown samples tested at labs for a fee, but it will not be certified for sale to licensee or another party. • Cultivators and manufacturers responsible for all costs related to MC and MC product testing. • CDPH (OMCS) to assist BMCR in the development of the regulations for testing labs.	• Licenses and regulations will be established through BMCR. • Dispensaries include retail sale of MC and MC products. • Facility where medical cannabis, products, or delivery devices are offered for retail sale. • Requires a dispensary to implement specific security measures to deter theft of MC or MC products. • BMCR to establish maximum amount of MC and MC product that may be delivered. • Deliveries can only be made by a dispensary and include transfer of MC and MC products from licensee to primary caregiver or qualified patient. • Deliveries can only be made in local jurisdictions that do not explicitly ban delivery. • Counties may tax delivery. • Delivery employees and primary caregivers/patients must maintain a physical copy of the delivery request and make available to law enforcement upon request. • BMCR to establish storage and security requirements for delivery.	• Licenses and regulations will be established through BMCR. • May purchase MC and MC products from cultivator or manufacturer for sale to dispensary. • Licensees must be bonded and insured. • All MC and MC products must go to a distributor for quality assurance review and testing. • Cultivators and manufacturers may maintain contracts with dispensaries; not required to sell MC or MC products to distributor. • Licensees may collect a fee for services rendered. • Licensees required to verify identity and quantity of MC and MC products and ensure a random sample is tested by Type 8 testing lab. • Upon receipt of a certificate of analysis by a testing lab, licensees must conduct a quality assurance review on all MC and MC products. • Standards for quality assurance will be determined by BMCR through regulations.	• Licenses and regulations will be established through BMCR. • Transport includes transfer of MC and MC products from licensee to licensee. • BMCR to establish the transportation threshold based on product type. If transporting above those amounts, a transporter license would be required. • Licensees must be bonded and insured. • Licensees must complete an electronic shipping manifest and to transmit to BMCR and recipient licensee. • Licensees required to maintain a copy of the manifest while transporting. • Requires transmittal of record to Bureau to verify receipt of product. • Security and storage requirements for transportation to be established by BMCR. • MCRSA does not authorize transport of MC or MC products outside California, unless authorized by federal law.	• Licenses and regulations will be established through MCCP. • Applications for indoor and outdoor cultivation must identify its water source. • CDFA (MCCP) to determine maximum number of Types 3, 3A, and 3B licenses to be issued. • CDFA is lead agency for purposes of the California Environmental Quality Act (CEQA) related to licensing cannabis cultivation. • Cannabis declared agricultural product under MCRSA. • CDFA (MCCP) will develop certified organic designation and organic certification program, if allowed under federal law. • MCRSA authorizes CDFA to establish appellations of origin. • MC may not be marketed, labeled, or sold as grown in a county in which it is not grown. • Applicants required to provide statement declaring they are agricultural employer under Agricultural Labor Relations Act. • CDFA (MCCP) lead on track and trace program, with help from BMCR and BOE; all licensing authorities will use the track and trace program for their licensees.	• Licenses and regulations will be established through OMCS. • Definition of nonvolatile and volatile solvents will be determined through regulatory process. • CDPH (OMCS) to determine maximum number of Type 7 licenses to be issued. • Edibles declared to be "not a food" and "not a drug." • Edibles defined as manufactured cannabis for human consumption. • Only generic food names to be used to describe edible medical cannabis products. • CDPH (OMCS) may notify the public regarding MC products when necessary to ensure protection of public health. • MCRSA has prohibition on misbranded or adulterated MC products; CDPH (OMCS) has authority to cease manufacturing for manufacturers for such actions. • CDPH (OMCS) may issue mandatory recalls and embargoes of misbranded and adulterated MC products.
MAJOR LICENSEE RULES & REQUIREMENTS • Engaging in commercial medical cannabis (MC) activity without local and state licenses is subject to civil and criminal penalties. • Applicants required to obtain local license, permit, or other authorization before applying for state license. • Businesses in operation prior to January 1, 2016, will have priority for review of state applications. • All MC and MC products must be packaged in tamper-evident, childproof packaging, use a unique identifier, specific labeling, and not be attractive to children.						