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§40100. Definitions				
1	Include definition of “cannabis” Include definition of “employee” Include definition of “personnel”	L-8 Q-300	Rejected Rejected	"Cannabis" is defined in BPC §26001(f). It is not necessary to duplicate the definition in the regulatory text. “Personnel” is already defined in Section 40100(jj). It is not necessary to further define “employee” for purposes of this regulation as “employee” is a commonly understood term. Although other areas of law, such as labor law, distinguish between different types of employment (contractor, full-time, volunteer, etc), the Department regulations treat all types of employees in the same manner, unless specifically stated otherwise.
2	Subsection (i): Replace subsection (jjj) with subsection (rr).	Q-18	Rejected	The comment refers to version summary of the text which shows the differences between the emergency regulation text and the proposed text. The reference is correct in the proposed text.
3	Request to change 40100(cc) defining “Manufacturer Licensee” to exclude Microbusinesses to simplify confusion between multiple licensing agencies.	Q-62 Q-385	Rejected	There are some requirements to which microbusinesses must adhere to if they conduct manufacturing activities. Explicitly excluding microbusinesses in the manner requested could create confusion.
4	Specifically the definition of edible does not seem consistent with any science-based definition looking at a dosage form and the route of administration based on those concerns.	H1-3	Rejected	The Department defined products in accordance with statutory definitions.
5	The Section I under Title 17, Division 1, Chapter 13, 40100, definitions. Section I has cannabis concentrate means cannabis that has undergone a process to concentrate one or	H1-3	Rejected	The definitions incorporated into the proposed regulations are based upon the Department’s authorizing statute and conform to statutory definitions. “Pharmaceutical dosage forms” are not the basis upon which the Department is mandated to define cannabis products.

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	more active cannabinoids. Cannabis concentrate includes, but is not limited to tinctures, shatter, and wax, tablets as defined in that section III. My request is and I would like to submit evidence which suggests to the Department of Public Health that they consider dosage forms that would include concentrates, but exclude food products. Under orally consumed concentrates followed under HH, they discuss a cannabis concentrate orally consumed to include a tincture, a capsule, and a tablet. Tinctures are -- if they're used properly and produced properly, are an ethanol-based solution. Ninety percent of the tinctures that you allow to be labeled as a tincture are actually an oil-based solution and are misbranded, and improperly labeled. So I again raise the concern that this -- the California Department of Public Health has ignored standard definitions for pharmaceutical dosage forms and they need to take a look at those definitions and avoid			

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	misrepresenting and misinforming the public.			
6	Clarify the definition of "edible cannabis products," to exclude orally-consumed concentrates, as they are pharmaceutical dosages and not edibles.	Q-92 Q-190 Q-339	Rejected	Orally-consumed concentrates are not categorized as edibles and are a separate product category. The Department has not defined cannabis products in accordance with pharmaceutical dosage forms.
7	There is no regulations specifically prohibiting non-identical products in a manufactured batch, so long as they follow the same standard operating procedure and formulation. It would be nice to have that clarification in one of the regulations, as I'm questioned about it constantly.	H3-8	Rejected	A manufactured batch is in fact required to only contain identical products "Batch" is defined in BPC §26001(d)(2)(B) as a "type of manufactured product produced in one production cycle using the same formulation and standard operating procedures." A batch that contains non-identical products would not be produced using the same formulation.
8	Better define "batch" for edibles vs. vapes	Q-212	Rejected	"Batch" is defined in BPC §26001(d)(2)(B) as a "type of manufactured product produced in one production cycle using the same formulation and standard operating procedures" and is applied to both vape cartridges and edibles.
9	Requirement for premises to be contiguous in CDFA and CDPH regulations does not allow for common-use areas to be represented on diagram as contiguous when areas are located outside the premises boundary.	Q-117	Rejected	"Premises" as included in this section is a statutory definition. As such, the Department does not have the authority to modify the definition in regulations in the manner requested.

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10	Section 40100 (m) "Premises"- premises should be allowed to be occupied by more than one licensee.	L-10	Rejected	"Premises" as included in this section is a statutory definition. As such, the Department does not have the authority to modify the definition in regulations in the manner requested.
11	Recommendation that all agencies, with consistency, alter the definition of pre-roll to remove the unnecessary restriction that cannabis must be rolled in paper. Allow paper alternatives such as tobacco leaves or organically grown mint leaves.	Q-104	Rejected	Paper alternatives are not prohibited, but would be considered a manufactured product. However, the Department could not, under BPC §26054(a), allow a licensee to use tobacco products (which would include tobaccos leaves).
12	Add additional definition which is (yy) "final unadulterated form"- means a cannabis product in its final, consumable form prior to final packaging. This would be a step in the right direction toward testing product before all packaging and label has been applied to the product, saving the operator 30% of the cost of the product if it has to be destroyed.	L-10	Rejected	BPC §26100(b) requires testing of "the final form in which the cannabis or cannabis product will be consumed or used." BPC §26110(g) states that after testing, all cannabis or cannabis product may be transported only to the premises of a licensed retailer, microbusiness, or nonprofit. A distributor cannot package cannabis product; that activity can only be conducted by a manufacturer. Consequently, under the statute as currently written, there is no way for a cannabis product to be tested before it is packaged.
13	Section 40100 (l) defines Cannabis waste "as waste that contains cannabis products but is not otherwise a hazardous waste as defined in PRC 40141."	Q-24 Q-40	Rejected	The requested change would limit cannabis waste to only organic waste, when other types of solid waste may be applicable. "Organic waste" means food waste, green waste, landscape and pruning waste, nonhazardous wood waste, and food-soiled paper waste that is mixed in with food waste. Due to the nature of manufacturing operations, cannabis waste may be produced which is not

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	Suggestion to revise definition to "a waste that is not hazardous waste, as defined in Public Resources Code section 40141, and is organic waste, as defined in Public Resources Code Section 42649.8(c), that contains Cannabis."			hazardous, but contains materials which do not fall into the category of "organic waste."
14	Cannabis waste means cannabis or cannabis product that has been rendered "unrecognizable" and unusable" as defined…."	Q-40 Q-113	Rejected	The terms "unusable" and "unrecognizable" are used so that licensees understand how to treat cannabis or cannabis products prior to disposal. The Department does not believe it will add additional clarity to define cannabis waste in this manner as it would be too limiting.
15	Replace the term "strain" with "cultivar" throughout the regulations.	Q-67 Q-156 Q-160 Q-164 Q-171 Q-176 Q-178 Q-182 Q-228 Q-277 Q-285 Q-315 Q-338 L-11 L-14	Rejected	"Strain" is the term used in MAUCRSA and the regulations are aligned with the law.
16	Add the following definition to the CDPH regulations: "CBDA"	Q-60 Q-67 Q-147 Q-149	Rejected	The Department specifically defined "THC" as delta-9 THC because there are numerous forms of THC and licensees needed to have clarification as to which

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	means the compound cannabidiolic acid.	Q-156 Q-160 Q-164 Q-171 Q-176 Q-178 Q-182 Q-277 Q-285 Q-315 Q-327 Q-331 Q-338 Q-350		form of THC the regulations were referring. However, CBDA has only one form, so a definition is not necessary.
17	Add to definitions “THCA” means the compound known as tetrahydrocannabinolic acid.	Q-60 Q-67 Q-147 Q-149 Q-156 Q-160 Q-164 Q-171 Q-176 Q-178 Q-182 Q-277 Q-285 Q-315 Q-327 Q-338 L-11	Rejected	The Department specifically defined “THC” as delta-9 THC because there are numerous forms of THC and licensees needed to have clarification as to which form of THC the regulations were referring. However, THCA has only one form.

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		L-14		
18	Request to add language 40100(m): “CBD” means the compound cannabidiol with a distinction between industrial hemp (>0.3% THC) and all other forms of cannabis.	Q-44 Q-67 Q-156 Q-160 Q-164 Q-171 Q-176 Q-178 Q-182 Q-229 Q-277 Q-315 Q-338 L-11 L-14	Rejected	MAUCRSA only provides the Department with authority to regulate CBD from cannabis, not industrial hemp. This definition would create additional confusion between industrial hemp and cannabis.
19	Change definition of “serving” means the designated amount of cannabis product established by the manufacturer to constitute a single unit. A serving shall always include a metric representation of the single unit. (i.e. one square serving size is approximately 5 grams).	Q-265	Rejected	The purpose of establishing a serving size is to provide the consumer with information regarding consumption. Requiring a metric representation of the serving on the label does not provide the consumer with additional useful information.
20	Conform Edible and Cannabis concentrate definition with USP/NF	Q-92 Q-190 Q-339	Rejected	The definitions incorporated into the proposed regulations are based upon the Department’s authorizing statute and conform to statutory definitions. “Pharmaceutical dosage forms” are not the basis upon which the Department is mandated to define cannabis products.

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21	Remove “Rolling” from being defined as processing and add to the definition of package “ii “Package” or “packaging” means any container or wrapper that may be used for enclosing, rolling**,** or containing any cannabis product for final retail sale.” AND add to 17 CCR Div. 1 Chapter 13 that “E. The packaging of pre-rolls as defined in Section 5000 of Title 16 of the California Code of Regulations, by a licensed distributor in accordance with the requirements of the Bureau of Cannabis Control specified in Chapter 2 of Division 42 of Title 16.”	Q-317	Accepted in part	The Department has modified the regulations to allow distributors to make pre-rolls. The Department does not define “processing;” this comment is directed at CalCannabis regulations.
22	Propose that “vape cartridges” be defined with cannabis industry specific language, and that the definition acknowledge the colloquial terms and their meaning.	Q-240 Q-309	Rejected	The Department has received no indication that there is widespread confusion as to what constitutes a “vape cartridge,” which is a well-established term of art.
23	We're very, very confused with the volatile versus non-volatile definition up to today. Especially, right now, the State definition is different than the city definition,	H3-3	Rejected	Applicants must comply with all requirements set by their local jurisdiction. A local jurisdiction can define “volatile” or “nonvolatile” in any manner it chooses, regardless of whether that definition lines up with Department definitions.

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	especially with Oakland City, like -- especially like the C1, D1 and C1, D2 regulation, because this would cost us a lot more if we have to comply with C1 D1, even we are just like maybe ethanol extraction, okay			
24	How can we define what is medical and what is recreational. We only base on what the customer tell us, what the distributor tell us, what the dispensary tell us.	H3-3	Rejected	The proposed regulations require that concentrates be limited to 1,000 mg THC per package for the adult-use market. A product with a higher concentration must be labeled as FOR MEDICAL USE ONLY. An edible product is limited to 100 mg THC per package, regardless of the market, except that orally-dissolving edibles can contain up to 500 mg THC if certain conditions are met, including that the product is labeled FOR r USE ONLY. Beyond these restrictions, there is no need for the manufacturer to label products as for either adult-use or medicinal use.
25	We have heard also from many manufacturers who have been using ethanol safely for a long time. It looked to me as though that had been taken care of in these recommendations, but I'm here -- or in these regulations, but I'm hearing maybe not. And so we do not think that ethanol is a volatile solvent or should be categorized as one in any way.	H3-7	Rejected	The proposed regulations define ethanol as a non-volatile solvent.
§40101. Applicability.				
26	Suggest that all Microbusinesses be exempt from CDPH	Q-62	Rejected	BPC §26106 states that the standards for the production of cannabis products developed by the Department will apply to licensed manufacturers and

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	regulations (except subchapters 3, 4, and 5)			microbusinesses. The Department does not have the authority to make the recommended modification.
§40102. Owners and Financial Interest Holders.				
27	40102 (a)(4)(D) –Suggestion to strike or substantially clarify. Every manager and employee could qualify under this new classification, since performance of their responsibilities and duties are critical for the cannabis company to maintain its license.	Q-17	Accepted	This paragraph was deleted from the final text as a nonsubstantive change because it lacked sufficient clarity.
28	Definition of owner should rest on traditional definition of ownership, the rights to receive profits. Current definition too broad and encompasses mere employees.	Q-91 Q-93 Q-234	Rejected	BPC §26001(al) includes as "owners" any individual that will be participating in the direction, control, or management of the licensed commercial cannabis business. Depending on the operation of the business, this may include employees under the definition of "owner."
29	Align the all ownership and financial interest holder requirements in the BCC, CDFA, and CDPH regulations, using the same language in all three.	Q-234 L-17	Rejected	The Department and the other two licensing agencies have coordinated their regulations to the extent possible. There may be some areas in which the needs of the agencies differ and therefore the requirements differ.
30	Proposed definitions for owners and financial interest holders are less protective than the Bureau and should cover the full range of owners and financial interest holders that could potentially	Q-228	Rejected	The Department asserts that the definition of owner is sufficient to meet statutory requirements and protect public safety.

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	affect the operations of licensees.			
§40105. Premises Diagrams				
31	40105 (a) (3) If the proposed premises consist of only a portion of a property, the diagram shall be labeled to indicate which part of the property is the proposed, or require including what remaining property is used for *based on publicly available information*.	Q-17	Rejected	The other portions of the property are important to the Department's review of the applicant's proposed quality control procedures. The proposed regulations do not require a significant amount of detail, they merely request the applicant indicate what else is occurring on the property so that the Department can make a sound licensing decision.
32	Clarify what constitutes "licensed privileges" and/or include administrative/ record keeping as examples of activities allowed in common areas.	Q-117	Rejected	"Licensed privilege" is not a term used in the Department's proposed regulations, therefore no further clarification is necessary.
33	HOAC supports the requirement that applications provide a premises diagram that indicates what part of the property is used for premises and what the use of the remaining property will be.	Q-278	Accepted	No modification requested.
§40115. License Required.				
34	The States proposed regulations allow licensees to conduct commercial cannabis activities with any other licensee, regardless of the A or M	Q-61 Q-103	Rejected	The three licensing agencies have in conjunction determined that the A and M market streams do not need to be completely separate and independent of one another. Instead, licensees can do business with any other licensee and products do not have to be strictly designated as A or M (unless the THC exceeds set limits for adult use products). MAUCRSA developed a dual licensing system to allow

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	designation of its license. The City is concerned that this will allow businesses to apply for a medical-only license and participate in the adult-use market without being subject to the additional local regulations placed on adult use licenses.			local jurisdictions to add additional licensing restrictions if needed. All licensees must abide by both local and state laws to conduct business in the commercial cannabis market.
35	Opposes A and M activities on same premises	Q-278	Rejected	The Department is not aware of any potential public health or safety threat from A and M activities occurring on the same premises, and businesses have been able to do so since January 1, 2018. The only difference between cannabis products for adult-use and cannabis products for medicinal use is a regulatory requirement that limits adult-use products to 1,000 mg THC per package for products that are not edibles; and caps non-edible medicinal-use products at 2,000 mg THC. There is no difference for edible products. All other aspects of the manufacturing process are identical, such as requirements for good manufacturing practices, safety procedures, and informative labeling. Cannabis and cannabis products will still be tracked "from seed to sale" through the track-and-trace system. Consequently, the Department sees no reason to prohibit A and M activities on the same premises.
§40116. Personnel Prohibited from Holding Licenses.				
36	Extend existing conflict of interest protections to include industry employment immediately following an enforcement position.	Q-12 Q-346	Rejected	The requested modification is beyond the statutory responsibilities given to the Department.
§40118. Manufacturing License Types				
37	Manufacturer/cultivator wants clarification on what constitutes a	H1-6	Rejected	The three licensing agencies have coordinated to allow pre-rolls to be made by a variety of licensees. A business that holds a cultivation license or processor

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	pre-roll and the type of license needed. Discrepancy between Departments. Is taking trim and putting it into a cigarette sleeve considered an infusion? There is no clear definition of infusion.			license issued by CalCannabis can create pre-rolls, as can a Type 7, Type 6, or Type N licensee, as well as a distributor licensee. However, if additional ingredients (including cannabis oil) other than cannabis plant material is added to the product, it becomes an infused product and can only be created by a licensed manufacturer.
38	Request to add a new Home Business License	Q-303 Q-305	Rejected	The Department maintains that there is no cause to establish a separate license type for home businesses. Nothing in existing regulations prohibits a business from operating out of a home, provided that the location meets all local and state requirements.
§40126. Temporary Licenses.				
39	If we are not ready for the city inspection yet, because of the machine, because of a lot of regulation, then how many times can we get extended?	H3-3	Rejected	This question is not directed at a specific proposed regulation. The Department's authority to issue and extend temporary licenses will expire on December 31, 2018; however, the Department would note that there is no limit on the number of times a temporary license can be extended until that date.
40	So with that, I'd like to propose that we extend the temporary licenses -- all valid temporary licenses through the end of 2019 to give the industry an additional amount of time to get used to the new regulations, have the regulators get used to enforcing the regulations, and reinforce public comfort within the industry, so that they don't go to the black market, and they	H3-4	Rejected	The Department's authority to issue temporary licenses will expire on December 31, 2018.

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	continue to go to the stores where they would rather shop.			
41	Locals not ready for annual license- renew all temporary licenses on December 30, or until licensee obtains annual license.	Q-91 Q-93	Rejected	The Department's authority to issue temporary licenses will expire on December 31, 2018.
42	Need issue of timeframes for state issuance of and extensions to temporary licenses to be addressed by the Governor's office and Legislature no later than March 31, 2019.	Q-60	Rejected	This comment is not directed at the Department's regulatory provisions.
43	So there are many people here online in Oakland that have their temporary permits that we're looking in terms of the backlog getting through these different departments. They may not be able to actually obtain their full local authorization in order to get an annual permit by the time the temporaries expire. So I know that Oakland is not the only city facing significant expansion. I've spoken to the Mayor about this. There are many trade organizations. But I'm just giving you an example of why we need to create a grace period,	H3-14	Noted	The Department thanks the commenter for their submission. No modifications to the text are requested, so no further response is required.

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	especially for those operators that can show that they've diligently been moving through the process of obtaining the full local authorization.			
44	Need legislative extension or alternative interim program for applicants with local authorizations to continue to operate since many jurisdictions have not offered local licensing.	Q-104	Noted	The Department thanks the commenter for their submission. No modifications to the text are requested, so no further response is required.
45	Major issues with tribes not being able to get approval from their local jurisdictions. Recommend: If the location requested for the temporary license is within a federally recognized Indian Reservation, then the State will recognize Tribal approval for a licensee to engage in commercial cannabis activities on land within the Tribe's jurisdiction, in lieu of requiring that such local approval be provided by a local jurisdiction."	Q-321	Rejected	For a temporary license, the statute requires that an applicant possess a license from a local entity. (See B&P Code § 26050.1(a)(2).) Because applicants on tribal land were unable to obtain a local license, the Department could not issue a temporary licenses.
46	Definition of license, permit, authorization in 40126 (a)(2) is unclear regarding the types of	Q-228	Rejected	In order to maintain maximum flexibility for local jurisdictions, the Department deliberately chose not to limit the manner in which local jurisdictions are required to respond.

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	documentation that will qualify under this provision.			
§40128. Annual License Application Requirements.				
47	Re-write section 40128 (b) (2) to reflect the fact compliance is adequate if employers and labor are making a good faith effort to negotiate terms then sign labor peace agreement.	Q-91 Q-93 Q-399	Rejected	The proposed text requires a licensee to submit evidence of a labor peace agreement "as soon as reasonably practicable." The Department's requirement is substantively the same as the requested modification, and therefore no change to the proposed text is warranted.
48	Request to have agencies require applicants to offer proof from a bona-fide labor organization of a labor peace agreement within 30 days of licensure or of employing 20 employees.	Q-25 Q-26 Q-63 Q-390 Q-399 L-18 L-25	Rejected	The proposed text requires a licensee to submit evidence of a labor peace agreement "as soon as reasonably practicable" in case a labor peace agreement cannot be executed within 30 days of licensure.
49	Companies should not be forced to sign labor peace agreements.	L-10	Rejected	Labor peace agreements are a statutory requirement. The Department's regulations implement the statute.
50	Only businesses licensed prior to January 1, 2017 should have exception to 600 ft buffer.	Q-143 Q-319 Q-320	Rejected	Under statute, a local jurisdiction retains the right to set the minimum buffer requirement, and the statute does not impose a time restriction.
51	Exempt home-based businesses from requirement because home-based daycare in mixed commercial/residential zones can be an unexpected hindrance	Q-115 L-11 L-14	Rejected	Under statute, the only way to waive the 600 ft buffer requirement is if the local jurisdiction sets a different requirement.

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	to meeting the 600 ft radius requirement.			
52	Specify local ordinance requirement can be greater or less than 600 ft.	Q-228	Rejected	The statute set the minimum buffer zone at 600 ft unless the local jurisdiction establishes otherwise. It is outside of the Department's authority to make the requested change.
53	Increase business setback requirements to distance of a 1,000ft setback and measure from the property line, not the entrance. Not just K-12 but also colleges and drug treatment facilities.	Q-278	Rejected	The statute set the minimum buffer zone at 600 ft unless the local jurisdiction establishes otherwise. It is outside of the Department's authority to make the requested change.
54	How can you sign an application under the penalty of perjury when the applicant is being asked to "calculate" gross annual revenue?	L-5	Rejected	The calculation for the first year of licensure is a good-faith effort by the applicant. Subsequent years will be based on the prior year's gross annual revenue.
§40129. Annual License Application Requirements – Business Information				
55	HOAC supports the requirement for applicants to provide documentation issued by the local jurisdiction indicating compliance with local regulations.	Q-278	Noted	The Department thanks the commenter for their submission. No modifications to the text are requested, so no further response is required.
56	Major issues with tribes not being able to get approval from their local jurisdictions. Recommend: If the location requested for the annual license	Q-321	Rejected	BPC §26055 requires the Department to verify with the local jurisdiction that the applicant is operating in compliance with local ordinances. "Local jurisdiction" is defined in BPC §26001(ac) as a city, county, or city and county.

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	is within a federally recognized Indian Reservation, then the State will recognize Tribal approval for a licensee to engage in commercial cannabis activities on land within the Tribe's jurisdiction, in lieu of requiring that such local approval be provided by a local jurisdiction."			
57	Regulations should additional address the process (set forth in statute) applicable when the applicant does not submit such local documentation.	Q-228	Rejected	The process to be followed when the applicant does not submit local documentation is prescribed in statute. It is not necessary to reproduce the process in regulation.
58	Requirement for locals to respond within 10 days should address the type of response locals are required to provide.	Q-228	Rejected	In order to maintain maximum flexibility for local jurisdictions, the Department deliberately chose not to limit the manner in which local jurisdictions are required to respond.
§**40130. Annual License Application Requirements – Owners**				
59	Modify language to refer to the owner in the third person	Q-148 Q-151 Q-195	Accepted	The text was modified to include this grammatical edit.
60	Commenter states that Section 40130) a) (8)(F) delete the requirement of labor standard	Q-84 Q-157 Q-198	Rejected	BPC Section 26051.5 provides the Department authority to require an applicant to provide any information it deems necessary to determine if an applicant is fit for licensure. Stakeholders expressed concern regarding labor violations such as

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	violations – exceeds department authority.	Q-210		wage theft and occupational safety hazards in the cannabis market pre-regulation. The Department determined that labor violations are relevant to an applicant's qualifications for licensure and has therefore included the requirement to disclose an owner's labor violations with the application for licensure.
61	And so I just hope that the Board wouldn't bar me a license for a conviction based on conduct that's protected now, and that's like the whole thing we're doing here.	H3-9	Rejected	BPC §26057 states that convictions based on acts that were illegal at the time, but are now legal under Proposition 64, cannot be the sole reason for denial of a license. The Department acknowledges that applicants may have convictions for activities that are now legal and provides applicants with an opportunity to provide evidence as to why they are fit for licensure.
§40131. Annual License Application Requirements—Manufacturing Premises and Operations Information				
62	But if we change the facility during our application process, is it considered a new application? Do we have to submit everything?	H3-3	Rejected	This comment is not directed at a specific regulatory provision. However, the Department would note that as an application is submitted by a specific business for a specific facility, a new application would be required if either of those changed.
63	Language in 40131 and 40262 should specify interagency sharing is not prohibited.	Q-228	Rejected	The Department has the ability to share information with other agencies.
64	Labor standards should be extended into applications.	Q-26 Q-390 Q-399	Rejected	The Department licenses activities related to commercial cannabis manufacturing and application elements that address safe manufacturing practices. Requiring applicants to submit proof of compliance with labor and employment law is outside of the purview and expertise of the Department and is better addressed by departments which specialized in labor standards.
§40132. CEQA				
65	The State's implementing regulations do not account for projects approved ministerially	Q-61 Q-103	Rejected	The Department's regulations allow an applicant to demonstrate CEQA compliance through any manner provided by the local jurisdiction. If the local governing ordinance exempts specific cannabis businesses from CEQA

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	by a local jurisdiction that adopted a cannabis ordinance through a voter-sponsored ballot initiative.			requirements, the applicant may submit relevant documentation (such as a copy of the local ordinance or a letter from the local jurisdiction) to demonstrate compliance.
66	Commenter is concerned that CEQA licensing takes longer that the time available to get a temp license. Recommends that a local authority letter be sufficient while awaiting final CEQA approval.	Q-329	Rejected	Temporary licenses do not require CEQA approval at the state level. Legislation signed into law this year (SB 1459) provides for the issuance of provisional licenses for businesses awaiting final CEQA approval.
67	CDPH should rely on local CEQA documents to streamline process and avoid duplication in cases where local jurisdiction have performed CEQA review of cannabis activities on a programmatic, rather than site specific level. CDPH may rely on such CEQA documents where the local jurisdictions has fully addressed the relevant environmental effects, regardless of "any abstract characterization" of the "project" under review. Even in cases where the 'project" evaluated in a local CEQA document does not fully encompass the	Q-228	Noted	The Department thanks the commenter for their submission. No modifications to the text are requested, so no further response is required.

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	applicant's cannabis activities, that local document may nonetheless help streamline CEQA review of the application.			
§40133. Limited Waiver of Sovereign Immunity				
68	Subsection (c): Regarding "immediate" notification mentioned in regulations, the Department should provide a specific timeframe for compliance as it is currently difficult or even impossible to enforce a presumed late response by the licensee when the Department cannot determine when the licensee became aware of the situation requiring notification. In addition all state agencies should permit mandatory notification to be provided via email and to offer licensees similar details regarding what the notice must contain, if not already specified.	Q-104	Rejected	The commenter expresses concern about use of the term "immediate" as it is difficult to enforce a presumed late response when the Department cannot determine when the licensee became aware of the situation. However, the Department does not see how including a specific timeframe will address the core concern of determining when a response is "late" if the licensee's awareness of the situation cannot be ascertained. Consequently, no modification to the proposed text is warranted. Nothing in the proposed regulations prohibits notification through email.
69	Recommends: if a tribe is acting as a landlord for a cannabis business, they will not assert their sovereign immunity on those businesses, but will not	Q-321	Rejected	This section is intended to specify the rules required for sovereign entities, such as federally recognized tribes, to apply for and receive a license to cultivate cannabis. This is necessary to ensure that tribes or other qualifying sovereign entities can participate in the regulated cannabis cultivation market in the same way as the public. The Department is statutorily mandated to issue licenses only to qualified applicants and must be able to conduct reviews of all applications. Requiring

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	waive immunity for anything else.			sovereign entities to fully waive immunity specifically with respect to implementation and enforcement for commercial cannabis licensing allows the Department to fulfill its mandate.
70	Recommend that licensed premises on tribal land not be subject to local ordinance approval.	Q-321	Rejected	B&P Code §26055(d): Licensing authorities shall not approve an application for a state license under this division if approval of the state license will violate the provisions of any local ordinance or regulation adopted in accordance with Section 26200. "Local jurisdiction" is defined in BPC §26001(ac) as a city, county, or city and county.
§40135 Incomplete and Abandoned Applications				
71	Department should build in flexibility in determining whether an application should be deemed abandoned as there are situations that may delay an applicant's ability to submit requested documentation.	Q-104 Q-405	Rejected	Applications will be deemed abandoned if the applicant does not submit required information within 6 months of the Department's request. While some delays are inevitable, a delay of 6 months indicates that the applicant is not ready for licensure.
§40150. Application and License Fees				
72	Lower Licensing fees	L-10 L-20	Rejected	The Department is required to set licensing fees at a level to cover its regulatory costs and to scale those fees according to the size of the business. The fee structure was developed in conjunction with a contracted economist at a level the Department estimates is necessary to cover its costs.
73	The high cost of the annual licenses, the high cost of meeting the new regulations, the increase in cost of lab testing, that added cost of distribution of all created problems, I'm here	H3-10	Rejected	The Department is required to set licensing fees at a level to cover its regulatory costs. Allowing multiple payments would raise the Department's administrative costs, as it would incur additional workload in order to track payments, reconcile amounts due, follow up on delinquent payments, and address licensing issues related to delinquent payments. Increased administrative costs would lead to the

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	today to ask you to consider breaking up the annual licensing fee into multiple payments, so that people who are small businesses can actually afford to go into business. Maybe we could use a system like sales tax, where we pay monthly based on sales, and then we true-up the fees every quarter to accurately reflect sales.			need for higher licensing fees to cover Departmental costs, ultimately to the detriment of licensee.
74	Should amend fee structure to lower regulatory costs for $100,000-$500,000	Q-48 Q-65 Q-106 Q-115 Q-122 Q-144 Q-161 Q-188 Q-201 Q-282 Q-284 Q-296 Q-302 Q-344 Q-345	Rejected	The Department is required to set licensing fees at a level to cover its regulatory costs and to scale those fees according to the size of the business. The fee structure was developed in conjunction with a contracted economist at a level the Department estimates is necessary to cover its costs.
§40152. Gross Annual Revenue Calculation				
75	This section is ambiguous in regards to out of state companies that are applying for	Q-81	Rejected	Applicants are required to submit their expected annual gross revenue based on revenue expectancy in California, not prior revenue in another state.

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	licensure in California. We request that the regulations give businesses that have operated compliantly in other states the leeway to adjust expected gross sales and revenue accordingly for the local market in which they are applying to operate.			
76	Fair market value when a licensee is operating in only one segment- manufacturer only-- makes sense. But when you are also a retailer and a distributor, as well as a manufacturer, as currently written could pay triple or double license fee on the fair market value of the same products. A cannabis product that is self-distributed in non-arm's length transactions within our own company, from manufacturing- to distribution unit- to retail unit should not be counted multiple times for purposes of calculating the fee. Allow subtracting the fair market value of goods that have already been included in the present year's license fee calculations.	Q-17	Rejected	The licensing fee established by the Department is applied equally to all business, regardless of whether those business also hold other licenses. The Department has determined that the "size of the business" is best indicated by the value of the products manufactured at the premises.
§40159. Denial of License				

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77	Propose to add language stating any violation of labor standards by the owner within the last three years may result in denial of license.	Q-82 Q-148 Q-151 Q-195 Q-399	Rejected	The proposed regulations state that a license can be denied for any conduct that would be grounds for disciplinary action specified in BPC §26030. BPC §26030 includes violations of labor law as a reason for disciplinary action. The recommended change is already included in the proposed regulation.
78	Should specify that grounds for denial include the denial of a local license.	Q-228	Rejected	An applicant who has been denied a local license will not be in compliance with all local ordinances and is therefore ineligible for a state license.
79	And in section 40159, subsection (2), you mentioned someone being convicted of a crime. You layout in 40162 the felonies pretty well. However, there is no mention of misdemeanor convictions. So that's something that needs to be laid out, whether or not misdemeanors are going to be taken into account or if they're excluded?	H1-4	Rejected	An applicant's entire criminal history is considered during the application process, including misdemeanors, felonies, and any evidence of rehabilitation provided by the applicant.
§40162. Substantially Related Acts				
80	Supports the inclusion of a violation of the Sherman Food Drug, and Cosmetic Act as a reason to deny a license.	Q-278	Noted	The Department thanks the commenter for their submission. No modifications to the text are requested, so no further response is required.
§40165. Criteria for Evidence of Rehabilitation				

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81	Subsection (a)(6), where you talk about criteria for evidence of rehabilitation. In (6) you talk about Penal Code section 1203.4, which is the expungement section. If that is sufficient, in and of itself for a certificate of rehabilitation or whether or not you're asking for documentation of the crime of the conviction, et cetera, et cetera with that. So it would be helpful to understand if that is sufficient to have the record of expungement, because that will have a significant impact on those involved in a social equity program, and moving forward with that. So there needs to be some clarification if 1203.4 is sufficient for that.	H1-4	Rejected	Subsection (a)(6) lists one of several types of documents that can be submitted. Because reviews are conducted on a case-by-case basis, the Department encourages applicants to submit any and all information that is relevant to their evidence of rehabilitation.
§40175. License Constraints				
82	License constraints 40175(a): unclear if BCC licensed manufacturers are included.	Q-62	Rejected	Microbusinesses are subject to the requirements of Subchapters 3, 4, and 5, as specified in Section 40101.
83	Allow for the production of non-cannabis food on premises	Q-62	Rejected	In order to protect potential cross-contamination between infused products and non-infused products, the Department has determined it is necessary to prohibit both activities from occurring on the same premises.

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84	Allow for food preparation in microbusiness consumption lounges.	Q-127	Rejected	Microbusiness are under the authority of the Bureau of Cannabis Control. A microbusiness that also conducts manufacturing activities has to follow the Department's requirements. In order to protect potential cross-contamination between infused products and non-infused products, the Department has determined it is necessary to prohibit both activities from occurring on the same premises.
85	Proposed regulations do not take into account consumption lounges (microbusinesses) that will be all up and down the state and will inevitably have a negative impact on those licensees who have received local and state authorization to perform onsite infusions to be served directly to consumers for onsite and immediate consumption. Microbusinesses should be exempt from CDPH definition of manufacturer licensee or there should be an allowance for microbusinesses to conduct onsite infusions alongside their fresh food and beverage products.	Q-62	Rejected	Currently, cannabis businesses are not allowed to prepare products onsite and provide those products for immediate, onsite consumption. If in the future the statute is changed to allow such activity, the Department will adjust its regulations as needed.
86	Please allow Hemp-derived CBD to be used.	Q-68 Q-69 Q-70 Q-71	Rejected	Cannabis products may contain CBD derived from cannabis. Proposition 64 specifically excluded industrial hemp and its derivatives from the cannabis regulatory structure. Consequently, using cannabinoids acquired from outside of the regulated structure presents a risk of inversion of illicit cannabis product into the legal market and threatens the integrity of the track-and-trace system. In order

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		Q-72 Q-73 Q-74 Q-75 Q-77 Q-78		to protect the highly regulated nature of the cannabis market, all cannabinoids must be acquired from licensed sources.
87	Allow hemp from authorized industrial hemp producers to be used under SB 1409 rule changes.	Q-405	Rejected	Cannabis products may contain CBD derived from cannabis. Proposition 64 specifically excluded industrial hemp and its derivatives from the cannabis regulatory structure. Consequently, using cannabinoids acquired from outside of the regulated structure presents a risk of inversion of illicit cannabis product into the legal market and threatens the integrity of the track-and-trace system. In order to protect the highly regulated nature of the cannabis market, all cannabinoids must be acquired from licensed sources.
88	Requests clarification as to what activities may occur on manufacturing premises- should only allow commercial activities- no parties, etc.	Q-278	Rejected	The Department has established numerous requirements and restrictions to protect the integrity of the manufacturing process, including quality control requirements, security procedures, and limited access areas. Provided the licensee adheres to the established requirements, the requested clarification is unnecessary.
89	Support provisions against hiring individual under 21 years of age.	Q-278	Noted	The Department thanks the commenter for their submission. No modifications to the text are requested, so no further response is required.
90	Support license constraint provisions	Q-278	Noted	The Department thanks the commenter for their submission. No modifications to the text are requested, so no further response is required.
§40177. Change in Licensed Operations				
91	Change in Licensed Operations currently states (2) A non-refundable $700 change request processing fee for review of all	Q-115 Q-136 Q-141	Rejected	None of the types of changes in licensed operations that would require a $700 processing review fee are available for Type S licensees. Change in licensed operations include: adding an extraction method, adding infusion activities, or

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	documents. Request to change to "A non-refundable change request processing fee for review of all documents that is $700 for standard licenses, and $350 for type S licenses.	Q-142 H3-1		substantively changing the licensed premises. Type S licensees cannot conduct extractions and can only conduct infusion activities.
92	Requiring cannabis manufacturers to maintain an up-to-date list of products is an important means of facilitating the Department's enforcement activity. Clarify the types of changes that necessitate updating manufacturer's product list. ISOR specifies *substantial or material* alterations to physical premises. Something like that for products is needed.	Q-12 Q-346	Rejected	Licensees are already required to update the Department whenever the products manufactured at the licensed premises are changed.
93	Amend the regulation to specify the number of business days by which the Department must respond to a modification to manufacturing processes or premises.	Q-91 Q-93	Rejected	There are factors outside of the Department's control, including possible consultation or review with the local jurisdiction or requesting additional information from the applicant, which may impact the Department's processing time. It would not be prudent and may threaten public safety to establish deadlines to which the Department may not be able to adhere.
94	Process for changing a license designation, specifically M to A where is it not permitted, should be spelled out explicitly and include verification that	Q-228	Rejected	An applicant is always required to be in compliance with local ordinances. If the local jurisdiction bans adult use activities, the request will be denied by the Department as provided in BPC §26055(d).

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	requested designation complies with local ordinances.			
95	Supports the requirement that a manufacturer licensee must immediately notify the Department of any change in information reported on the license application and of material changes in ownership or operations.	Q-278	Noted	The Department thanks the commenter for their submission. No modifications to the text are requested, so no further response is required.
§40178. Add or Remove Owners				
96	Shares of stock change hands frequently and a public company may not be aware that a person has acquired more than 5% of shares. Accordingly, obligation to file an amendment should be limited to the public company's knowledge of ownership.	Q-216	Rejected	The Department, in conjunction with the other licensing agencies, has determined that 5% ownership shares is a reasonable level at which a person will be considered a financial interest holder. The requested modification would be unenforceable.
§40182. Disaster Relief				
97	Section 40182 does not differentiate between administrative relief and relief from manufacturing practices outlined in Ch. 13 designed to protect public health. We recommend limiting relief from licensing requirements	Q-88 Q-169	Rejected	Subsections (a), (c), (d), and (e) specifically refer to "licensing requirements" as those eligible for temporary relief.

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98	Subsection (g) Regarding "immediate" notification mentioned in regulations, the Department should provide a specific timeframe for compliance as it is currently difficult or even impossible to enforce a presumed late response by the licensee when the Department cannot determine when the licensee became aware of the situation requiring notification. In addition all state agencies should permit mandatory notification to be provided via email and to offer licensees similar details regarding what the notice must contain, if not already specified.	Q-104	Rejected	This comments appears to be a misunderstanding of the requirement. The term "immediately" is not applied to notification to the Department. Instead, this section provides that a licensee may move cannabis or cannabis product immediately under certain circumstances, as long as the licensee notifies the Department within 24 hours of the movement.
99	Clarify that disaster relief does not waive statutory or local authority requirements.	Q-228	Accepted in part	This section establishes the types of requirements that may be waived and the process for requesting relief from the Department. The Department does not have authority to waive local authority requirements or statutory requirements. The text inadvertently included statutory requirements as those that could be waived; this has been amended in the final text.
§40184. Notification of Criminal Acts, Civil Judgements, and Revocation of Local License …				
100	Applicants should be required to self-report labor standard	Q-25 Q-399	Rejected	The requirement is already included in the proposed regulation.

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	enforcement type actions against them.			
101	Add language for Department to notify local licensing authority of any activities described in subdivisions (a)(b) or (d) of this section.	Q-82 Q-148 Q-151 Q-195	Rejected	MAUCRSA establishes a dual-licensing structure that provides local jurisdictions the authority to establish ordinances that could request these types of notifications by the licensee to the local jurisdiction.
102	Should require licensees to notify CDPH upon commencement of state or local disciplinary proceedings- not just when proceedings conclude with a license or permit revocation.	Q-228	Rejected	The Department has determined that notification should be given to the Department once a judgement has been rendered.
§40190. Definitions				
103	40190 Definitions (a) there is a need for language stipulating a shared-use facility operating several access-controlled common-use areas simultaneously.	Q-105 L-11 L-14	Rejected	The use of the facility is limited to one licensee at any given time, which is necessary to conform to the statutory requirement that a premises be occupied by only one licensee.

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104	40190*"Designated area"* – Shall be separated and enclosed- clarify that different "designated areas" should not exist in the same location in a way that could allow cross contamination.	Q-224	Rejected	Requiring designated areas to be separate and enclosed will create barriers to the creation of shared use spaces by making such spaces more difficult for primary licensees to establish.
105	CDPH should allow for people not directly involved in the manufacturing process at a shared-facility to have the opportunity to hold a license that would allow them to manage a shared facility.	Q-224	Rejected	The Department currently allows for this. Nothing in the existing regulations requires a primary licensee to also manufacture their own products.
106	Current regulations do not define the term equipment. There are certain equipment that should not be shared. Include examples of equipment that can be shared.	Q-224	Rejected	The type of manufacturing equipment used in the cannabis industry is expansive – to develop such a list would either be too long to be meaningful or too limiting to the industry. To address health and safety concerns such as adulteration and contamination, the Department requires licenses to provide a quality control plan and utilize good manufacturing practices.
§40191. Type S License				
107	Supports increasing threshold for Type S gross receipts to $1 million	Q-302 Q-344 Q-345	Noted	The Department thanks the commenter for their submission. No modifications to the text are requested, so no further response is required.
108	Type S should be tiered as a regular license- Should not be required to move in order to continue to grow. Does not want revenue capped at $1 million	Q-174 Q-300	Rejected	The Department increased the cap from $500,000 to $1 million based on feedback from the regulated industry that this threshold was too low given the limitations cannabis businesses face in availability of locations. Removing the revenue cap altogether could have the unintended consequence of further limiting the ability of small businesses to access shared-use facilities, as they will face competition for access to a limited number of facilities with a larger pool of businesses. The

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				shared-use concept is intended to help small businesses to participate in the cannabis market with the high upfront costs of establishing a manufacturing facility; however, as a business grows in size, it can reasonably be expected to operate its own facility.
109	Request to remove $1,000,000.00 cap on any business in a shared cannabis manufacturing kitchen.	Q-91 Q-93 Q-163 Q-189 Q-194 Q-261 Q-262 Q-263 Q-267 Q-316 Q-329 L-5	Rejected	The Department increased the cap from $500,000 to $1 million based on feedback from the regulated industry that this threshold was too low given the limitations cannabis businesses face in terms of availability of locations. Removing the revenue cap altogether could have the unintended consequence of further limiting the ability of small businesses to access shared-use facilities, as they will face competition for access to a limited number of facilities with a larger pool of businesses. The shared-use concept was intended to help small businesses an opportunity to participate in the cannabis market with the high upfront costs of establishing a manufacturing facility; however, as a business grows in size, it can reasonably be expected to operate its own facility.
110	Tier III Manufacturing License has fee of $15k with annual revenue capped at 1.5million. Type S has 1million cap but same $15 fee. Request to increase cap on Type S to $1.5 million or lower fee accordingly.	Q-66 Q-67 Q-115 Q-139 Q-145 Q-147 Q-149 Q-156 Q-160 Q-164 Q-171 Q-178	Rejected	The current fee structures takes into account that Type S licensees are not responsible for overhead and other associated costs borne by other Tier III licensees.

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		Q-277 Q-283 Q-382 Q-383 L-11 L-14		
111	Allow Type 6 Licenses in S Type Shared Kitchens so Ethanol may be used	Q-43 Q-120 Q-127 Q-150 Q-152 Q-163 Q-175 Q-177 Q-179 Q-180 Q-181 Q-189 Q-194 Q-196 Q-199 Q-262 Q-261 Q-316 Q-310 Q-360 Q-361 Q-367 Q-381 Q-389 Q-396	Rejected	Extraction activities present a greater public safety risk than infusion activities because of risk of explosion. A shared use facility also provides greater potential public safety risks than a facility use solely by a single licensee. In order to mitigate the potential threat posed by extraction operations, the Department has limited the types of activities that can be conducted by a Type S licensee. The Department would note that a Type 6 licensee may share the infusion portions of the premises with Type S licensees; the Type S licensee just cannot conduct Type 6 activities.

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		L-2		
112	Allow Type “S” to do Extractions	Q-43	Rejected	Extraction activities present a greater public safety risk than infusion activities because of risk of explosion. A shared use facility also provides greater potential public safety risks than a facility use solely by a single licensee. In order to mitigate the potential threat posed by extraction operations, the Department has limited the types of activities that can be conducted by a Type S licensee. Type S licensees can do extractions with butter or food-grade oils.
113	Allow Type “S” to conduct Ethanol Extractions under “N” License.	Q-196 Q-367	Rejected	Extraction activities present a greater public safety risk than infusion activities because of risk of explosion. A shared use facility also provides greater potential public safety risks than a facility use solely by a single licensee. In order to mitigate the potential threat posed by extraction operations, the Department has limited the types of activities that can be conducted by a Type S licensee.
§40194. Shared-Use Facility Conditions of Operation				
114	It’s limited to one shared-use facility on the premises. That seems a bit unnecessary. If the premises can handle it and there -- you know, if you want to add on additional regulations to it, I think a facility should be able to have more than one shared-use facility on the premises, especially for S Type licenses.	H3-1	Rejected	The proposed regulations do not limit a shared-use facility to only one Type S licensee, nor does it limit the number of licensed shared-use premises at a single location. The use of the shared use facility is limited to one Type S licensee at any given time, which is necessary to conform to the statutory requirement that a premises be occupied by only one licensee.
115	Allow more than one type S License on premises.	Q-91 Q-93	Rejected	The proposed regulations do not limit a shared-use facility to only one Type S licensee. The use of the facility is limited to one licensee at any given time, which is necessary to conform to the statutory requirement that a premises be occupied by only one licensee.

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116	Requests modifications to 40194 (c) …a common-use area shall be occupied by only one license at a time by restricting the time period that each licensee may use *any one* common-use area."	Q-174 Q-256 Q-271 Q-300	Rejected	The use of the facility is limited to one licensee at any given time, which is necessary to conform to the statutory requirement that a premises be occupied by only one licensee.
117	Requests modifications to 40194 (g): *The license of the Type S-licensee currently manufacturing in a common-use areas* shall be prominently posted near entrance of said common-use area."	Q-174 Q-256 Q-271 Q-300	Rejected	The use of the facility is limited to one Type S licensee at any given time, which is necessary to conform to the statutory requirement that a premises be occupied by only one licensee.
118	Type S- Allow accessibility to designated storage area at all times. Licensees need to be able to access their designated storage areas for the purpose of distributor transfers, or sampling events if they hold a distribution license.	Q-115	Rejected	A premises cannot be occupied by multiple licensees at the same time. A Type S licensee will need to create the appropriate contractual agreements with the primary licensee in order to be able to access the premises according to their needs.
119	Licensees need to be able to access their storage areas for the purpose of doing distributor transfers, without passing through a common-use area in use by another licensee.	L-11 L-14	Rejected	A premises cannot be occupied by multiple licensees at the same time. A Type S licensee will need to create the appropriate contractual agreements with the primary licensee in order to be able to access the premises according to their needs.
120	Opposed to allowing multiple licensees on one site, and urge	Q-278	Rejected	The Department acknowledges the concern, and has developed stringent requirements to mitigate potential public health threats.

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	the department to be very cautious using this authority.			
§40196 Shared-Use Facility Compliance Requirements				
121	Amend 40190(e) [definition of "use agreement] to delete the requirement that the use agreement include the days and hours in the Type S licensee is assigned to use the common-use area; and strike 40196 (c). A rigid pre-arranged occupancy scheduling and noticing requirements cause undue burden to Type S Licensees.	Q-60 Q-66 Q-67 Q-115 Q-139 Q-145 Q-147 Q-149 Q-156 Q-160 Q-164 Q-171 Q-176 Q-178 Q-182 Q-277 Q-283 Q-285 Q-329 Q-331 Q-350 Q-382	Rejected	A defined schedule is a critical piece of Department oversight and is necessary to protect public health and safety. The Department must be able to determine which licensee is located at the facility at any given time, especially in cases where an investigation into potential product contamination must occur.

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		L-11 L-14		
122	40192 (d) Type S- Amend language to remove the requirement to notify the Department of the Type S licensee's schedule. Unreasonable to conform to set in stone prearranged schedules.	Q-174 Q-256 Q-300	Rejected	A defined schedule is a critical piece of Department oversight and is necessary to protect public health and safety. The Department must be able to determine which licensee is located at the facility at any given time, especially in cases where an investigation into potential product contamination must occur.
§40205 Video Surveillance				
123	In section 40205 Video Surveillance- Reinstate subdivisions (b) and (f) that were deleted in the July 13, 2018 version.	Q-82 Q-148 Q-151 Q-195	Rejected	Prior subsection (b) was deleted because the Department maintains that remote access does not present a sufficient enough increase in public safety to outweigh the increased cost to the licensee to establish and maintain remote access. Prior subsection (f) was not deleted.
124	Amend 40205 to exempt locally-approved cottage edibles manufacturers from video surveillance requirements. Security measures, for smaller operations, should be approved by the local jurisdiction to be adequate, reasonable, and site-specific for their constituents and not impose an undue burden on the applicant.	Q-115	Rejected	The requirements established by the Department in this regulatory proposal are those the Department deems necessary for public health and safety protection and to conform to statutory requirements. The Department has the ultimate responsibility, under BPC Section 26011.5, to protect public safety.

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125	Change minimum speed of 15 frames per second to minimum of 10 frames per second.	Q-115 Q-136 Q-141 Q-142 H3-1	Rejected	The Department asserts that a minimum speed of 15 frames per second is necessary so that recordings are sufficiently viewable, as described in the Initial Statement of Reasons.
126	Change minimum recording days to be kept from 90 down to 60.	Q-115 Q-136 Q-141 Q-142 Q-257 Q-313 Q-337 L-22 H3-1 H3-10	Rejected	As described in the Initial Statement of Reasons, the Department has determined that 90 days is the necessary retention period to best protect public safety.
127	Change minimum recording days to be kept from 90 down to 15.	Q-17 H3-15	Rejected	Fifteen days is an insufficient amount of time to keep surveillance recordings. Licensees are only required to conduct inventory reconciliation every 30 days. If the retention time was reduced to 15 days, the recordings would not serve their public safety purpose in cases of internal or Department investigations.
128	40205 (i) Recommend amending section to clarify that it applies to licensees in buildings that are shared by more than one independently owned licensee. Doesn't make sense when	Q-84 Q-157 Q-198 Q-210	Rejected	The Department asserts that this section is clearly addressing premises owned by independent businesses in the same facility and that no further modifications are necessary.

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	multiple licensees under single owner share the same building.			
129	Lower the pixel requirement for cameras	H3-10	Rejected	The Department maintains that 1280x720 pixel requirement is the minimum necessary to ensure the recording is sufficiently viewable, as described in the Initial Statement of Reasons.
130	Allow motion detection system for recording in place of 24 hr. video	Q-402	Rejected	Motion sensor video cameras do not provide the same level of public safety protection as continuously recording video. If an investigation is needed, it is critical that the Department be able to review the recordings and be confident that the activity was all captured on video.
131	Support requirements for video surveillance	Q-278	Noted	The Department thanks the commenter for their submission. No modifications to the text are requested, so no further response is required.
132	Provide clarity about the types of digital storage solutions that would be acceptable. Any video that allows for playback of otherwise compliant video footage should be sufficient, in order to allow for such advanced data storage solutions.	Q-272	Rejected	The Department has chosen not to further specify digital storage solutions, as technology can change more rapidly than regulations. Any system that allows the licensee to meet all applicable requirements will be sufficient.
133	Amend Section (G) to allow exclusively cloud based surveillance systems.	Q-257 Q-337 L-22	Rejected	Nothing in the proposed regulations prohibits cloud based storage systems.
§40207. Notification of Theft, Loss, or Diversion				
134	Support requirements for immediate notification of law enforcement in the event of loss or theft.	Q-278	Noted	The Department thanks the commenter for their submission. No modifications to the text are requested, so no further response is required.

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§40220. Permissible Extractions				
135	Supports the Department's list of permissible extractions, and requirements for nonhydrocarbon-based solvents to be food grade.	Q-278	Noted	The Department thanks the commenter for their submission. No modifications to the text are requested, so no further response is required.
§40223. Ethanol Extractions				
136	And I'd like to address section 40223, ethanol extractions. We ask that there be amended language to have the phrase, "Except for manufactured topicals", to be added to this reg. The use of ethanol – or food grade ethanol makes no economic sense as a final ingredient for a topical. Topicals are not eaten. They're not inhaled. They're applied to the body topically. That's all I'm going to say about what impacts our company.	Q-314 H3-5 Q-211	Rejected	This section addresses the use of ethanol in extractions or in post-extraction processing of cannabis oil, not the creation of topical products through infusion. Extractions and post-extraction processing must be done with food grade ethanol because the resulting oil may end up in products that are ingested. A topical product may use another grade of ethanol
§40230. Manufacturing Practices Definitions				
137	Reference CFR definition for the use of "sanitize"	Q-224	Rejected	The Department has duplicated the definition of "sanitize" from the Code of Federal Regulations, rather than reference it.
138	Rather than prescribing specific measures, adopt the use of terms such as "adequate,"	Q-128	Rejected	"Adequate," "sufficient," "suitable," and similar terms do not provide enough clarity to the regulated industry to understand the expected requirements. Instead, the Department has chosen to rely on the California Health and Safety Code

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	"sufficient," and "suitable" (used in USFDA GMPs)			whenever possible, to provide more specific guidance to manufacturers while still ensuring safe cannabis products.
§40232. Requirements for Personnel (Renumbered to 40246 in final text)				
139	Provide local Health Officer Authority to exclude sick or ill employees from premises.	Q-88 Q-169	Rejected	MAUCRSA establishes a dual-licensing structure that provides local jurisdictions the authority to establish ordinances that meet the needs of their specific locality. A licensee must comply with all applicable local ordinances.
140	Supports the establishment of written procedures to ensure disease control and cleanliness.	Q-278	Noted	The Department thanks the commenter for their submission. No modifications to the text are requested, so no further response is required.
141	Regulations should mirror requirements in Retail Food Code for sick employees.	Q-224	Accepted	The text has been modified to mirror requirements in the Health and Safety Code.
§40234. Grounds (Renumbered to 40240 in final text)				
142	Use "vegetation" instead of "cutting weeds or grass" as it covers all plants.	Q-224	Accepted	The text has been modified to also refer to "vegetation." See Section 40240(a)(2)
143	Supports the requirement for premises to be maintained in a manner to prevent cannabis products from being adulterated, as well as requirements for the cleaning and sanitation of utensils and equipment.	Q-278	Noted	The Department thanks the commenter for their submission. No modifications to the text are requested, so no further response is required.
§40236. Premises Construction and Design (renumbered to 40240 in final text)				

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144	Provide definition of product component and outdoor bulk vessel to reduce confusion.	Q-224	Accepted in part	"Component" is already defined in BPC §40230(b). The reference to "outdoor bulk vessel" has been deleted in the modified text.
§40238. Sanitary Operations (renumbered to 40240 in final text)				
145	Reference CFR for approved sanitizing agents.	Q-224	Rejected	The text has been modified to reference Health and Safety Code requirements, not the Code of Federal Regulations as requested. However, the Department asserts that the modification addresses the concern addressed in this comment.
146	Provide a list of approved pesticides or references	Q-224	Rejected	The text has been modified to reference Health and Safety Code requirements, not the Code of Federal Regulations as requested. However, the Department asserts that the modification addresses the concern addressed in this comment.
§40252. Quality of Raw Materials (renumbered to 40248 in the final text)				
147	Quality of Raw Materials and Ingredients should include the term "safety" to refocus the regulation on public health.	Q-224	Rejected	The definition of "product quality" includes product safety; the requested modification is not necessary.
148	Supports tying cannabis regulations to existing safety guidelines such as the Sherman Food, Drug, and Cosmetic Act, and limits set by the federal Food and Drug Administration.	Q-278	Noted	The Department thanks the commenter for their submission. No modifications to the text are requested, so no further response is required.
149	Focus should be on public health, instead of product preservation- add "to minimize the potential growth of microorganisms" to 40252(a).	Q-224	Rejected	The requested modification is already covered in other provisions of Section 40248

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150	40252 (b) Add “potable” to mandate water used to wash materials must be potable.	Q-224	Accepted in part	The modified text includes the requested modification. See Section 40248(b)(2)
§40254. Manufacturing Operations				
151	40254(h)(2) Delete- eliminating this provision in regulations removes the possibility of using adulterated materials.	Q-224	Accepted	The regulatory provision addressed in this comment was not included in the restructured, modified text.
152	Supports provisions to protect against allergen cross-contact and contamination.	Q-278	Noted	The Department thanks the commenter for their submission. No modifications to the text are requested, so no further response is required.
§40256. Hazard Analysis (renumbered to 40253 in the final text)				
153	Supports requirements for licensees to conduct a hazard analysis.	Q-278	Noted	The Department thanks the commenter for their submission. No modifications to the text are requested, so no further response is required.
§40262. Master Manufacturing Protocol (Renumbered to 40255 in final text)				
154	40262- Add in language that allows local authorities to also have access to the Master manufacturing protocol.	Q-82 Q-224	Rejected	MAUCRSA establishes a dual-licensing structure that provides local jurisdictions the authority to establish ordinances that meet the needs of their specific locality. A licensee must comply with all applicable local ordinances, therefore it is not necessary for the Department to delegate authority in this matter.
155	Supports master manufacturing protocol and uniform distribution of THC.	Q-278	Noted	The Department thanks the commenter for their submission. No modifications to the text are requested, so no further response is required.
§40264. Batch Production Record (renumbered to 40258 in the final text)				

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156	Supports batch production recordkeeping.	Q-278	Noted	The Department thanks the commenter for their submission. No modifications to the text are requested, so no further response is required.
§40266. Product Complaints				
157	The health officers support the requirement that each licensee have a procedure for a "qualified individual" to evaluate all complaints, perform an investigation, and recommend follow up action.	Q-278	Noted	The Department thanks the commenter for their submission. No modifications to the text are requested, so no further response is required.
158	We request a requirement that the licensee notify CDPH immediately if their investigation reveals any concern with the quality, safety, or packaging of product.	Q-278	Rejected	The licensee is required to notify the Department if the concern rises to the level of triggering a recall. It would be overly burdensome on the licensee and the Department to require notification for each instance that the licensee can resolve without recalling the product in question.
§40268. Recalls (Renumbered to 40295 in final text)				
159	Section 40268 (d) (2) indicates that recalled cannabis products shall be rendered unusable and unrecognizable and disposed. A manner for rendering the product unusable and unrecognizable should be prescribed.	Q-24 Q-40	Rejected	Prescribing a specific manner for rendering the product unusable and unrecognizable is unnecessary. Each licensee should determine the method to meet the requirement because different products will require different methods, and there will always be multiple ways to make a product unusable and unrecognizable.
160	Add in an explicit requirement by the licensee to abide by recalls initiated by the local licensing authority. In addition, Section	Q-82 Q-88 Q-169	Rejected	There is no need to specifically define "recall" at this time. "Recall" is a commonly understood term. Furthermore, MAUCRSA gives the authority to conduct recalls to the Department.

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	40100 should be amended to include a definition of "recall."			
161	The proposed regulations fail to establish a clear process on how product recalls will be initiated and coordinated. To ensure that the health and safety of consumers is adequately protected, it is imperative that the local health departments be granted the authority to initiate recalls of cannabis products upon determining that they pose an immediate risk.	Q-224	Rejected	MAUCRSA gives the authority to conduct recalls to the Department. The process and coordination of recalls will be determined on a case-by-case basis, dependent on the type of product and situation necessitating the recall. To the extent that regulations are needed in the future to implement a process of general applicability, the Department will promulgate regulations.
§40277. Weights and Measures				
162	40277 (a) Requirements on usage of accurate devices should be more stringent-suggested changes align with changes already adopted and/or proposed by the California Agricultural Commissioners and Sealers Association.	Q-224	Rejected	The proposed regulations were developed in coordination with CalCannabis and the requirements of statute.
163	40277 (c) More specificity should be added to offer guidance and clarity and reduce any confusion and simplify implementation of the law for local and state authorities.	Q-224	Rejected	The comment does not include specific suggestions for guidance and clarity for the Department to make any modifications.

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§40280. Training Program				
164	Narrow training to job-specific training only.	Q-23 Q-163 Q-194 Q-316 Q-395	Rejected	The Department has established a minimum set of training requirements that all employees must receive, regardless of their specific job duties, to ensure workplace safety. It is important that all employees receive knowledge about potential health and safety hazards at the worksite and the proper response in case of an emergency. Proper security protocols impact all employees and if the protocols not followed correctly, an employee could risk the safety of their coworkers. It is also important for all employees to understand the types of records that must be kept so that records do not get unknowingly destroyed. Other requirements are specific only to those who engage in actual manufacturing of cannabis products.
165	HOAC supports strong safety training for employees in cannabis businesses in order to protect against product contamination. For this reason, we support the requirement that all employees handling cannabis edibles complete a food handler certificate course.	Q-278	Noted	The Department thanks the commenter for their submission. No modifications to the text are requested, so no further response is required.
§40282. Inventory Control—Cannabis and Cannabis Products				
166	(d) If the inventory reconciliation conducted pursuant to subsection (b) or the audit conducted pursuant to subsection (c) reveals a discrepancy that is more than five percent of the documented inventory, the licensee shall	Q-17	Rejected	The Department needs to be made aware of potential theft or diversion of cannabis or cannabis product and does not believe that 24 hours after completion of inventory reconciliation is an unreasonable requirement.

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	notify the Department within ~~24~~ 72 hours of the discovery.			
§40290. Waste Management				
167	Commenter is requesting third party alternative solution to dispose of waste.	Q-39 Q-42 Q-109	Rejected	The Department does not prohibit third-party cannabis waste haulers, nor does the Department advocate one type of waste disposal service over another, provided that the waste service meets all applicable state and local laws.
168	Recommendation that the Department allow destruction of pre-filled vaporizer cartridges with the concentrate inside the cartridge.	Q-104	Accepted	The text has been modified to clarify that cartridges do not need to be drained prior to disposal. See Section 40290(c).
169	Request to carve out exemption for vape cartridges in the Departments definition of packaging to clearly indicate vaporizer cartridges are not considered packaging. This approach will not require pre-filled vaporizer cartridges to be drained of concentrate prior to disposal.	Q-104	Accepted in part	Although the specific recommendation on how to clarify the requirement was not accepted, the Department has modified the text to clarify that cartridges do not need to be drained prior to disposal. See Section 40290(c).
170	Request to not require any type of waste weight ticket upon pickup or delivery of waste	Q-60 Q-101	Accepted	The text has been modified to remove this requirement for manufacturers subscribed to a waste collection service and to only require a licensee who self-hauls waste to maintain a receipt or weight ticket.
171	Department should specify appropriate destruction methods for pre-filled cartridges. Chip and grind facilities seem most	Q-104	Rejected	The Department does not require one type of waste disposal over another, provided that the waste service meets all applicable state and local laws.

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	appropriate as operators of machinery have adequate safety training.			
172	Regulations should require the licensee to destroy cannabis waste prior to collection in a way that still allows it to be recycled.	Q-60 Q-101	Rejected	The proposed regulations allow licensees to destroy cannabis waste in a manner that is applicable to their product and in accordance with state and local law. If the licensee wishes to recycle their waste, that option is open to them.
173	Some jurisdictions combine cannabis waste with other refuse so requiring it to be made unrecognizable needs to be reworked in regulations.	Q-60	Rejected	Nothing in the proposed regulations would prohibit cannabis waste from being combined with other refuse.
174	Noticeably lacking in the regulations is a maximum storage time for cannabis waste on a licensed premises. Propose adding “generators may not accumulate cannabis waste for more than a 30-day period. This will deter generators from stockpiling cannabis waste and ensure timely disposal and reporting.	Q-42 Q-112 Q-342	Rejected	Further regulatory provisions prohibit waste from being stored or disposed of in a manner that could result in product contamination, such as accumulating in a manner that attracts pests. It is more protective of public health to proactively ensure that the potential for contamination does not arise, rather than set an arbitrary deadline on the maximum storage time for waste. There are many types of waste and storage situations in which 30 days of storage onsite would create public health threats.
175	Creates conflict with local waste hauling authority, which are allowed to create the details of waste hauling services in their jurisdiction.	Q-60	Rejected	Subsection (a) requires waste to be disposed of in accordance with all applicable state and local laws.

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176	Support 40290 (b), but suggests provision to require licensees to always maintain cannabis waste in a secured area on the premises, inaccessible to the public, even when the material is awaiting collection.	Q-101	Noted	The regulation already requires waste to be securely stored.
177	Supports 40290 (c) that requires cannabis waste to be unrecognizable and unusable as cannabis or cannabis products prior to collection by a third party waste hauler. However if they are rendered unrecognizable and unusable than these extra precautions regarding the collection and transport of cannabis waste are unnecessary.	Q-101	Rejected	The proposed regulations are the minimum standards that the Department has deemed necessary to protect public health and safety.
178	Regulations treat cannabis waste like hazardous waste rather than organic waste. Third party hauler documentation requirements in 40290 (e) are similar to hazardous waste requirements. To put these extra requirements on organic waste would conflict with PRC 40059 and the local government's authority to decide how organic	Q-101	Accepted	The subsection has been modified to clarify that cannabis waste may be collected as organic waste and to remove the requirement for a weight ticket.

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	waste is handled in its jurisdiction and what it will cost.			
179	We recommend that further input be considered via consultation with waste management experts such as CalRecycle and the California Conference of Directors of Environmental Health.	Q-278	Noted	The Department thanks the commenter for their submission. No modifications to the text are requested, so no further response is required.
§40300. Prohibited Products				
180	Allow Seafood products purchased from a licensed products plant or retail location that is subsequently infused or mixed with cannabis to be sold as a cannabis product.	Q-44 Q-229	Rejected	Seafood products pose an increased public health threat due to the high potential for contamination. In order to mitigate the risk of foodborne illness from seafood products, the Department has prohibited the creation of such products.
181	Allow use of Caffeine in Topicals.	Q-59 Q-249	Rejected	Caffeine can be used in topical products, provided that the caffeine is naturally occurring in the product ingredient.
182	Legalization of cannabis does not require legalization of every conceivable formulation of cannabis. Recommendation to not allow manufacture of certain products with strong evidence for increased public health risk or attraction to youth.	Q-143 Q-319 Q-320	Rejected	The Department has prohibited products that present a higher public health risk due to the increased potential for foodborne illnesses and those that could appeal to children through the shape of the product. The Department also has the authority to decide on a case-by-case basis that a product should not be allowed because it is designed to be attractive to children.

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183	Prohibit infused pre-rolls and flavor additives- if allowed, mandate appropriate method of reporting THC.	Q-12 Q-143 Q-319 Q-320 Q-346	Rejected	The Department has determined that it is not necessary to prohibit infused pre-rolls. Other regulatory provisions provide for the listing of the cannabinoid content.
184	Prohibit the addition of menthol and other characterizing flavors in non-topical and non-edible products	Q-12 Q-143 Q-319 Q-320 Q-346	Rejected	The Department can use its existing authority to determine if specific products are intended to be attractive to minors on a case-by-case basis.
185	Expand prohibition on Caffeine to Include naturally derived sources	Q-12 Q-143 Q-319 Q-320 Q-346	Rejected	Caffeine occurs naturally in several sources, including coffee, tea, and chocolate. A prohibition on these products would be an excessive restriction on consumers.
186	Need guidance on combining multiple naturally occurring products.	Q-100 Q-273	Rejected	The proposed regulations do not prohibit combining ingredients that each contain naturally-occurring caffeine.
187	Allow for the combination of cannabis infused products that contain caffeine, such as chocolate, with non-cannabis products that contain caffeine.	Q-81	Rejected	The proposed regulations do not prohibit combining ingredients that each contain naturally-occurring caffeine.
188	Supports 40300 (c), but recommends removing exceptions for beverages and	Q-88 Q-169	Rejected	The Department maintains that the requirement to manufacture beverages according to the requirements of 21 Code of Federal Regulations, Part 120 will

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	juices that need to be refrigerated post manufacturing due to microbial growths at retail.			address the commenters concern and that the proposed regulatory provisions are sufficiently protective of public health.
189	Prohibit cannabis infused beverages	Q-143 Q-319 Q-320	Rejected	A prohibition on beverages would be an unreasonable restriction on consumers.
190	Amend 40300 to only apply to an "ingestible product" so that prohibitions on alcohol and naturally occurring ingredients do not apply to topicals.	Q-257 Q-313 L-22	Rejected	The prohibition on alcohol is this section is specific to alcoholic beverages. If the product is not an alcoholic beverage, the prohibition will not apply. There is no prohibition on naturally occurring caffeine, regardless of the product type.
191	Commenter makes macarons and lemon meringue pies and would like to remove the section of regulations that banned milk or milks products, pies, and pastries.	L-15	Rejected	Businesses are not prohibited from making pies, provided those pies can be made shelf-stable. Products that require refrigeration to maintain their safety pose a public health threat.
192	HOAC continues to support prohibitions against products infused with nicotine, caffeine, or alcohol. We also support prohibitions against products containing any non-cannabinoid additives to increase potency or addictive potential. HOAC supports the prohibition on adding cannabis to commercially available food and snacks. In addition, we would like to ensure	Q-278	Noted	The Department thanks the commenter for their submission. No modifications to the text are requested, so no further response is required.

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	that cannabis is not infused into any product that would otherwise classify as a potentially hazardous food.			
§40305. Requirements for Edible Cannabis Products.				
193	Delete FDA approved products or create exemption for hemp products.	Q-84 Q-157 Q-198 Q-210	Rejected	Cannabis products may contain CBD derived from cannabis. Proposition 64 specifically excluded industrial hemp and its derivatives from the cannabis regulatory structure. Consequently, using cannabinoids acquired from outside of the regulated structure presents a risk of inversion of illicit cannabis product into the legal market and threatens the integrity of the track-and-trace system. In order to protect the highly regulated nature of the cannabis market, all cannabinoids must be acquired from licensed sources.
194	Allow the usage of hemp and its derivatives if specified criteria are met.	Q-104	Rejected	Cannabis products may contain CBD derived from cannabis. Proposition 64 specifically excluded industrial hemp and its derivatives from the cannabis regulatory structure. Consequently, using cannabinoids acquired from outside of the regulated structure presents a risk of inversion of illicit cannabis product into the legal market and threatens the integrity of the track-and-trace system. In order to protect the highly regulated nature of the cannabis market, all cannabinoids must be acquired from licensed sources.
195	Commenter recommends the CDPH allow manufactures to use domestic produced hemp derived CBD as in ingredient in edible and vaporizer products.	Q-96 Q-99 Q-191 Q-192 Q-221	Rejected	Cannabis products may contain CBD derived from cannabis. Proposition 64 specifically excluded industrial hemp and its derivatives from the cannabis regulatory structure. Consequently, using cannabinoids acquired from outside of the regulated structure presents a risk of inversion of illicit cannabis product into the legal market and threatens the integrity of the track-and-trace system. In order to protect the highly regulated nature of the cannabis market, all cannabinoids must be acquired from licensed sources.
196	Request that CDPH follow the BCC and strike the requirements for homogeneity in edibles.	Q-226 Q-272	Rejected	BPC §26130(c)(4) requires that edible products be homogenized. Even if CDPH deleted the requirement from regulations, licensees would still be responsible for ensuring a homogenized product under the statutory requirements.

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		Q-329		
§40306 Requirements for Topical Cannabis Products				
197	Delete FDA approved products or create exemption for hemp products.	Q-84 Q-157 Q-198 Q-210	Rejected	Cannabis products may contain CBD derived from cannabis. Proposition 64 specifically excluded industrial hemp and its derivatives from the cannabis regulatory structure. Consequently, using cannabinoids acquired from outside of the regulated structure presents a risk of inversion of illicit cannabis product into the legal market and threatens the integrity of the track-and-trace system. In order to protect the highly regulated nature of the cannabis market, all cannabinoids must be acquired from licensed sources.
§40308 Tinctures and Products Containing Alcohol				
198	Topicals should not be subject to Tincture requirements (size and alcohol limits)	Q-104 Q-337 Q-336	Accepted	Section 40308 has been modified to clarify that only orally-consumed products are subject to the 2 oz restriction.
199	A mechanical spray top should be an acceptable measuring device for a topical with an ethanol carrier.	Q-128	Accepted in part	Rather than make the specific recommended change, Section 40308 has been modified to clarify that only orally-consumed products are subject to the 2 oz restriction.
200	Since the product will be sold as a topical (and not a tincture) a 4 oz. bottle should be acceptable.	Q-128	Accepted in part	Rather than make the specific recommended change, Section 40308 has been modified to clarify that only orally-consumed products are subject to the 2 oz restriction.
201	40300 and 40308 are ambiguous and fail to encompass other products that have been safely sold and consumed in other states, such as Kombucha. 2 fluid ounce dropper or similar device are nonsensical based on traditional consumption of	Q-81	Rejected	Kombucha is not prohibited, provided that it is less than 0.5% alcohol by volume

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	Kombucha and similar beverages.			
202	Revise 40308 to clarify that the section applies only to cannabis products containing non-denatured alcohol. "Alcohol" refers to a broad category of substances, many of which are extremely beneficial.	Q-104	Accepted in part	Rather than make the specific recommended change, Section 40308 has been modified to clarify that only orally-consumed products are subject to the 2 oz restriction.
§40315. THC Concentration Limits				
203	Increase allowable THC limits across the board	Q-91 Q-93	Rejected	BPC §26130(c)(2) limits THC per serving in edible products to 10 milligrams.
204	As stated in the last regulatory comment period, the health officers continue to support the limit of 10 mg of THC per serving and 1000mg THC per package.	Q-278	Noted	The Department thanks the commenter for their submission. No modifications to the text are requested, so no further response is required.
205	Recommends the Department amend 40315 (a) to establish per package potency limits for medical and adult-use edible products. Wants higher THC limits for edibles in medicinal market.	Q-104	Rejected	As discussed in the Initial Statement of Reasons, the Department has sought to balance protecting public health and safety with consumer access. The Department considered public comments, the experience of other states that have proceeded California in the regulated market, and feedback from local authorities when setting the THC limits.
206	Allow sales of higher doses of THC than 100mg per package for edibles	Q-1 Q-5 Q-6 Q-38	Rejected	As discussed in the Initial Statement of Reasons, the Department has made a policy decision to limit edible to 100 mg THC per package, regardless of the market. In order to protect public health and safety, the Department maintains that

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		Q-41 Q-107 Q-110 Q-258 Q-283 Q-111		it is appropriate to limit edibles – which can be more attractive to children and easier to mistake for a non-infused product – to 100 mg of THC per package.
207	Allow edibles in 250 and 500 mg for medicinal market.	Q-286	Rejected	As discussed in the Initial Statement of Reasons, the Department has sought to balance protecting public health and safety with consumer access. The Department considered public comments, the experience of other states that have proceeded California in the regulated market, and feedback from local authorities when setting the THC limits. In order to protect public health and safety, the Department maintains that it is appropriate to limit edibles – which can be more attractive to children and easier to mistake for a non-infused product – to 100 mg of THC per package.
208	I don't see why there's any reason why the medicinal edibles cannot be 50 milligrams of THC per serving, and 500 milligrams per product to allow people who have real conditions to get the medicine that they really need.	H3-4	Rejected	BPC §26130(c)(2) limits THC per serving in edible products to 10 milligrams, with no distinction made between adult use and medicinal products. The Department's regulations implement this statutory requirement. In order to protect public health and safety, the Department maintains that it is appropriate to limit edibles – which can be more attractive to children and easier to mistake for a non-infused product – to 100 mg of THC per package.
209	Request to amend 40315(a) to establish distinct per package potency limits for medical and adult-use edible products. Medical products should have substantially higher per package potency limits to accommodate	Q-405 Q-104	Rejected	As discussed in the Initial Statement of Reasons, the Department has sought to balance protecting public health and safety with consumer access. The Department considered public comments, the experience of other states that have proceeded California in the regulated market, and feedback from local authorities when setting the THC limits. In order to protect public health and safety, the Department maintains that it is appropriate to limit edibles – which can be more

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	patients with cancer and other conditions that typically require higher THC levels for symptom relief.			attractive to children and easier to mistake for a non-infused product – to 100 mg of THC per package.
210	Allow edibles for adult market to be 200 mg per package- 25 mg per serving and 500 mg for medical market- 50 mg per serving.	Q-22	Rejected	BPC §26130(c)(2) limits THC per serving in edible products to 10 milligrams. As discussed in the Initial Statement of Reasons, the Department has sought to balance protecting public health and safety with consumer access. The Department considered public comments, the experience of other states that have proceeded California in the regulated market, and feedback from local authorities when setting the THC limits. In order to protect public health and safety, the Department maintains that it is appropriate to limit edibles – which can be more attractive to children and easier to mistake for a non-infused product – to 100 mg of THC per package.
211	Edibles being at the 10 milligrams has been a big issue. Diabetes comes up a lot more often. And I know obesity has been a big problem as well. And trying to stuff all these edibles down people's throats when they need higher dosages kind of gives more of a roadway to go down that path. And I feel like giving people on the medicinal side the ability to have the 50 milligrams in one kind of dosage is pretty vital for people, especially, I know cancer has brought up. But in a more like narrow issue, diabetes is really	H3-12	Rejected	BPC §26130(c)(2) limits THC per serving in edible products to 10 milligrams.

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	big, especially when they're -- there's not many options for sugar-free or more like savory, whatever you might call it. And if there is, they tend to be more expensive, and that kind of defeats the whole purpose			
212	Requesting **Adult** in addition to Medical use of Orally Dissolving Edibles to be increased to 500mg per package	Q-38 Q-41 Q-87 Q-89 Q-90 Q-107 Q-110 Q-111 Q-132 Q-133 Q-172 Q-205 Q-206 Q-207 Q-208 Q-209 Q-386 Q-387 Q-388	Rejected	In order to protect public health and safety, the Department has limited the higher THC per package allowance to medicinal products only. The greater the number of products on the market with higher THC levels, the greater the risk of unintentional overconsumption.

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213	Requests that medical orally dissolving maximum to be increased to 1000 mg	Q-301	Rejected	As discussed in the Initial Statement of Reasons, the Department has sought to balance protecting public health and safety with consumer access. The Department considered public comments, the experience of other states that have proceeded California in the regulated market, and feedback from local authorities when setting the THC limits. In order to protect public health and safety, the Department maintains that it is appropriate to limit edibles – which can be more attractive to children and easier to mistake for a non-infused product – to 100 mg of THC per package.
214	Increase the limit of THC in concentrates from 1,000 mg per package to 2,000 mg per package in adult-use products, and from 2,000 mg per package to 4,000 mg per package in the medicinal market.	Q-17 Q-66 Q-67 Q-139 Q-145 Q-147 Q-149 Q-160 Q-156 Q-164 Q-171 Q-178 Q-277	Rejected	As discussed in the Initial Statement of Reasons, the Department has sought to balance protecting public health and safety with consumer access. The Department considered public comments, the experience of other states that have proceeded California in the regulated market, and feedback from local authorities when setting the THC limits.
215	Adopt Advisory Council's recs on THC limits increases	Q-331 Q-350	Rejected	As discussed in the Initial Statement of Reasons, the Department has sought to balance protecting public health and safety with consumer access. The Department considered public comments, the experience of other states that have proceeded California in the regulated market, and feedback from local authorities when setting the THC limits.

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216	Increase THC limits for medical patients to 4000mg, but keep the 1000mg limit for adult-use.	Q-359 Q-362	Rejected	As discussed in the Initial Statement of Reasons, the Department has sought to balance protecting public health and safety with consumer access. The Department considered public comments, the experience of other states that have proceeded California in the regulated market, and feedback from local authorities when setting the THC limits.
217	Set lower THC limits for concentrates and other products likely to be accidentally consumed.	Q-143 Q-319 Q-320	Rejected	As discussed in the Initial Statement of Reasons, the Department has sought to balance protecting public health and safety with consumer access. The Department considered public comments, the experience of other states that have proceeded California in the regulated market, and feedback from local authorities when setting the THC limits.
218	Requesting unrestricted doses for Suppositories	Q-155 Q-214	Rejected	As discussed in the Initial Statement of Reasons, the Department has sought to balance protecting public health and safety with consumer access. The Department considered public comments, the experience of other states that have proceeded California in the regulated market, and feedback from local authorities when setting the THC limits.
219	THC and CBD must fall within the variance established by the Bureau. Should also include same language in 40315.	Q-57	Rejected	The variance established by the Bureau is related to product testing and it is not relevant to this section, which address limits of THC.
§40330. Failed Product Batches				
220	We're concerned about the regulations that require destroying product that do not make the grade at the first time. We think that those should be retested.	H3-7 Q-225 Q-230	Rejected	The determination as to whether retesting is allowed is under the purview of the Bureau of Cannabis Control. The Department does not have the authority to allow retesting. Not all manufactured products have to be destroyed after the first testing failure unless remediating the product constitutes a public health risk or will not result in meeting other regulatory requirements. The Department will allow post testing labeling of cannabinoids which will alleviate label claim failures.
221	40330 (b)(e)(f) – Failed harvest batch- allow remediation at	Q-104	Rejected	The Department regulations do not require failed harvest batches to be turned into a new, manufactured form. The Bureau of Cannabis Control, not the Department,

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	either a manufacturing facility or distribution premises using methods that do not transform the batch into a new, manufactured form. Should be explicit in CDPH and Bureau regulations.			has authority to determine whether remediation can or cannot occur on a distributor's premises.
222	Define "reprocess" and "remediate" in a manner that distinguishes types of corrective actions: "Remediate" is defined to mean any corrective action authorized by the Bureau or MCSB, as applicable, in which a failed batch is subjected to established cannabis manufacturing processes, such as extraction, mixing, and infusion, to substantially reduce contaminants or otherwise correct a mandatory testing failure." "Reprocess" … one or more processes that are different from the established cultivation and manufacturing processes used to product the batch to destroy or substantially reduce contaminants or otherwise	Q-104 Q-405	Rejected	The Department does not distinguish between remediation that maintains the existing form of the product and remediation that changes the form of the product. There is no regulatory difference between the two actions; both are to address laboratory testing failures, need to be conducted by a manufacturer, and need to be approved by the Department.

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	correct a mandatory testing failure."			
223	Allow edibles to be remediated if they fail lab testing, including remelting infused chocolate.	Q-114 Q-159 Q-365	Rejected	Remediation of edible products provides opportunity for contamination to be introduced into the product. In order to protect public health and mitigate the potential for contamination, the Department has prohibited some forms of remediation for edible products.
224	Regulations do not address remediating unprocessed harvest batches. This should be allowed without turning them into a cannabis a product.	Q-114	Rejected	The Department regulations do not require failed harvest batches to be turned into a new, manufactured form.
225	Commenter does not support changes to 40330 that allow for remediation of failed products, as it prohibits failed product from being returned to cultivators. Suggest allowing cultivators to remediate until lab testing can be standardized.	Q-352	Rejected	The Department does not have the authority to decide whether failed cannabis batches can be returned to the cultivator. CalCannabis has made that decision as the authority over cultivators.
226	Amend 40330 to clearly permit failed batches to either 1) be transported to a manufacturer for introductions or re-introductions into the manufacturing process for remediation purposes, or 2) subject to a treatment process, whether at the licensed distribution premises where the failed batch is held or at a	Q-405	Rejected	The Department regulations do not require failed batches to be turned into a new, manufactured form, just that they be remediated to address the testing failure. The regulations already allow certain remediation activities to take place at a licensed distributor or a manufacturer's licensed premises. All remediation plans must first be approved by the Department.

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	manufacturers' licensed premises, that does not involve extraction or any other normal manufacturing process and does not change the form of the batch.			
227	Commenter suggests that CDPH and CalCannabis work more closely together in creating Remediation plans for failed COAs on flower.	Q-365 Q-159	Rejected	The comment is not directed at specific regulatory provisions.
228	Allow distributors to relabel manufactured products, not just cannabinoids. Shouldn't have to send back for minor labeling errors.	Q-130	Rejected	"Labeling" is a manufacturing activity per BPC §26001(ah), and as such, needs to be conducted by a licensed manufacturer. Ultimately, the manufacturer is responsible for ensuring all labeling information is correct.
229	I am specifically looking at failed finished cannabis product batch, and in particular looking at E, C, and D, edible cannabis products that fail laboratory testing requirements shall not be remediated or reprocessed and shall be destroyed. So I will be submitting again support to hopefully help defining an edible versus a pharmaceutical dosage form, and the reasons why that is important as a distinction dealing with medication that includes cannabis.	H1-3	Accepted in part	Modifications to the text allow for repackaging of failed edible in certain circumstances. Although the specific requested modification was not accepted, the Department believes the modified text will address the concerns raised by this commenter.

#	COMMENT	ID#	STATUS	RESPONSE
230	Allow staff to purchase imperfect or rejected gummies—currently being destroyed-- At discount or wholesale- to patients or staff that can't afford to purchase at retail.	Q-275 Q-376	Rejected	The statute does not provide for manufacturers to sell directly to consumers.
231	Cut failed edibles down and give to those in need instead of destroying.	Q-30 Q-294	Accepted in part	Modifications to the text allow for repackaging of failed edible in certain circumstances. Although the specific requested modification was not accepted, the Department believes the modified text will address the concerns raised by this commenter.
232	Remove 3 day relabeling notification for products that fail cannabinoid testing.	Q-257 Q-313 L-22	Rejected	Notification of failed testing is an important part of the Department's regulatory oversight. The text has been modified to allow products to be labeled with cannabinoids after testing.
233	Remove the requirement that a licensee must notify the department for label claim failures.	Q-337	Accepted in part	Notification of failed testing is an important part of the Department's regulatory oversight. However, The text has been modified to allow products to be labeled with cannabinoids after testing. .
§40401. Release to Distributor				
234	Commenter suggests amending 40401 to allow post- testing labeling by the distributor	Q-65 Q-106 Q-115 Q-122 Q-142 Q-144	Accepted	This comment is accepted. The text has been modified to allow the placement of cannabinoids on a product after testing.

#	COMMENT	ID#	STATUS	RESPONSE
		Q-161 Q-188 Q-201 Q-282 Q-284 Q-217 Q-296 Q-302 Q-337 Q-344 Q-345		
§40403. General Provisions				
235	We are wondering if you consider the very front of the inner packaging having a primary panel. We are asking for clarification if that 40405 language could be anywhere or just on the very front?	H2-5	Rejected	"Primary panel" is defined as the portion of the label that is most likely to be shown at retail. Inner packaging is typically not shown at retail and therefore the required information not limited to any particular portion of the package.
236	Opposes labeling of outer and inner package- only universal symbol should be included on inner package.	Q-257 Q-313 Q-337 L-22	Rejected	The information required to be included on an inner package is information that the Department has determined is necessary to properly inform potential consumers of what is contained in the product if it gets separated from its box.
237	It is onerous to require all information on both the outside and inside panels. Instead they recommend: 40403(d) All	Q-257 Q-313 L-22	Rejected	The information required to be included on an inner package is information that the Department has determined is necessary to properly inform potential consumers of what is contained in the product if it gets separated from its box.

#	COMMENT	ID#	STATUS	RESPONSE
	required label information shall be located on the outside container or wrapper of the finished product to be sold at a retailer. If the container is separable from the out-most packaging (e.g., a container placed inside of a box), the product container shall include… the Universal symbol.			
§40404. Labeling Requirements: Pre-Rolls and Packaged Flower				
238	Commenter suggests moving the cannabinoid content for flower to the information panel.	Q-239 Q-57 L-1	Accepted	The modified text allows the cannabinoid content to be placed on either the primary or informational panel.
239	Do not require the UID on flower only packages/pre-rolls.	Q-65 Q-144 Q-201 Q-282 Q-284	Rejected	The UID is a statutory requirement under BPC §26120.
240	Change language in 40404 Labeling Requirements to "Consumption of cannabis MAY impair your ability to drive an operate machinery."	Q-62 Q-385	Rejected	The language referenced in this comment is a statutory requirement in BPC 26120. The Department's regulations merely implement this statutory requirement.
241	I would urgently ask for a labeling checklist for flower goods similar to the ones for manufactured goods, that way	H3-11	Noted	The Department thanks the commenter for their submission. No modifications to the text are requested, so no further response is required.

#	COMMENT	ID#	STATUS	RESPONSE
	whenever the questions arise, we can point right to the checklist.			
242	The labeling requirement “For Medical Use Only” should be expanded to include packaged flower and pre-rolls, thereby allowing the City to differentiate finished A and M goods during inspection of manufacturing and cultivation facilities.	Q-61 Q-103	Rejected	The Department has determined that the only products that need to be labeled “For Medical Use Only” are those that exceed the THC levels for adult use products.
243	Recommend THC and CBD be on informational panel for flower due to lack of space on packaging.	Q-131 Q-202 Q-218	Noted	The modified text allows the cannabinoid content to be placed on either the primary or informational panel. No modifications to the text are needed.
244	Support the clarification for labeling requirements of pre-rolls and flower	Q-106 Q-122 Q-115 Q-302 Q-344 Q-345	Noted	The Department thanks the commenter for their submission. No modifications to the text are requested, so no further response is required.
245	Flower only package and flower only pre-rolls should not have the Universal Symbol required on packaging	Q-46 Q-144 Q-161 Q-188 Q-201 Q-282	Rejected	For consumer safety and awareness, the universal symbol should be applied to all cannabis and cannabis products.

#	COMMENT	ID#	STATUS	RESPONSE
		Q-284 Q-296		
246	40409(b) includes language that provides a licensee can use a general less than measurement for cannabinoid potency. Maybe Department can do this for net weight (concerns with U.S. customary units).	Q-272	Rejected	The requirement to use US and metric units for net weight is established through the Fair Packaging and Labeling Act. The Department does not have the authority to override that statute.
247	Health officers support detailed packaging and labeling requirements to prevent youth access, accidental consumption, and ensure users have information on product contents and safety.	Q-278	Noted	The Department thanks the commenter for their submission. No modifications to the text are requested, so no further response is required.
§40405. Primary Panel Labeling Requirements				
248	Commenter concerned that the definition of primary panel is not clear.	Q-37	Rejected	This comment provides no suggestions for modifications to the text
249	Request to allow universal symbol to be black or white on packaging with dark color	Q-203	Rejected	This comment is rejected. The Department believes the current regulations, which requires the universal symbol to be black, but allows the symbol to be made conspicuous by printing on, or outlining the symbol with, a contrasting color provides sufficient flexibility to manufacturers, while ensuring public safety and consistency for consumers.
250	Further improve the Universal Symbol by adopting a more salient background color (40412)	Q-12 Q-143 Q-319	Rejected	The universal symbol has been in use in this state for one year and it is important to maintain consistency in the newly regulated cannabis market.

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	The department should alter the universal symbol to use yellow or orange as a background color.	Q-320 Q-346		
251	Do not support universal symbol to a more salient color	Q-36 Q-363 H2-1 H2-7	Rejected	The Department has not proposed a change to the universal symbol.
252	Please add ability to use the symbol as a water mark on the label	L-5	Rejected	Nothing in the proposed regulations prohibits using the symbol as a watermark, provided that the package also contain the symbol as prescribed.
253	Request to strike and use more common measurements than “grains” and ounces.	Q-384	Rejected	The requirement to use US and metric units for net weight is established through the Fair Packaging and Labeling Act. The Department does not have the authority to override that statute.
254	40405 (3) For products that have an extremely low weight, very light weight product, the U.S. -- the U.S. measurement system will end up with like a six-digit number of like 0.00000, which can cause a lot of issues on the packaging, and may end up causing a failure at testing as well. And so we're just requesting that it be U.S. or metric, at least on the internal panels for the smaller products.	Q-4 H3-2	Rejected	The requirement to use US and metric units for net weight is established through the Fair Packaging and Labeling Act. The Department does not have the authority to override that statute.

#	COMMENT	ID#	STATUS	RESPONSE
255	Request to not place cannabinoids on the primary panel pre testing.	Q-203	Accepted	This comment is accepted. The text has been modified to allow the placement of cannabinoids on a product after testing.
256	The Department could require cannabinoid content on the informational panel, rather than the primary panel.	Q-325	Accepted	The modified text allows the cannabinoid content to be placed on either the primary or informational panel.
257	The Department should require warning labels to be a part of primary panel labeling requirements to ensure visibility.	Q-12 Q-346	Rejected	The Department has determined that the informational panel is a sufficient location for the government warning.
258	Do not support moving government warning to primary panel	Q-36 Q-363 H2-7	Rejected	The Department has not proposed move the government warning to the primary panel.
259	To improve visibility and effectiveness the Department should require warning labels that cover at least 30% (ideally 50%) of the products primary panel.	Q-12 Q-346	Rejected	The Department has required warning labels in consideration of balancing the need for other information of interest to the consumer. Given the amount of information that the Department has required to be placed on the label of a cannabis product, it is not reasonable to require a set percentage of the primary panel to be covered by the warning label. Other information necessary to inform the consumer will be crowded out.
260	Do not support covering the product label with 50% more waning on principal display area	Q-36 Q-363 H2-7	Rejected	The Department has not proposed a minimum coverage of 50% of the principal display area.
§40406. Additional Primary Panel Labeling Requirements for Edible Products				
261	Add language to exempt licensed microbusinesses operating as consumption	Q-62 Q-385	Rejected	Currently, cannabis businesses are not allowed to prepare products onsite and provide those products for immediate, onsite consumption. If in the future the

#	COMMENT	ID#	STATUS	RESPONSE
	lounges from being required to provide any additional labeling on all cannabis products for immediate and onsite consumption.			statute is changed to allow such activity, the Department will adjust its regulations as needed.
262	We suggest individual edible servings be labeled so they are recognizable once removed from its packaging.	Q-278	Rejected	The Department has determined that labeling the package is sufficient for the protection of public health.
263	Add green cross to UID for edibles as a clearer warning to consumers.	Q-341	Rejected	The Department does not agree that an additional requirement to add a green cross to edible products will provide additional notice to consumers beyond the Universal Symbol.
§40408. Informational Panel Labeling Requirements				
264	For medical use only labeling requires manufacturers to forecast the future, and retailers run the risk of not being able to sell edible products marked " for medical use only' by the expiration date.	Q-213	Rejected	Cannabis products are not required to be labeled as "For Medical Use Only" unless they exceed the allowable THC content for adult use products.
265	Increase Visibility of Warning Labels.	Q-143 Q-319 Q-320	Rejected	The Department has required warning labels in accordance with statutory requirements and in consideration of balancing the need for other information of interest to the consumer.
266	Increase size for required Warning Labels. The department should require minimum 12-point font for warnings.	Q-12 Q-346	Rejected	Given the amount of information that the Department has required to be placed on the label of a cannabis product, it is not reasonable to require a minimum of 12-point font. Other information necessary to inform the consumer will be crowded out.

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267	Do not support changing font size to 12 pt font	Q-36 Q-363 H2-7	Rejected	The Department has not proposed increasing the font size for the warning statement.
268	The Department should maximize warning noticeability and effectiveness by utilizing pictorial warnings.	Q-12 Q-346	Rejected	Nothing in the proposed regulations prohibits a licensee from utilizing pictorial warnings in addition to the prescribed warning statement.
269	We do not support the inclusion of pictorial warnings, graphic, or warning labels.	H2-7 Q-363	Rejected	The Department has not proposed pictorial warnings.
270	The labeling requirements state the informational panel may be on a package insert if the package is too small. How can that be checked when finished child proof packaging is done before getting to the distributer.	Q-212	Rejected	There are myriad ways in which the requirement for specific label information and the requirement for child-resistant packaging can both be met.
271	Adopt tailored warnings for inhaled products.	Q-12 Q-346	Rejected	The required warning statement is established in statute.
272	FPLA: Requires physical address to be listed. Commenter feels this places a huge security risk to the manufacturer.	Q-15	Rejected	The requirement to use physical address is established through the Fair Packaging and Labeling Act. The Department does not have the authority to override that statute.
273	40408: references incorrect section- should be 40315 (d). 40305(c) incorrectly references “Everything Added to Food…”	Q-82 Q-108	Accepted	40408: The text has been modified to correct this grammatical error. 40305: The final text has been modified to correct this inadvertent reference to the former name.

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	which has been superseded by "Substances Added to Food…"			
274	Strike new language in 40408(c) and return to emergency regs standard for layered packaging, or require a package insert for the required label info.	Q-384	Rejected	The Department has made the modifications in the proposed text in order to ensure that all types and sizes of packaging can contain the information that is of importance to the consumer.
275	Recommends using tamper evident seal on outside of package as required by FDA standards to avoid unnecessary dual-labeling requirements.	Q-236 Q-237 Q-238	Rejected	In order to provide sufficient flexibility to businesses, the Department has allowed the tamper evident seal to be on any layer of packaging.
	(a)(6) should be expanded to allow for parenthetical listing of allergens in the ingredient list	Q-108	Rejected	The Department has established a single method of warning of allergens in order to protect public health. Consumers will be more easily able to access the information necessary to protect their health if it is presented in a uniform manner between products.
§40409. Cannabinoid Content Labeling				
276	Requested clarification of allowance for THC and CBD levels.	Q-219	Rejected	The allowed THC levels are specified in Section 40315. There are no mandated CBD levels.
277	Request to label CBD products as "High-Ratio CBD" but require the THC mg to be listed as less than or equal to. Since THC in such small amounts are not psychoactive.	Q-14	Accepted in part	The Department received numerous comments regarding the issue of failed label claims, as well as multiple suggestions on how to address it. The text was modified to allow products to be labeled with cannabinoids after testing. Although the exact solution proposed by this comment was not accepted, the Department believes the modified text will sufficiently address the concerns raised by this commenter.
278	Recommendation that products that require combustion or	Q-104	Accepted in part	The text was modified to allow products to be labeled with cannabinoids after testing. Although the exact solution proposed by this comment was not accepted,

#	COMMENT	ID#	STATUS	RESPONSE
	heating to convert THC into THCA should be labeled with the total THC concentration and total CBD concentration as opposed to THC content alone.			the Department believes the modified text will sufficiently address the concerns raised by this commenter.
279	Support new language allowing products with trace amounts of cannabinoids to be labeled a <2mg.	Q-106 Q-115 Q-122 Q-267 Q-302 Q-344 Q-345	Noted	The Department thanks the commenter for their submission. No modifications to the text are requested, so no further response is required.
280	Request to remove rule requiring the amount of THC to be listed.	L-1	Accepted in part	The Department received numerous comments regarding the issue of failed label claims, as well as multiple suggestions on how to address it. The text was modified to allow products to be labeled with cannabinoids after testing. Although the exact solution proposed by this comment was not accepted, the Department believes the modified text will sufficiently address the concerns raised by this commenter.
281	Commenter is concerned that THCA is only optionally listed on smoked products and has public safety concerns.	Q-10	Accepted in part	The text was modified to allow products to be labeled with cannabinoids after testing. Although the exact solution proposed by this comment was not accepted, the Department believes the modified text will sufficiently address the concerns raised by this commenter.
282	Does CBD need to be labeled if it is an accessory? Outcomes vary based on extraction.	Q-348 Q-7 Q-220	Rejected	The Department received numerous comments regarding the issue of failed label claims, as well as multiple suggestions on how to address it. The text was modified to allow products to be labeled with cannabinoids after testing. Although the exact solution proposed by this comment was not accepted, the Department believes the modified text will sufficiently address the concerns raised by this commenter.

#	COMMENT	ID#	STATUS	RESPONSE
283	Allow for the “ND” measurements to be used on labels	Q-65 Q-144 Q-161 Q-188 Q-201 Q-282 Q-284 Q-296	Accepted in part	The Department received numerous comments regarding the issue of failed label claims, as well as multiple suggestions on how to address it. The text was modified to allow products to be labeled with cannabinoids after testing. Although the exact solution proposed by this comment was not accepted, the Department believes the modified text will sufficiently address the concerns raised by this commenter.
284	Please allow for post testing labeling.	Q-43 Q-201 Q-240 Q-257 Q-267 Q-282 Q-284 Q-309 Q-313 Q-359 Q-360 Q-362 Q-384 L-9 L-13 L-22 H3-6	Accepted	The text has been modified to allow post-testing labeling.

#	COMMENT	ID#	STATUS	RESPONSE
		H3-11		
285	Amend 40409 to say e) Other Cannabinoids or Terpenes may be included using the same format for THC and CBD as outlined in section 40409. No other label claims regarding cannabinoid content shall be acceptable.	Q-265	Rejected	The Department's priority is that any information on the label pertaining to other cannabinoids and terpenes is truthful and informative to the consumer.
286	Recommendation to only require the labeling of CBD on cannabis products that are making label claims involving CBD.	Q-68 Q-69 Q-70 Q-71 Q-72 Q-73 Q-74 Q-75 Q-77 Q-78 Q-96 Q-99 Q-191 Q-192 Q-221	Accepted in part	The Department received numerous comments regarding the issue of failed label claims, as well as multiple suggestions on how to address it. The text was modified to allow products to be labeled with cannabinoids after testing. Although the exact solution proposed by this comment was not accepted, the Department believes the modified text will sufficiently address the concerns raised by this commenter.
287	CBD content should not be required as it is non-psychoactive	Q-99 Q-223	Accepted in part	The Department received numerous comments regarding the issue of failed label claims, as well as multiple suggestions on how to address it. The text was modified to allow products to be labeled with cannabinoids after testing. Although

#	COMMENT	ID#	STATUS	RESPONSE
				the exact solution proposed by this comment was not accepted, the Department believes the modified text will sufficiently address the concerns raised by this commenter.
288	Cost Prohibitive from an inventory and formulation standpoint to include accessory cannabinoids due to inconsistencies each time.	Q-7 Q-220	Accepted in part	The Department received numerous comments regarding the issue of failed label claims, as well as multiple suggestions on how to address it. The text was modified to allow products to be labeled with cannabinoids after testing. Although the exact solution proposed by this comment was not accepted, the Department believes the modified text will sufficiently address the concerns raised by this commenter.
289	Clarify 40409(d) that "the cannabinoid content of the dried flower expressed as a percentage and the added cannabinoid content in milligrams, respectively."	L-11 L-14	Rejected	The requested modification does not add additional clarity.
290	There's a huge array of what we see on labeling. And a lot of times they're not in metric units. They're unquantifiable for us to verify, as per the BCC requirements. So we ask that the CDPH create some label claim guidelines, and that there's confines within that and limitation as to how people can represent cannabinoid content. We see serving sizes like one dropper full, which is not, you know, a quantifiable number, or an amount that we can quantify. It's	H3-6	Rejected	The purpose of establishing a serving size is to provide the consumer with information regarding consumption. Requiring a metric representation of the serving on the label does not provide the consumer with additional useful information.

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	not a metric measurement that we can turn into milligrams or grams.			
291	Define THC Concentration, THC content, CBD content and CBD concentration. CDPH should align concentration definition with Bureau's use in 5724 (c) to reflect the amount of active THC and CBD after cannabis is ingested. Suggest Bureau and CDPH define "content" so the department can provide greater specificity in its permanent regulations regarding when labels must list quantities of individual cannabinoids vs total cannabinoid concentrations.	Q-104	Accepted in part	The Department received numerous comments regarding the issue of failed label claims, as well as multiple suggestions on how to address it. The text was modified to allow products to be labeled with cannabinoids after testing. Although the exact solution proposed by this comment was not accepted, the Department believes the modified text will sufficiently address the concerns raised by this commenter.
292	40405(a)(4) only require labeling of CBD if above a threshold amount.	Q-108 Q-125	Accepted in part	The Department received numerous comments regarding the issue of failed label claims, as well as multiple suggestions on how to address it. The text was modified to allow products to be labeled with cannabinoids after testing. Although the exact solution proposed by this comment was not accepted, the Department believes the modified text will sufficiently address the concerns raised by this commenter.
293	Do not require total THC and do not supplant THC or THCA requirements with "total THC." Total THC conceals important information about composition, including active and inactive	Q-108 Q-125	Rejected	The Department does not require "Total THC" to be printed on the label.

#	COMMENT	ID#	STATUS	RESPONSE
	cannabinoids and do not properly inform the consumer of the potential intoxication or, a medical professional to make a decision in the potential case of accidental ingestion or overconsumption, or hypersensitivity.			
294	Recommendation that the labeling require both % THC by weight and total mg of THC in a pre-roll product.	Q-143 Q-318 Q-319 Q-320	Rejected	The text was modified to allow products to be labeled with cannabinoids after testing. Although the exact solution proposed by this comment was not accepted, the Department believes the modified text will sufficiently address the concerns raised by this commenter.
295	Support THC and CBD listed as a percentage for flower	Q-131 Q-202 Q-218	Noted	The Department thanks the commenter for their submission. No modifications to the text are requested, so no further response is required.
296	Need consistent terminology for THC, which is a single number that represents what the THC content would be if all the THCA were converted into THC.	Q-108 Q-125	Rejected	The Department has defined THC specifically as delta-9 THC and consistently uses this terminology throughout the proposed regulations.
297	Potency (concentration) description should be dependent on the intended method of consumption. Listing inhaled forms of cannabis with a percentage concentration is a recognizable indicator of dose strength. Net weight for edibles,	Q-108 Q-125	Rejected	The proposed regulations allow for concentration to be listed differently for different product types.

#	COMMENT	ID#	STATUS	RESPONSE
	tinctures, pills, sprays. Net weight and percent concentration for other consumption methods.			
298	Cannabis flower should identify the percentage concentration of effective THC and other marketed cannabinoids. If the level of cannabinoid is below LOQ, that we can accurately label the cannabinoid of being "ND"	Q-48 Q-144 Q-201 Q-282 Q-284	Rejected	The Department received numerous comments regarding the issue of failed label claims, as well as multiple suggestions on how to address it. The text was modified to allow products to be labeled with cannabinoids after testing. Although the exact solution proposed by this comment was not accepted, the Department believes the modified text will sufficiently address the concerns raised by this commenter.
299	Require any cannabinoid reported by analytical testing to be reported in an amount equal or greater than threshold amount to be on label. Only those cannabinoids should be listed on primary panel.	Q-108 Q-125	Accepted in part	The Department received numerous comments regarding the issue of failed label claims, as well as multiple suggestions on how to address it. The text was modified to allow products to be labeled with cannabinoids after testing. Although the exact solution proposed by this comment was not accepted, the Department believes the modified text will sufficiently address the concerns raised by this commenter.
300	Content claims/Truth in advertising- any content claim listed on label, including potency, must be with respect to item as packaged and in the form offered for sale and determined by and accurately representative of analytical testing.	Q-108 Q-125	Rejected	This is already the requirement in regulations.
301	Allow for a threshold for ingredient claims, specifically a	Q-359 Q-362	Accepted in part	The Department received numerous comments regarding the issue of failed label claims, as well as multiple suggestions on how to address it. The text was

#	COMMENT	ID#	STATUS	RESPONSE
	threshold below which THC and CBD do not need to be listed.			modified to allow products to be labeled with cannabinoids after testing. Although the exact solution proposed by this comment was not accepted, the Department believes the modified text will sufficiently address the concerns raised by this commenter.
§40410. Labeling Restrictions				
302	Allow images of edibles on packages	Q-68 Q-69 Q-70 Q-71 Q-72 Q-73 Q-74 Q-75 Q-77 Q-78 Q-96 Q-99 Q-191 Q-192 Q-221 Q-223 Q-227	Rejected	Edible cannabis product packaging is required to be opaque in order to reduce its potential attractiveness to children. Allowing a picture of the product within would negate the rationale for opaque packaging.
303	Commenter is very concerned about ban on images of edibles on packages as damaging to marketing.	L-13	Rejected	Edible cannabis product packaging is required to be opaque in order to reduce its potential attractiveness to children. Allowing a picture of the product within would negate the rationale for opaque packaging.

#	COMMENT	ID#	STATUS	RESPONSE
304	Graphic illustrations should be allowed on edible packaging.	Q-11	Rejected	Graphic illustrations that are not attractive to children are not prohibited.
305	Is an illustration considered the same as photographic image of the product contained therein?	Q-11 Q-215	Rejected	Graphic illustrations that are not attractive to children are not prohibited.
306	Commenter wonders if they are out of compliance by listing some ingredients as certified Organic, but not claiming for entire package.	Q-37	Rejected	The term “organic” is strictly regulated under federal and state law. At this time, cannabis and cannabis products do not qualify to use the term “organic.” MAUCRSA requires CalCannabis to develop a program substantively similar to that of the federal program by January 2021.
307	Add language that authorizes the manufacturer to list ancillary ingredients as organic if they comply with National Organic Program standards.	Q-68 Q-69 Q-70 Q-71 Q-72 Q-73 Q-74 Q-75 Q-77 Q-78 Q-96 Q-99 Q-118 Q-191 Q-192 Q-215 Q-221 Q-223	Rejected	The term “organic” is strictly regulated under federal and state law. At this time, cannabis and cannabis products do not qualify to use the term “organic.” MAUCRSA requires CalCannabis to develop a program substantively similar to that of the federal program by January 2021.

#	COMMENT	ID#	STATUS	RESPONSE
308	Allow ingredients to be claimed as organic	Q-68 Q-69 Q-70 Q-71 Q-72 Q-73 Q-74 Q-75 Q-77 Q-78 Q-99 Q-102 Q-223 Q-285 Q-329 Q-369 Q-395 L-10	Rejected	The term “organic” is strictly regulated under federal and state law. At this time, cannabis and cannabis products do not qualify to use the term “organic.” MAUCRSA requires CalCannabis to develop a program substantively similar to that of the federal program by January 2021.
309	So we would like to be able to call our non-cannabis ingredients organic that are, and not call it pot again, because it's not.	H2-5	Rejected	The term “organic” is strictly regulated under federal and state law. At this time, cannabis and cannabis products do not qualify to use the term “organic.” MAUCRSA requires CalCannabis to develop a program substantively similar to that of the federal program by January 2021.
310	Recommend following to allow the use of organic- Non-cannabis ingredients that are third-party certified organic are permitted to be labeled “organic” on the ingredients list only. Labels may not display certifying agents seal	Q-145 Q-147 Q-149 Q-200	Rejected	The term “organic” is strictly regulated under federal and state law. At this time, cannabis and cannabis products do not qualify to use the term “organic.” MAUCRSA requires CalCannabis to develop a program substantively similar to that of the federal program by January 2021.

#	COMMENT	ID#	STATUS	RESPONSE
311	40410(F) Prohibition on the use of the word “organic” may be interpreted to ban all used of the word anywhere on product label.	Q-145 Q-147 Q-149	Rejected	The term “organic” is strictly regulated under federal and state law. At this time, cannabis and cannabis products do not qualify to use the term “organic.” MAUCRSA requires CalCannabis to develop a program substantively similar to that of the federal program by January 2021.
312	Commenter wants the word “Candy” to be allowed on packages if it is in the name of the company.	Q-140 Q-253 H1-11	Rejected	MAUCRSA specifies that products shall not be appealing to children. Candy has a special appeal to children and using the word “candy” on a product can be misleading and pose a public health threat.
313	Establish a more detailed and inclusive definition of “Attractive to Children or Youth”	Q-143 Q-319 Q-320	Rejected	The Department regulations implement the statutory mandate that products and packaging not be attractive to children. Whether a label is attractive to children will be decided on a case-by-case basis until such time as the Department has developed a standard of general applicability, which will then be promulgated through regulations.
314	40410- needs more clarity- puts business owners in the difficult position of deciding if the state will think labeling is attractive to children.	Q-100 Q-273	Rejected	The Department regulations implement the statutory mandate that products and packaging not be attractive to children. Whether a label is attractive to children will be decided on a case-by-case basis until such time as the Department has developed a standard of general applicability, which will then be promulgated through regulations.
315	Request for 40410 (e) to be deleted due to label crowding	Q-84 Q-157 Q-198 Q-210	Rejected	The commenter appears to have misunderstood this subsection, which prohibits the picture of the product within, not a requirement to do so.
§40415. Packaging.				
316	Support requirements for edible products to be in opaque packaging; requirements for tamper-evident packaging;	Q-278	Noted	The Department thanks the commenter for this submission. No further response is necessary.

#	COMMENT	ID#	STATUS	RESPONSE
	requirements for packaging to be resealable; and prohibitions on packaging resembling traditionally available food packages.			
317	Mandate plain packaging for all products.	Q-12 Q-346	Rejected	A requirement for plain packaging without further statutory guidance would be an overreach of Department authority. Proposition 64 established some minimum requirements for packaging and labeling of cannabis and cannabis product, but does not lead to the interpretation that plain packaging should be required.
318	Do not support plain packaging devoid of color, logos, etc	Q-36 Q-363 H2-7	Rejected	The Department has not proposed plain package requirements.
319	Broaden packaging restrictions to eliminate appeals to children and imitation of other non-cannabis products.	Q-12 Q-346	Rejected	The regulations already prohibit this.
320	Nowhere in the regulations is the word resealable defined, either at the CDPH or the BCC regulations. I could say as a manufacturer there's a lot of uncertainty and confusion as to what our packaging needs to be, and what features it needs to have. And my recommendation would be to provide, you know, clear specific definitions and examples of what resealable is, what tamper evident is, so that	H1-7	Rejected	“Resealable” has the straightforward meaning of being able to be resealed after opening, if the product has multiple servings.

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	manufacturers can design their packaging in accordance with all the new regulations.			
321	What final regulations fail to consider is a product that has multiple products within an outer package and each individual product is packaged in a child-resistant and tamper evident package manner ---resealable requirement is not necessary	Q-213	Accepted in part	The modifications to the text address packages that have individual child-resistant packages inside.
322	Provide clarity on what is tamper resistant	Q-213	Rejected	Section 40415(b) requires a package to be "tamper-evident, which means the product packaging is sealed so that the contents cannot be opened without obvious destruction of the seal." Further modifications to the text are not necessary.
323	Concerns of environmental effects from packaging requirements.	Q-146 Q-183 Q-185 Q-250 Q-260 H3-2	Rejected	The Department's mandate is to protect public health and safety. Packaging requirements reflect these priorities.
324	Support the use of CRP exit packaging.	Q-68 Q-69 Q-70 Q-71 Q-72 Q-73 Q-74 Q-75	Noted	The Department thanks the commenter for this submission. The statute's mandate is to protect public health and safety, and consequently the three licensing authorities are retaining CRP at the product level. Until January 1, 2020 exit packaging or product level CRP can be used to meet the CRP requirement.

#	COMMENT	ID#	STATUS	RESPONSE
		Q-77 Q-78 Q-84 Q-96 Q-99 Q-157 Q-191 Q-192 Q-198 Q-203 Q-210 Q-221 Q-223 Q-329 Q-331 Q-350 Q-378		
325	Go back to product level CRP, especially for edibles.	Q-2 Q-23 Q-53 Q-54 Q-56 Q-65 Q-81 Q-116 Q-119 Q-121 Q-123 Q-129 Q-137 Q-146	Accepted	The text has been modified to require product-level CRP.

#	COMMENT	ID#	STATUS	RESPONSE
		Q-161 Q-163 Q-188 Q-194 Q-201 Q-225 Q-260 Q-282 Q-284 Q-213 Q-224 Q-240 Q-241 Q-243 Q-245 Q-251 Q-252 Q-296 Q-309 Q-316 Q-318 Q-335 Q-355 Q-370 Q-371 Q-375 Q-384 L-3 L-6 L-12		

#	COMMENT	ID#	STATUS	RESPONSE
326	Commenter supports the use of exit packaging to reduce cost burdens on the manufacturers and share the burden with retailers.	Q-46 Q-51 Q-55 Q-100 Q-106 Q-122 Q-147 Q-149 Q-273 Q-326 Q-337 Q-369 L-10 L-21	Noted	The Department thanks the commenter for this submission. The statute's mandate is to protect public health and safety, and consequently the three licensing authorities are retaining CRP at the product level. Until January 1, 2020 exit packaging or product level CRP can be used to meet the CRP requirement.
327	Commenter supports the use of exit packaging, but also supports child-resistance product packaging for edibles.	Q-405	Noted	The Department thanks the commenter for this submission. The statute's mandate is to protect public health and safety, and consequently the three licensing authorities are retaining CRP at the product level. Until January 1, 2020 exit packaging or product level CRP can be used to meet the CRP requirement.
328	Commenter disagrees with implementing just Exit Packaging.	H1-1	Accepted	The proposed text has been modified to return to product level child-resistant packaging.
329	Commenter is very concerned about the removal of package level CRP, which they state has weakened safety standards currently in effect.	Q-20 Q-276	Accepted	The proposed text has been modified to return to product level child-resistant packaging.

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330	Commenter does not want CRP for pre-rolls, vape cartridges, or flower, (any non-activated product)	Q-13 Q-45 Q-50	Rejected	BPC 26130 requires all cannabis and cannabis products to be sold in child-resistant packaging. The Department's regulations implement this statutory requirement.
331	Get rid of Child Resistant Packaging for any products that requires decarboxylation to be activated. There is no reason that a product in THCA form should require CR Packaging. It will not get a person high.	L-1	Rejected	BPC 26130 requires all cannabis and cannabis products to be sold in child-resistant packaging. The Department's regulations implement this statutory requirement.
332	Remove requirement for CRP from topicals	Q-152 Q-181 Q-199 Q-184	Rejected	BPC §26130 requires all cannabis and cannabis products to be sold in child-resistant packaging. The Department's regulations implement this statutory requirement.
333	Include requirement for certification of CRP	Q-226 Q-272	Accepted	The modified text include a requirement for certification.
334	Recommends CRP on each product AND CRP at retail to prevent the accidental ingestion by children.	Q-186	Rejected	The Department thanks the commenter for this submission. The statute's mandate is to protect public health and safety, and consequently the three licensing authorities are retaining CRP at the product level. Until January 1, 2020 exit packaging or product level CRP can be used to meet the CRP requirement.
335	For some manufacturers, I think that they like to not have to have child-resistant packaging, because it can make future orders cheaper. But what they've already ordered is child resistant,	H3-2	Noted	No modifications to the text appear to be requested.

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	and that may affect their assembly line.			
336	Having child-resistant exit bags, and to have each individual item packaged in child resistant packaging is massive overkill. It's definitely overkill for the environment. One day in the future, scientists will look back at the layer in our landfills filled with cannabis packaging and exit bags and we'll feel shame if we don't find a solution right now. We definitely support child proofing, resisting the cannabis products, but believe that child-resistant exit bags serve the purpose, and that each individual product should not be required to be child resistant.	H3-10	Noted	The Department thanks the commenter for this submission. The statute's mandate is to protect public health and safety, and consequently the three licensing authorities are retaining CRP at the product level. Until January 1, 2020 exit packaging or product level CRP can be used to meet the CRP requirement.
337	Concerns CRP is too difficult for med patients to open.	Q-150 Q-168 Q-175 Q-177 Q-179 Q-180 Q-185 Q-231 Q-304	Noted	The Department thanks the commenter for this submission. The statute's mandate is to protect public health and safety, and consequently the three licensing authorities are retaining CRP at the product level. Until January 1, 2020 exit packaging or product level CRP can be used to meet the CRP requirement.

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		Q-306 Q-310 Q-396 L-2		
338	Requested language requiring CRP to meet 16 CFR 1700.15(b)(1) to be added back in to the requirements.	Q-60 Q-398	Accepted	The proposed text has been modified to include this requirement.
339	Commenter supports the transition for PL CRP to exit bags with these amendments, 1) Packaging may be in either child resistant exit bags or child resistant product packaging. 2) By 2020 all exit bags should be required to be durable, intended for multiple uses and made of compostable materials. 3) Customers may re-use exit bags. 4) Retailers should make exit bags available on request. Fees may apply.	Q-302 Q-344 Q-345	Rejected	The Department thanks the commenter for this submission. The statute's mandate is to protect public health and safety, and consequently the three licensing authorities are retaining CRP at the product level. Until January 1, 2020 exit packaging or product level CRP can be used to meet the CRP requirement. The Department does not have the authority to mandate requirements for exit packages, which is under the purview of the Bureau of Cannabis Control.
340	Does not support CRP requirement for Flower, Topicals, and Concentrates.	Q-57	Rejected	BPC 26130 requires all cannabis and cannabis products to be sold in child-resistant packaging. The Department's regulations implement this statutory requirement.
341	Please require CRP only for Edibles, Concentrates and Activated THC products.	Q-33	Rejected	BPC §26130 requires all cannabis and cannabis products to be sold in child-resistant packaging. The Department's regulations implement this statutory requirement.

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342	Remove CRP altogether	Q-27	Rejected	BPC §26130 requires all cannabis and cannabis products to be sold in child-resistant packaging. The Department's regulations implement this statutory requirement.
343	40415 Reinstate the language of subdivision (c) from readopted emergency regulations to protect public safety.	Q-82 Q-297	Accepted	The proposed text has been modified to include this requirement.
344	Require packaging to be recyclable/compostable to prevent waste.	L-6	Rejected	The Department's mandate is to protect public health and safety. Packaging requirements reflect these priorities.
345	Adopt the US Pharmacopeia Packaging + storage regulation definition of Opaque for packaging.	Q-64 Q-366	Rejected	The US Pharmacopeia regulations define opaque in terms of protecting the contents of the package from degradation due to light. The Department's purpose in requiring opaque packaging is not to protect the contents from light, but rather to ensure that the product inside cannot be seen by children.
346	Remove double testing requirement- FPLA CRP and Ease of adult opening.	Q-91 Q-93	Accepted	The modified text requires packaging to be certified as child-resistant and does not include ease of adult opening.
347	CRP should be optional at product or retail level.	Q-106 Q-122	Rejected	BPC §26130 requires all cannabis and cannabis products to be sold in child-resistant packaging. The Department's regulations implement this statutory requirement.
348	Opposes child proof cap, except for edible products.	Q-131 Q-202 Q-218	Rejected	BPC §26130 requires all cannabis and cannabis products to be sold in child-resistant packaging. The Department's regulations implement this statutory requirement.
349	Generally supports exit packaging, but alternatively suggests CRP at product level for products that are attractive to	Q-104	Noted	The Department thanks the commenter for their submission. No modifications to the text are requested, so no further response is required.

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	children and have the highest risk (edibles and orally-consumed concentrates) so costs are borne by manufacturer.			
350	Edibles and activated products that can potentially be ingested should still be required to be put into child resistant packaging. In addition, all licensees should be permitted to provide a limited number of non-compliant packages for the elderly or persons with physical disability as long as there is a conspicuous warning stating that the product is not child resistant.	Q-48 Q-142	Noted	BPC §26130 requires all cannabis and cannabis products to be sold in child-resistant packaging. The Department's regulations implement this statutory requirement. The Department thanks the commenter for their submission.
351	Require resealable child resistant packaging (not delegated to exit packaging).	Q-143 Q-319 Q-320	Accepted	The proposed text has been modified to return to product level child-resistant packaging.
352	Supports 40415, specifically amber bottles as opaque.	Q-257 Q-313 L-22	Noted	The Department thanks the commenter for their submission. No modifications to the text are requested, so no further response is required.
353	Support and thank you for clear strip on opaque bottles	Q-337	Noted	The Department thanks the commenter for their submission. No modifications to the text are requested, so no further response is required.
354	More packaging clarity and consideration in regards to beverages, amber bottles etc.	Q-213	Rejected	As discussed in the Initial Statement of Reasons, the Department allowed amber bottles because they are dark enough to obscure the product inside and because they are associated with other adult beverages. Tinted bottles do not meet these same standards.

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	Recommends allowing tinted bottles.			
355	Recommend bottom of bottle be exempt from Opaque requirement. Less visible than strip	Q-213	Rejected	The strip is needed for the consumers benefit to measure serving sizes.
356	Get rid of CRP requirements altogether unless those requirements are also made for alcohol and tobacco.	Q-357	Rejected	BPC §26120 requires cannabis and cannabis products to be sold in child resistant packaging. The Department' regulations implement this statute. The Department has no authority over alcohol or tobacco packaging.
357	Please focus on 100% recyclable packaging and ideally move towards a compostable option for consumable Cannabis products.	L-6	Rejected	The Department's does not prohibit the use of 100% recyclable materials currently.
358	Please create an approval process for packaging and labeling.	Q-159 Q-359 Q-362 Q-365 Q-384 L-7	Rejected	The Department asserts that mandatory packaging and labeling approval at this time will create an impediment to a successful legal market. The Department will take all possible steps, including checklists and guidelines, to create as much clarity as possible for the regulated industry.
§40500. Record Keeping Requirements.				
359	40500 (b) The records shall be maintained for a period of ~~seven~~ four years	Q-17	Rejected	BPC §26160 requires records to be kept for seven years.
360	40500 (a) (8) include language (added) making contracts with	Q-17 Q-66	Rejected	To the extent that contracts can be kept confidential under existing statutory provisions, the Department will abide by that confidentiality. However, the

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	other manufacturers proprietary and confidential.	Q-67 Q-277 Q-178 Q-160 Q-171 Q-156 Q-164		Department does not have the authority to declare documents confidential other than in accordance with statute.
361	40500 (a) (9) include language (added) making financial records proprietary and confidential.	Q-17	Rejected	To the extent that financial records can be kept confidential under existing statutory provisions, the Department will abide by that confidentiality. However, the Department does not have the authority to declare documents confidential other than in accordance with statute.
362	The health officers support requirements for strong record keeping.	Q-278	Noted	The Department thanks the commenter for their submission. No modifications to the text are requested, so no further response is required.
§40510. Track-and-trace system				
363	HOAC supports these strong track and trace requirements, and supports the stipulation that licensees are responsible for the actions of their owners and employees.	Q-278	Noted	The Department thanks the commenter for their submission. No modifications to the text are requested, so no further response is required.
364	Rollout of METRC to CA companies by date of annual license, and not by license type will add massive friction, create huge opportunity for user error. Suggest rollout access to	Q-267	Rejected	CalCannabis is the agency with authority over the track-and-trace system.

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	METRC in conjunction with cannabis supply chain.			
365	Allow access to a Sandbox METRC for training before it goes live. We wanted to hope for a collaborative approach to the roll-out of the software as much as possible, encouraging DPH to seek participation from the industry and providing feedback, and also providing tools to help us be successful. Some of that includes potentially providing beta test access to METRC prior to release, and getting access to some sort of sandbox, where we can test our systems before it goes live.	H3-11 H3-13	Rejected	CalCannabis is the agency with authority over the track-and-trace system.
366	We'd also like to ask for advanced notice to updates of METRC. We've heard in other states when updates for METRC are launched, sometimes without advanced notice, business systems take time to update to the new changes.	H3-11	Rejected	CalCannabis is the agency with authority over the track-and-trace system.
367	Delay the implementation of the METRC system until beta testing occurs.	Q-91 Q-93	Rejected	CalCannabis is the agency with authority over the track-and-trace system.

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368	Proposes changing owner to individual as account manager in 40510 (a).	Q-60	Rejected	The definition of "owner" includes any individual that is participating in the "direction, control, or management" of the licensed cannabis business. The track-and-trace system account manager is a significant responsibility that can impact the license status, up to and including revocation of the license. Such a responsibility should not be delegated to an employee, but rather should be under ultimate control of an individual who has been vetted by the Department and holds the status of "owner."
369	Request that employees in addition to the owner may act as the Track and Trace system account manager.	Q-81	Rejected	The definition of "owner" includes any individual that is participating in the "direction, control, or management" of the licensed cannabis business. The track-and-trace system account manager is a significant responsibility that can impact the license status, up to and including revocation of the license. Such a responsibility should not be delegated to an employee, but rather should be under ultimate control of an individual who has been vetted by the Department and holds the status of "owner."
370	Request that each applicant or licensee may identify an owner or employee of the commercial cannabis business to be the track and trace system account manager.	Q-17	Rejected	The definition of "owner" includes any individual that is participating in the "direction, control, or management" of the licensed cannabis business. The track-and-trace system account manager is a significant responsibility that can impact the license status, up to and including revocation of the license. Such a responsibility should not be delegated to an employee, but rather should be under ultimate control of an individual who has been vetted by the Department and holds the status of "owner."
§40512. Track-and-trace system				
371	Licensees should be required to record in the track and trace system whether a product is intended "For Medical Use Only," and the UID used for transferring packages and tracking of finished product should indicate	Q-61 Q-103	Rejected	Under the proposed regulations, licensees are able to conduct business with any other licensee, regardless of the A or M designation on the license. Consequently, a product may not be designated as A or M until retail sale. Requiring products to be tagged as A or M in the track-and-trace system could impact the downstream market and have

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	whether a product is intended "For Medical Use Only."			
372	40512(a)(4) Supports track and trace language in this section	Q-84 Q-157 Q-198 Q-210	Noted	The Department thanks the commenter for their submission. No modifications to the text are requested, so no further response is required.
373	40512(a) allow a licensee to include samples to potential vendors as a track and trace recording.	Q-84 Q-157 Q-198 Q-210	Rejected	There is no mechanism for licensees to move products outside of the supply chain established in statute.
374	24 hours doesn't allow much room to meet the requirements. Maybe 48-72 hours to report via track and trace every time manufactured batch goes through a process change.	Q-187 Q-373	Rejected	In order to maintain the integrity of the track-and-trace system data, it is important that information be added or updated quickly. The longer a licensee delays in entering data into the track-and-trace system, the more opportunities arise for errors in entry.
§40513. Track-and-Trace System – Loss of Access				
375	Strike section 40513(d)	Q-227 Q-242 Q-244 Q-246 Q-247 Q-248 Q-329	Rejected	BPC §26067(a) requires the use of the track-and-trace system for "reporting the movement of cannabis and cannabis product throughout the distribution chain." For this reason, licensees cannot move cannabis and cannabis product if access to the track-and-trace system is lost.

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376	Allow manufacturers to take more than three days to enter losses into track and trace if they are authored by the Department.	Q-325 Q-384	Rejected	The requirement was developed in conjunction with CalCannabis, the agency with authority over the track-and-trace system. Three days was determined to be a sufficient time to enter information into the system.
377	(b) Upon restoration of access to the track and trace system, all inventory tracking activities that occurred during the loss of access shall be entered into the track and trace system within (3) days. Change from 3 days to the "exact amount of time for which the licensee lost access."	Q-136 Q-141 Q-142 Q-347	Rejected	The requirement was developed in conjunction with CalCannabis, the agency with authority over the track-and-trace system. Three days was determined to be a sufficient time to enter information into the system.
378	Concerns how Metrc will work in potential system failure/power outage situations.	Q-52 Q-58 Q-126 Q-135	Rejected	The Department acknowledges the concern raised by this commenter. No modification to the text is requested.
379	Add into regulations that a Licensee must receive permission from the MCSB in order to transfer cannabis products to another licensee or receive cannabis or cannabis products from another licensee during loss of access.	Q-136 Q-141 Q-142 Q-347	Rejected	BPC §26067(a) requires the use of the track-and-trace system for "reporting the movement of cannabis and cannabis product throughout the distribution chain." For this reason, licensees cannot move cannabis and cannabis product if access to the track-and-trace system is lost.
380	Here in California we are looking at an enormous amount of data being uploaded with 50+ data points required across five	H3-1	Rejected	The Department acknowledges the concern raised by this commenter. No modification to the text is requested.

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	license categories, with various sub-licensing categories, coupled with significant amount of back stock inventory and a system that is continuing to generate data. Technology will fail and cause delays of an unknown amount of time.			
381	The track and trace system has gone down before in different states. It seems like the -- if we could -- give the probability that metric is going to go down in California, licensees should not be unfairly punished to cease operations. Technology crashing is not only inevitable, it's common.	H3-1	Rejected	Licensees are not prohibited from conducting manufacturing operations during loss of access to the track-and-trace system. The only prohibited activity during loss of access is movement between licensees.
382	Enabling continuity of business during Metrc loss of access is really important for us.	H3-11	Rejected	Licensees are not prohibited from conducting manufacturing operations during loss of access to the track-and-trace system. The only prohibited activity during loss of access is movement between licensees.
383	Requests meeting with state representatives to understand the protocols associated with track-and-trace disruption processes to begin formalizing cooperative agreements with jurisdictions.	Q-60	Rejected	This comment is not directed at a proposed regulatory provision.

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384	Requiring operations to cease when there is a loss of access in track and track is unrealistic. Need greater clarity.	Q-60	Rejected	BPC §26067(a) requires the use of the track-and-trace system for "reporting the movement of cannabis and cannabis product throughout the distribution chain." For this reason, licensees cannot move cannabis and cannabis product if access to the track-and-trace system is lost.
385	Technology will fail and cause delays of an unknown amount of time. Strike 40513(d) – cannabis products can't move when TT is down	Q-102 Q-215	Rejected	BPC §26067(a) requires the use of the track-and-trace system for "reporting the movement of cannabis and cannabis product throughout the distribution chain." For this reason, licensees cannot move cannabis and cannabis product if access to the track-and-trace system is lost.
386	Allow products to move during extended outage	Q-106 Q-115 Q-122	Rejected	BPC §26067(a) requires the use of the track-and-trace system for "reporting the movement of cannabis and cannabis product throughout the distribution chain." For this reason, licensees cannot move cannabis and cannabis product if access to the track-and-trace system is lost.
387	Amend 40513 to grant regulators discretion to allow normal cannabis activity in the event of an extended Metrc outage.	Q-302 Q-344 Q-345	Rejected	BPC §26067(a) requires the use of the track-and-trace system for "reporting the movement of cannabis and cannabis product throughout the distribution chain." For this reason, licensees cannot move cannabis and cannabis product if access to the track-and-trace system is lost.
§40525 Advertising and Marketing				
388	Under 40525 (b), are we required to put our name and license number on all social media posts, including on every single photo or post?	Q-187	Rejected	BPC §26151 establishes the requirements that advertising and marketing must contain.
389	No health related statements in marketing	Q-143 Q-319 Q-320	Rejected	BPC §26154 states that advertising and marketing cannot contain "any health-related statement that is untrue in any particular manner or tends to create a misleading impression as to the effects on health of cannabis consumption." The Department cannot make the requested modification to the text as it would be an unlawful expansion of the statute.

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390	Recommend the requirement for prominent warning label statement on any and all cannabis advertising.	Q-143 Q-319 Q-320	Rejected	BPC §26151 establishes the requirements that advertising and marketing must contain.
391	Advertising and marketing materials should not be permitted to: Display consumption of cannabis or cannabis products; contain material that encourages the use of cannabis because of its intoxicating effect; display conditions or activities that could be considered risky when under the influence of cannabis, such as operating a motorized vehicle or boat, being pregnant, or breastfeeding.	Q-143 Q-319 Q-320	Rejected	BPC §26152 establishes the restrictions on advertising.
392	No branded merchandise attractive to children	Q-143 Q-319 Q-320	Rejected	The Department does not prohibit branded merchandise however any form of merchandise that advertises or markets the business must meet the advertising restrictions of BPC 26152.
393	I just wanted to emphasize that even though it says in section 40525, in regards to advertising and marketing, I think it would be good to list the different forms of medium, because I understand that there are so many different kinds. And if we include that in	H1-5 H1-9	Rejected	BPC §26150 establishes what is to be considered advertising.

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	the language, it would emphasize a little bit more, because I know advertising has been shown in other areas, in other industries that increases the use of among youth.			
394	Social media posts should not be considered advertising, as long as they are not boosted or paid advertisements.	Q-174 Q-256 Q-300 L-11 L-14	Rejected	BPC §26150 establishes what is to be considered advertising.
395	Prohibit advertising giveaways of free cannabis goods as specified in the Act.	L-17	Rejected	Under statutory provisions, licensees cannot give away cannabis products. There is no need to duplicate this prohibition in regulations.
§40550. Inspections				
396	HOAC strongly supports the ability of CDPH to conduct inspections. Further, as manufacturing is the key point of production that influences product safety, HOAC recommends that regulations require on-site inspections occur at least once per year to ensure permit compliance. CDPH should report annually the	Q-278	Rejected	The Department will conduct inspections as deemed necessary, the frequency of which may vary according to the operation. BPC §26190 requires the Department to report on the number and type of enforcement activities, and the number, type, and amount of penalties, fines, and other disciplinary actions on an annual basis, beginning in 2023.

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	number of violations in each jurisdiction.			
397	40550 should specify that local jurisdictions also have the right to conduct inspections.	Q-228	Rejected	MAUCRSA establishes a dual-licensing structure that provides local jurisdictions the authority to establish ordinances that meet the needs of their specific locality. A licensee must comply with all applicable local ordinances.
398	Please allow third party certification agencies to interface with cannabis businesses and conduct inspections on behalf of the regulatory agencies.	Q-21	Rejected	It is the Department's responsibility to conduct inspections.
§40551. Notice to Comply				
399	The Department should clarify that all paperwork that must be mailed by the Department shall be postmarked within the timeframe set by the state. Proposed: "the Department may serve the notice to comply prior to leaving the licensed premises on an owner, manager or other individual on the premises designated by the licensee to accept the notice, or may mail the notice to comply to the licensee postmarked within 15 calendar days of the last date of inspection. This will avoid the	Q-82	Rejected	The Department maintains that the current language is sufficiently understandable.

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	use of loopholes to avoid penalties.			
§40570. Emergency Decision and Order				
400	40570 lacks clarifying language on how long an emergency order should stand. Suggests language.	Q-82	Rejected	The Department will determine the period of the emergency order on a case-by-case basis according to the unique circumstances of the situation. A defined time period will not best serve public health and safety.
401	Contains health and safety issue only. Requesting ability to extend unworkable deadlines. In particular when retailers had to destroy inventory based on packaging and testing changes.	Q-91 Q-93	Rejected	This section is intended to address urgent health and safety situations requiring immediate Departmental actions to protect public health and safety. It is not intended to address situations as described in the comment.
Comments Not Directed at Specific Regulatory Sections – Packaging- and Labeling-Related				
402	Commenter is asking if THC imprinting labeling is restricted to just the packaging or if that was intended to be on the edible product itself.	H1-2 H1-8	Rejected	This comment is not directed at a specific regulatory provision. However, the Department would note that the universal symbol is required to be on the packaging and not the product.
403	Clarify that immature cannabis plants and seeds are not required to be sold in CRP.	Q-106 Q-115 Q-122	Rejected	The comment is directed at regulations promulgated by the Bureau of Cannabis Control.
404	Please ban Single-Use plastics in packaging regulations.	Q-21	Rejected	The Department's mandate is to protect public health and safety. Packaging requirements reflect these priorities.

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405	The Department might consider including a requirement that licensees include a certification of the child-resistant packaging components to assist with distributor's quality assurance function.	Q-325	Rejected	Distributors hold the ability to require manufacturers to submit packaging certification as part of their contractual agreement, which is a more appropriate venue to address this concern.
406	The lack of consistency has cost a lot of money, and for manufacturers as well as retailers, in terms -- and then in terms of creating waste. As well for a state that provides itself on being so environmental and so green, the amount of plastic packaging that comes on, you know, some of these tiny little products is sort of crazy. So I don't -- you know, I -- I don't really know what to do except to an ask for -- ask for some level of consistency across these regulations moving forward, because the changes have been so great that there are --there are drink manufacturers who had to throw away months' worth of orders of bottles because the coloring changed on the bottling	H3-2	Noted	The Department makes every effort to consider the business impacts of its packaging decisions. No modifications to specific regulatory provisions are requested.

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	requirements, and then changed back.			
407	if there are additional packaging changes that are necessary for health and public safety, that we are given an allowance of time of the about six months to sell through old packaging and implement the new packaging changes where during that time both of those versions of the packaging would be considered compliant and legal.	H3-4	Noted	The Department make every effort to consider the business impacts of its packaging decisions. No modifications to specific regulatory provisions are requested.
408	Ability to create Travel kit combo for visiting tourists.	Q-27	Rejected	Nothing in Department regulations prohibits the creation of such a product, provided the THC limits are met.
409	And as far as labeling, you know, labels of Marinol, the synthetic THC, the FDA approved language says, "Do not use this product until you're used to the effects".	H3-7	Rejected	This comment is not directed at a specific regulatory provision.
410	We're concerned about the industry considering new regulations to support changes in labeling that is comparable to the tobacco industry. We do not agree with the basing of any medical cannabis on	Q-363 H2-1 H2-7	Rejected	The Department has not proposed packaging requirements that are solely based on the FDA tobacco packaging requirements.

#	COMMENT	ID#	STATUS	RESPONSE
	FDA's tobacco -- FDA's tobacco model.			
411	If you want to mirror the similar regulations to the ABC license system, then we also should receive the long-term licensing such as happens in the tobacco industry 10 to 20 plus years with annual reviews of your packaging.	Q-363 H2-7	Rejected	BPC §26050 requires licenses to be renewed on an annual basis.
412	Consult with CalRecycle to ensure packaging requirements assist with 75% recycling goal of 2020.	Q-226 Q-272 Q-325	Rejected	The Department's mandate is to protect public health and safety. Packaging requirements reflect these priorities.
413	While we agree with safe principles of packaging, and labels -- and labeling serves as a necessary and critical part of the products we make, we also believe that with subsequent changes and modifications, it creates risk to overall environmental waste in landfills.	H2-1	Rejected	The Department's mandate is to protect public health and safety. Packaging requirements reflect these priorities.
414	The ongoing and costly debate as to whether or not these products should be placed in child resistant packaging, or as the new BCC regulation asks, or in child-resistant exit packaging	H2-1	Accepted in part	The Department acknowledges the concerns raised by the commenter and makes every effort to provide a reasonable transition time for licensees to comply with new requirements. This is why the modified regulation text allows a 12-month transition period related to child-resistant packaging.

#	COMMENT	ID#	STATUS	RESPONSE
	at the point of retail. Again, constantly going back and forth creates a lot of waste in our landfills. Having to pull products off the shelf and destroy them when these rules change, also creates a four to six week wait between designing and receiving all new packaging and labeling for each store. We ask that you take these considerations in your process of decision-making process.			
Comments Not Directed at Specific Regulatory Sections – Enforcement-Related				
415	Violations of state or local labor laws in all disciplinary guidelines or regulations and should penalize licensees for impeding investigations by any state agency.	Q-25	Rejected	Licensees are required to follow all applicable state laws. No further modifications to the proposed regulations are necessary.
416	Require licensees to allow premises access for state regulators enforcing labor standards.	Q-25	Rejected	Licensees are required to follow all applicable state laws. No further modifications to the proposed regulations are necessary.
417	State must create a mechanism to provide the public with proper notice when an applicant seeks a cannabis licenses, renewal or receives a disciplinary action.	Q-25 Q-399	Rejected	MAUCRSA does not require the licensing authorities to provide such notice.

#	COMMENT	ID#	STATUS	RESPONSE
418	State labor agencies and cannabis regulating agencies should share information to ensure that there is a clear plan regarding the enforcement of labor standards and the sharing of information regarding licensees.	Q-26 Q-63 Q-399	Noted	This comment is not directed at a specific regulatory provision.
419	CDPH does not specifically delineate how violations of its regulations would be enforced against licensees. Enforcement regulations should align with those of BCC and CDFA.	Q-26 Q-63	Noted	The Department plans to address enforcement regulations in a separate regulatory package. Until that time, the statute gives the Department sufficient authority.
420	Licensing authorities should be required to share information with labor agencies.	Q-25	Rejected	This comment is not directed at a specific regulatory provision.
421	Include violations of state or local labor laws in all disciplinary guidelines or regulations and should penalize licensees for impeding investigations by any state agency.	Q-25	Rejected	Licensees are required to comply with all applicable state laws and BPC 26030 includes violations of labor standards are a cause for disciplinary action. No further modifications to the text are necessary.
Comments Not Directed at Specific Regulatory Sections – Testing-Related				
422	Batch testing for “S” licenses is too burdensome.	Q-91 Q-93	Rejected	The comment is directed at regulations promulgated by the Bureau of Cannabis Control.
423	many of us asked for a grace period on the implementation of	H3-14	Rejected	The comment is directed at regulations promulgated by the Bureau of Cannabis Control.

#	COMMENT	ID#	STATUS	RESPONSE
	phase three testing. Part of the reason for that is because currently right now, there may be something in the realm of 9 to 12 labs that can do phase 2 testing, in a compliant and semi-coherent way. And we have less than six months from implementation of phase three. So please consider a nine-month at least grace period.			
424	Would like CDPH to support retesting without a full remediation plan when circumstances warrant- error or equipment failure.	Q-68 Q-69 Q-70 Q-71 Q-72 Q-73 Q-74 Q-75 Q-77 Q-78 Q-96 Q-99 Q-191 Q-192 Q-221 Q-223	Rejected	The comment is directed at regulations promulgated by the Bureau of Cannabis Control.
425	I would like to suggest that the Department create some kind of interface between the Bureau and itself when we've got testing	H3-14	Accepted in part	The text was modified to allow products to be labeled with cannabinoids after testing. Although the exact solution proposed by this comment was not accepted, the Department believes the modified text will sufficiently address the concerns raised by this commenter.

#	COMMENT	ID#	STATUS	RESPONSE
	issues when it comes to just basic relabeling, based on the certificate of analysis content, and being able to move that product forward instead of quarantining it and some of the other backlogs.			
426	So is there going to be some type of baseline or allowance made for those type of regular food products that we're using as ingredients that have nothing to do with the cannabis component of it? I would just request that we have something, some type of allowance on that, because there's no way to get, you know, rice, cereal, or flour, or sugar that doesn't have those in it purchased in the United States.	H3-8	Rejected	The comment is directed at regulations promulgated by the Bureau of Cannabis Control.
427	Testing method standards is very, very confusing right now. We don't have anybody who can authorize to say, hey, I'm the one who is legit, you know. And one lab says it passed, the other one, no. Who should we listen to?	H3-3	Rejected	The comment is directed at regulations promulgated by the Bureau of Cannabis Control.
428	What I'd like to know particularly is will there be some reflection of this difficulty, this young man	H2-4	Rejected	The comment is directed at regulations promulgated by the Bureau of Cannabis Control.

#	COMMENT	ID#	STATUS	RESPONSE
	was talking about, by putting more of testing responsibilities on the manufacturers themselves?			
429	Request an allowance for internal lab testing.	Q-162 Q-170 Q-270 Q-334	Rejected	The comment is directed at regulations promulgated by the Bureau of Cannabis Control.
430	Request that manufacturers only test once, and product is not tested again by the distributor. Too much cost passed on to consumers.	Q-127 Q-367 Q-196	Rejected	The comment is directed at regulations promulgated by the Bureau of Cannabis Control.
431	Licensees could be required to provide a sample label or the MMP with the testing sample to make this easier for packaging but allows flexibility in correct labelling.	Q-384 L-17	Accepted in part	The text was modified to allow products to be labeled with cannabinoids after testing. Although the exact modification proposed by this comment was not accepted, the Department believes the modified text will sufficiently address the concerns raised by this commenter.
432	Commenter wants allowance of cultivators/processors to test that packaged but unlabeled product under camera in a storage and obtain a COA that can be used by other distributors and retailers. This is to offset the constant failure due to miniscule amounts of variance in THC/CBD.	Q-353	Accepted in part	The text was modified to allow products to be labeled with cannabinoids after testing. Although the exact modification proposed by this comment was not accepted, the Department believes the modified text will sufficiently address the concerns raised by this commenter.

#	COMMENT	ID#	STATUS	RESPONSE
Comments Not Directed at Specific Regulatory Sections – Testimony Regarding Experiences with Medicinal Cannabis				
433	Commenter provided testimony regarding positive experience with medicinal cannabis	Q-80 Q-83 Q-85 Q-86 Q-153 Q-154 Q-254 Q-255 H3-5	Noted	The Department thanks the commenter for their submission. No modifications to the text have been requested, so no further response is necessary.
434	Engage more with veterans and AIDS hospice and really see the benefits of what cannabis does at end of life as well as for veterans.	H3-5	Noted	The Department thanks the commenter for their submission. No modifications to the text have been requested, so no further response is necessary.
435	Testimony against the legalization of Cannabis. Entity speaks of her daughter's battles with addictions.	H2-3	Noted	The Department thanks the commenter for their submission. No modifications to the text have been requested, so no further response is necessary.
436	Testimony re pet food with CBD	Q-368	Noted	The Department thanks the commenter for their submission. No modifications to the text have been requested, so no further response is necessary.
Comments Not Directed at Specific Regulatory Sections				
437	HOAC has concerns that the draft regulations do not address on-site consumption and believes it should be prohibited.	Q-278	Rejected	The requested modification is beyond the legal authority of the Department. Cannabis businesses must adhere to all state labor laws.

#	COMMENT	ID#	STATUS	RESPONSE
438	The draft manufacturing regulations do not mention requirements that manufacturers put processes and equipment in place to minimize odor and other chemicals from leaving the facility. HOAC recommends the addition of this requirement to protect both the environment and the neighboring community.	Q-278	Rejected	These issues are handled by the Air Resources Board, and/or local laws.
439	The health officers believe that manufacturers should be prohibited from providing free samples, selling or distributing cannabis products directly to the public. In addition, regulations should also prohibit manufacturers from issuing coupons, buy-one-get-one deals, and other forms of discounting as these activities encourage extra product purchasing and create youth/younger adult friendly price points. This would include prohibition on manufacturers donating product to promotional events, i.e non-profit fundraiser.	Q-278	Rejected	Manufacturers are prohibited by statute from giving away free product as part of a business promotion. Furthermore, manufacturers already cannot sell directly to the public, as a retailer license is needed to do so.

#	COMMENT	ID#	STATUS	RESPONSE
440	Please allow the use of Mobile Packaging Units	Q-64	Rejected	BPC §26055 prohibits altering the premises without prior approval from the Department. Moving equipment in and out of the facility would constitute a substantial alteration.
441	Conduct ongoing research, epidemiology and measurement impacts to accurately evaluate and adjust policy as needed to protect public health.	Q-278	Rejected	This requested activity is outside of the scope of the Department's responsibility to administer a licensing program through the Manufactured Cannabis Safety Branch.
442	Request for all of the public to have the ability to perform map query on licensees	Q-26 Q-63	Rejected	This comment is not directed at the proposed regulations and requests a desired Department procedure regarding technology systems.
443	Regulations should support an efficient and transparent system for the disclosure of public records.	Q-26	Noted	The Department thanks the commenter for their submission. No modifications to the text are requested, so no further response is required.
444	Request to somehow appease or change Federal restrictions on Cannabis.	Q-173 Q-268	Rejected	The comment is directed at Federal Regulations and is not related to the proposed rulemaking action.
445	In California, you do not need a medical ID card to be a medical patient. And I don't see anything in the regulations that requires that. Maybe that should be clarified, so that people understand that.	H3-7	Rejected	The Department's regulations address licensing of cannabis manufacturers and the standards for manufacturing cannabis products. Medical ID card requirements are beyond the scope of this regulatory package. The Bureau of Cannabis Control addresses requirements for retail sales.
446	There should be like some kind of a cap set, like samples that you'd be allowed to transport	H3-9	Rejected	BPC 26070 requires transportation to be done by a licensed distributor.

#	COMMENT	ID#	STATUS	RESPONSE
	around as just a licensed manufacturer, so you could, you know, show around what you have to people that are licensed to distribute, or something like that. So that you wouldn't be risking your license just for carrying around a little bit of your stuff, and we could set a reasonable limit.			
447	Recommendation that CDPH adopt equity-promoting provisions into their regulations on manufacturing licensing.	Q-91 Q-93 Q-143 Q-319 Q-320	Rejected	This comment does not present sufficient specificity for the Department to make any modifications to the text. The Department would note that the Type S license was developed with the specific intention to reduce barriers to entry into the legal market.
448	Commenter has major concerns that the regulations are too onerous and costly for small businesses.	Q-304	Rejected	This comment does not present sufficient specificity for the Department to make any modifications to the text. The Department would note that the Type S license was developed with the specific intention to reduce barriers to entry into the legal market.
449	Allow distributers to make pre rolls.	Q-317	Rejected	The comment is directed at regulations promulgated by the Bureau of Cannabis Control and is therefore irrelevant to the proposed rulemaking action**.** The Department allows the preparation of pre-rolls by a licensed distributor per section 40100 (dd)(2)(B).
450	Allow Distributers to get a second opinion on failed products.	Q-348	Rejected	The comment is directed at regulations promulgated by the Bureau of Cannabis Control.

#	COMMENT	ID#	STATUS	RESPONSE
451	How do we transport legally through Federal lands?	Q-49 Q-403	Rejected	The comment is directed at regulations promulgated by the Bureau of Cannabis Control.
452	Warning to immigrants about working in the cannabis industry when still a Schedule 1 Drug.	Q-143 Q-319 Q-320	Rejected	The recommended modification is outside of the scope of the Department's authority.
453	Request to collectively lower taxes on all THC products.	Q-27 Q-30 Q-212 Q-357	Rejected	The Department has no authority over tax rates.
454	Is there a pharmacist that has been used as a reference for decision making surrounding definitions identifying edible and non-edible products that has expertise in compounding and drug manufacturing?	H1-3	Rejected	This comment does not request modifications to the text.
455	Request to simplify excise tax.	Q-35	Rejected	The Department has no authority over tax rates.
456	Excise tax should be charged on the actual dollar amount that the distributer sells the product to the dispensary.	Q-34	Rejected	The Department has no authority over tax rates.
457	Taxes need to be lowered for the cannabis market to succeed.	Q-31 Q-32 Q-295 L-20	Rejected	The Department has no authority over tax rates.

#	COMMENT	ID#	STATUS	RESPONSE
458	Request to collectively lower taxes on all THC products.	Q-27 Q-30 Q-212	Rejected	The Department has no authority over tax rates.
459	Require stability testing for manufactured products.	Q-79 Q-134 Q-222 Q-407	Rejected	All manufactured products have to be produced in facilities that utilize good manufacturing practices to ensure products are safe to consume and must have the date of manufacture printed on the label so that the consumer can make an informed choice.
460	Please provide employment to adults 18 years of age who may provide employee services not touching the plant.	L-5	Rejected	As discussed in the Initial Statement of Reasons, the Department has determined that the prohibition on employment for individuals under age 21 is appropriate, given the focus in the statute on protection of minors.
461	Please allow for on-site consumption at dispensaries.	Q-359 Q-362	Rejected	The comment is directed at regulations promulgated by the Bureau of Cannabis Control.
462	Recommends state funded research into the public safety threat posed by microbiological and/or pesticide contaminants present in cannabis products intended for consumption by combustion.	Q-68 Q-69 Q-70 Q-71 Q-72 Q-73 Q-74 Q-75 Q-77 Q-78 Q-96 Q-99 Q-102 Q-191	Rejected	This requested activity is outside of the scope of the Department's responsibility to administer a licensing program through the Manufactured Cannabis Safety Branch.

#	COMMENT	ID#	STATUS	RESPONSE
		Q-192 Q-215 Q-221 Q-223 L-10		
463	Would like CDPH to work with Bureau to exempt compassionate care programs from paying state taxes when proving free medical cannabis to disadvantaged.	Q-68 Q-69 Q-70 Q-71 Q-72 Q-73 Q-74 Q-75 Q-77 Q-78 Q-96 Q-99 Q-102 Q-191 Q-192 Q-221 Q-223	Rejected	The Department has no authority to exempt any cannabis or cannabis product from state taxes.
464	Need internal R & D for licensees.	Q-68 Q-69 Q-70 Q-71	Noted	The Department addresses R&D in section 40512.

#	COMMENT	ID#	STATUS	RESPONSE
		Q-72 Q-73 Q-74 Q-75 Q-77 Q-78 Q-96 Q-99 Q-191 Q-192 Q-221 Q-223		
465	Request that manufactures be able to take samples to dispensaries for the purposes of sales pitches without the need to go through a distributor.	Q-162 Q-170 Q-270 Q-334	Rejected	There is currently no mechanism to allow business to business samples within the statutory framework.
466	Include language in the regulations that explicitly states that the statewide track and trace system is the verification mechanism for County of Origin designations, and develop implementation parameters for County of Origin standards verification within the scope of work of the statewide track and trace program.	Q-67 Q-139 Q-277 Q-178 Q-160 Q-171 Q-156 Q-164	Rejected	The comment is directed at regulations promulgated by CalCannabis.

#	COMMENT	ID#	STATUS	RESPONSE
467	Please ensure the regulations are all in line with each other. Different financial interest holder, different track and trace reconciliation days, etc.	Q-76 Q-138	Rejected	The licensing agencies have work diligently to ensure that the three sets of regulations are in alignment whenever feasible.
468	Recommended that the State provide certain kind of machines already certified by the State. That would save us a lot of time and energy to search that. Like some of the -- some of the machine already certified by Colorado, but may not be certified by California.	H3-3	Rejected	The State does not have the required expertise to certify extraction machines.
469	Right now, we have to fight with the collective license. The collective license people is, you know, selling everywhere right now still.	H3-3	Rejected	Collectives will expire by operation of law on January 9, 2019, one year after the Bureau of Cannabis Control announced that licenses were being made available.
470	And last question, cultivation tax, where, as the manufacturer, we collect cultivation tax from the grower. Okay. But when we want to pass along the tax, the distribution they're are not willing to take it over,	H3-3	Rejected	This comment is not directed at a specific regulatory provision. The Department would note that distributors are required by law to collect the cultivation tax. This is related to regulations promulgated by the Bureau of Cannabis Control.
471	Commenter wants small manufacturers to be able to produce effective medicine from	Q-124 L-20	Rejected	Nothing in the proposed regulations prohibits home-based manufacturing, provided that it is done in accordance with all state and local laws.

#	COMMENT	ID#	STATUS	RESPONSE
	their homes because regulations are so burdensome and costly. Alternately, the State should work with local governments to lower start up costs for low-income people.			
472	Please allow CBD oil to be processed and with no new restrictions- Concerned about increased costs due to regulations.	Q-166	Rejected	Cannabis products may contain CBD derived from cannabis. Proposition 64 specifically excluded industrial hemp and its derivatives from the cannabis regulatory structure. Consequently, using cannabinoids acquired from outside of the regulated structure presents a risk of inversion of illicit cannabis product into the legal market and threatens the integrity of the track-and-trace system. In order to protect the highly regulated nature of the cannabis market, all cannabinoids must be acquired from licensed sources.
473	Ensure product safety	Q-279 Q-280	Rejected	The Department's mandate is to protect public health and safety. Several sections in the regulations address product safety including good manufacturing practices, prohibited products, THC concentration requirements and packaging and labeling requirements.
474	Protect against accidental overdose and accidental ingestion. Products should be easily identifiable as cannabis.	Q-279 Q-280	Rejected	The regulations require that products be clearly labeled as cannabis and include the universal symbol, limit the concentration of THC in the product, and require child-resistant, resealable packaging.
475	Prevent non-medical youth use-policies should be in place to prevent access from youth.	Q-279 Q-280	Rejected	This comment does not present sufficient specificity for the Department to make any modifications to the text.
476	Properly warn against use in pregnancy and breastfeeding. Current statement is insufficient.	Q-279 Q-280	Rejected	The warning statement is prescribed by statute.

#	COMMENT	ID#	STATUS	RESPONSE
477	Additional attention might be worded to the processes in Quality Assurance and SOPs defining how the quality will be assured.	L-8	Rejected	This comment does not present sufficient specificity for the Department to make any modifications to the text.
478	To all scientific measurements the SOP should also include a procedure for process improvement.	L-8	Rejected	The Department does not have enough information to make the requested modification. Further research would be needed.
479	Basically, you've got regulations that are completely eliminating small family farms. You're increasing wealth inequalities. You're going to devastate the Emerald Triangle region of Northern California.	H2-6	Rejected	This comment does not present sufficient specificity for the Department to make any modifications to the text.
480	You're treating cannabis as if it was plutonium, when it's not even as bad as most prescription drugs. No one has ever died from using cannabis. And all these regulations are way over the top.	H2-6	Rejected	This comment does not present sufficient specificity for the Department to make any modifications to the text.

#	COMMENT	ID#	STATUS	RESPONSE
481	These regulations are having the effect of shifting cannabis production from this region to other regions that are long, traditional agribusiness centers using undocumented immigrant workers instead of local residents.	H2-6	Rejected	This comment does not present sufficient specificity for the Department to make any modifications to the text.
482	That is a problem that we're facing in this community and in this region that is being exacerbated by the regulations that are proposed for farmers and manufacturers.	H2-6	Rejected	This comment does not present sufficient specificity for the Department to make any modifications to the text.
483	The regulations shift from the small-scale artisan manufacturers that built this industry, under the threat of imprisonment, to corporate firms that can just buy their way into the industry. This is an economic injustice on the individuals and families that will be displaced by the regulations.	H2-6	Rejected	This comment does not present sufficient specificity for the Department to make any modifications to the text.
484	The regulations, secondly, shift the industry from the region that built the industry to areas that are not part of the creative process.	H2-6	Rejected	This comment does not present sufficient specificity for the Department to make any modifications to the text.

#	COMMENT	ID#	STATUS	RESPONSE
485	The Environmentally harmful and unnecessary packaging regulations treat cannabis as if it were plutonium in need of such safeguards. It's not even like most prescription drugs in that not a single individual has ever died from its use.	H2-6	Rejected	The Department's mandate is to protect public health and safety. Packaging requirements reflect these priorities. BPC 26130 requires all cannabis and cannabis products to be sold in child-resistant packaging. The Department's regulations implement this statutory requirement.
486	The inability of smaller scale manufacturers to waive the regulations, pay all the permitting fees, and/or locate affordable manufacturing facilities to pursue their craft.	H2-6	Rejected	This comment does not present sufficient specificity for the Department to make any modifications to the text.
487	The idea of shared facilities where you're responsible for maintaining and paying for a facility for, at the minimum, one week per month throughout the year does not work for small artisan family producers, nor is the industrial level requirements necessary for those producers.	H2-6	Rejected	This comment does not present sufficient specificity for the Department to make any modifications to the text.
488	And so you're going to be limiting, restricting, and effectively reducing the options that clients and customers and patients have.	H2-6	Rejected	This comment does not present sufficient specificity for the Department to make any modifications to the text.

#	COMMENT	ID#	STATUS	RESPONSE
489	Asks the Department to provide guidance for ancillary cannabis companies and licensees regarding waste disposal practices for cannabis utilized in research and development by ancillary companies and how the transaction between the licensee and the ancillary company can be recorded in track-and-trace.	Q-240 Q-309	Rejected	The Department's authority is over cannabis manufacturing licensees and commercial cannabis activities. Ancillary companies using cannabis in a lawful manner for research and development must follow existing state waste management laws. Manufacturer licensees cannot directly transfer cannabis or cannabis products to any entity other than a licensed distributor.
490	Request to sample product up to 10grams per batch based on product being logged into Track and Trace.	Q-236 Q-237 Q-238	Rejected	The Department addresses R&D in section 40512.
491	Request to allow sampling on site as needed for R&D at whatever number the company sees fit.	Q-162 Q-170 Q-270 Q-334	Rejected	The Department addresses R&D in section 40512.
492	Clarity is needed for rules regarding samples between businesses as recommended by the Cannabis Advisory Committee. The ability for producers to provide samples to distributors and retailers is essential in any industry, and follows long-standing practice in the cannabis industry. Regulations don't provide clear	Q-105 Q-302 Q-344 Q-345	Rejected	Manufacturers are prohibited by statute from giving away free product as part of a business promotion.

#	COMMENT	ID#	STATUS	RESPONSE
	guidance on how samples can be entered into track and trace or recorded if they are not intended for final sale to consumer. Regulations provided between businesses for a nominal fee, must by labeled "not for resale" and may not be sold to a consumer, would help businesses with the clarity and confidence to use samples consistently.			
493	Opposed to three entities running Cannabis industry.	Q-212	Rejected	The comment is directed to statutory provisions.
494	SRIA failed to take into account home businesses in the analysis, which is a large part of manufactured products.	Q-128 Q-204 Q-235	Rejected	The SRIA did not specifically analyze businesses based on the building in which they operated. Instead, the economic analysis conducted in the SRIA looked at product type – concentrates and edibles – and market segment – unlicensed and licensed.
495	Allowing home businesses a pathway to the legalized market would be beneficial for all and would follow the intent of the statute.	Q-128 Q-204 Q-235	Rejected	Nothing in the proposed regulations prohibits home-based manufacturing, provided that it is done in accordance with all state and local laws.
496	Would like a license type specific to home businesses and has submitted a draft proposal that includes cultivation, manufacturing (non-volatile), distribution, and retail activities.	Q-128 Q-204 Q-235 Q-165 Q-193	Rejected	The Department is not setting up licenses based on the location of the premises.

#	COMMENT	ID#	STATUS	RESPONSE
		Q-281		
497	This is not a new industry, just newly regulated. Framework should be established for an industry (as stated), not (the other way around) establishing a new industry with the framework.	Q-165 Q-193 Q-281	Rejected	The Department has made every effort to accommodate common practices of the existing industry, within its statutory mandate to respect local autonomy and protect public health and safety.
498	Proposed regulations support corporate firms, drives industry for northern California, creates environmental harm and unnecessary packaging regulations and other regulatory barriers for small businesses.	Q-158 Q-349	Rejected	This comment does not present sufficient specificity for the Department to make any modifications to the text.
499	CDPH needs to be aware of price gouging by untested Chinese-made vape cartridges undercutting legal, tested vape products.	Q-343	Rejected	The comment is not directed at specific regulatory provisions.

The following comments were received by the Department, but are not relevant to the proposed rulemaking action because they are directed at the regulations or authority of the Bureau of Cannabis Control (BCC). Under BPC §26012(a)(1), BCC has the sole authority to create, issue, deny, renew, discipline, suspend, or revoke licenses for microbusinesses, transportation, storage unrelated to manufacturing activities, distribution, testing, and sale of cannabis and cannabis products.

#	Comment	ID#
500	Please no single use plastics in exit packaging.	Q-354
501	Retailer child-proof exit bags are nothing more than landfill plastic, which will disposed as soon as consumer gets home.	Q-131 Q-202 Q-218 L-20
502	Concerns on production batch sizes for oil/concentrate. Wants product tested at the product stage in smaller batches.	Q-9 Q-307 H1-10
503	Allow Compositions testing to reduce testing costs.	Q-29 Q-128 Q-197
504	Request that topicals be given leeway of 20% deviation for lab testing.	Q-30
505	Request that edibles be given leeway of 15% deviation for lab testing.	Q-30
506	Topical products should not adhere to the same testing requirements as edible products. It is unfair to group topicals together with infused products in terms of testing limits for pesticides and potency levels.	Q-232
507	I'm blending tested crude and putting in vape pens, do I need to test it again?	Q-19

#	Comment	ID#
		Q-394
508	Since the Testing Labs are being tasked with enforcement of Labeling, they should be given authority to use their common sense in interpreting the regulations as it applies to product descriptions ensuring that the product is not an alcoholic beverage	Q-128
509	Batch testing for “S” licenses is too burdensome	Q-91 Q-93
510	Heavy metal testing is very well established in the environmental industry. You've got a lot of labs in the Bay Area and Los Angeles that can do toxic heavy metal analysis very easily. If they could be allowed to – the labs -- the existing labs could outsource this one test to existing laboratories, the supply chain s hortfall would not be as immediate or grave, and would allow for a smoother transition.	H3-16
511	Many of us asked for a grace period on the implementation of phase three testing. Part of the reason for that is because currently right now, there may be something in the realm of 9 to 12 labs that can do phase 2 testing, in a compliant and semi-coherent way. And we have less than six months from implementation of phase three. So please consider a nine-month at least grace period.	H3-14
512	So if we have a lab who has a 30 percent variation from one lab to another, we could have a product that's fully compliant based on one lab's result and noncompliant based on another lab's result. So unless we have ring testing of the labs and have those all brought online with a baseline of some sort across the board, it's very difficult for a manufacturer to comply with lab testing when we have this tremendous variation.	H3-8
513	Regulations currently require us to lab test fully, you know, packaged product, how is it any different us distributing to a retailer versus another distributor that's already a packaged lab-tested product. The cost of lab testing is over $1,000 when you take into effect the cost of the product that's being tested. It makes it cost prohibitive to lab test twice.	H3-8
514	The testing requirements for pre-rolled joints are not fair. We don't believe that pre-rolled joints should be required to be batched tested at laboratories. It's not required in Colorado, Oregon, Washington, Nevada or Massachusetts, where pre-rolled joints are treated similar to simply packaging products into grams and eighths.	H3-10
515	Testing method standards is very, very confusing right now. We don't have anybody who can authorize to say, hey, I'm the one who is legit, you know. And one lab says it passed, the other one, no. Who should we listen to?	H3-3

#	Comment	ID#
516	Continue to require labs to report to their clients the concentration of each cannabinioid, some labs have been defaulting to total THC.	Q-108 Q-125
517	A clean transition to the new test regime within six months of the State granting licenses to the industry was and still is an expectation full of hubris.	H2-2
518	Licensed testing laboratories were, and still are, unable to provide the required quality of testing, how can you expect these labs to provide the necessary quantity of testing? Does the State actually believe the feasibility of a multi-billion dollar industry being funneled through 20 odd labs within a matter of months?	H2-2
519	The testing requirement has doubled or even tripled the operating cycle for many businesses, especially manufacturers. Preparing for QA testing requirements prior to July 1st was an impossibility, given the lack of the lab services.	H2-2
520	Let's not tie the hands of the people in laboratories by forcing them to use a specific technology when there are other technologies that can be successfully used**.**	H2-4
521	There are only 20 labs in the State for many users, for many -- as much product as we're shipping, who knows where, we should have a little bit more competition in that area.	H2-4
522	Topicals should be allowed a 20% swing before relabeled because they are not psychoactive	Q-294
523	Please consider making topicals a separate category from edibles with looser restrictions given their lack of psychoactivity when applied to the skin.	Q-264
524	Consider standardizing sample preparation methodology by analysis type.	L-17
525	Reagent quality should be a minimum of 99.9%.	L-8
526	Requesting ability to make Labs re-test due to deviating test results	Q-356 Q-392
527	Request an appeal process for state testing in case of lab failure due to inconsistency in lab testing.	Q-162 Q-170 Q-270 Q-334

#	Comment	ID#
528	Request for products that have met Compliance 2 testing and already been released for distribution to able to be sold out and not have to be pulled from the shelves on December 31st and destroyed.	Q-127 Q-152 Q-184 Q-181 Q-199 Q-304 Q-310 Q-360 Q-389 Q-396 L-2
529	Pesticide testing should apply to cannabis ingredients and not finished products, which should use USDA Organic Rules.	Q-359 Q-362
530	Recommends a more random approach to testing sampling.	Q-358
531	Recommend that the value of terpenes and terpenoids are mandatorily tested for and values made available to the public through database access or displays on the label	Q-358
532	Increase acceptable levels of ethanol	Q-24 L-24
533	Recommends that all cannabinoids with a CAS number are tested for and their values displayed on the label.	Q-358
534	In chapter 2, manufacturers, subsection 5409, daily limits, I'd like to see some clarification. The limits on it, eight grams of concentrated cannabis. We sell a four ounce can of butter that is considered a concentrate, which would put it well beyond the eight-gram cap, as well as the eight ounces of medicinal cannabis. Our products are generally four ounces. That would put them at a cap of two 100 milligram ready-to-eat edibles. So maybe exclusion for certain types of -- or a cap on THC specifically would be -- maybe be more specific.	H3-8
535	Allow samples in product display	Q-167

#	Comment	ID#
		Q-379
536	Manage excessive testing costs for cultivators by adopting a compositing program modeled on Oregon's existing program.	Q-91 Q-93 Q-29 Q-128 L-23
537	Allow free sampling of products on site at dispensaries and events, and between businesses.	Q-227 Q-359 Q-362
538	Requesting ability to make Labs re-test due to deviating test results	Q-392
539	Requesting for a permit to sell seeds be created.	Q-269 Q-380
540	Please allow for on-site consumption at dispensaries.	Q-359 Q-362
541	Suggest edits to BCC language on clarifying that rolling is not a process.	Q-317
542	Please clarify what is meant by "an agreement" to receive a portion of the profits of a commercial cannabis business. Revenue based? Will likely result in even less property being available for lease as landlords will not want to be listed on a cannabis license.	Q-76 Q-138 Q-234
543	The comment is directed at regulations promulgated by the Bureau of Cannabis Control related to local jurisdiction's authority to ban deliveries.	Q-3
544	Cultivators should be allowed to sell flower, or sell trim at a lesser tax rate.	Q-8, Q-233
545	Commenter requires smaller batch sizes due to cost.	Q-16
546	Commenter would like compositing testing.	Q-29

#	Comment	ID#
		Q-266
547	Metrc outage concerns- Request BCC to remove 5050(d) and request removal of 5413 related to exit packaging.	Q-47
548	Supports 5413 exit packaging, recommends BCC provide guidance that expressly permits licensed distributors to provide free product samples to retailers as part of its normal business activity. Other crossover comments in main document.	Q-102
549	By 2020 all exit bags should be required to be durable, intended for multiple uses; allow customers to reuse exit bags; exit bags should be made available upon request.	Q-106 Q-227
550	Resealable CRP opaque exit packaging is unnecessary. Only an opaque paper bag should be required and a manufacturer should be responsible for the CRP. Bureau should be authorized to modify its testing requirements in light of observed real world experience; cost is too high for testing. Drop requirement for traceable customer ID. Supports 5416 (d)- delivery.	Q-185, Q-318
551	Comment directed to BCC relative to the use of cannabis and ways to promote CBD-cannabis, including lowering fees on permits, taxes on products of farmers and reducing taxes at dispensaries.	Q-259
552	Commenter wants removal of ID requirement 5411 (b)(1);adopt compositing testing to reduce costs to cultivators; supports microbiological testing standards.	Q-289
553	Commenter opposes 5416(d) as it goes against the intent of the voters to allow local jurisdictions to allow or ban cannabis deliveries.	Q-3 Q-293 Q-287
554	Supports microbiological testing standards.	Q-266 Q-298 Q-311 Q-312 Q-333
555	Postpone phase 3 testing; testing costs are too high; proficiency tests about labs should be made public so we can choose a lab with a history of ability and compliance; pre-rolled joints should not be required to be tested in product batches, and cultivation taxes should not be charged based on the wet weight of stem and fan leaves. Recommends 30-	Q-299

#	Comment	ID#
	60 day storage for video storage and a lowering of pixel requirement. Believes composting is a waste a time-product, should be allowed to be restocked if useable. Allow vape pens to be returnable to retailer, who then give to distribution for recycling. Allow dispensaries to manage child-resistant requirement. CRP and exit bags are overkill. Retailer should be allowed to give away free cannabis to all medical patients. Microbusinesses should be allowed to have Type S manufacturing spaces. Several concerns regarding recordkeeping requirements in 5035, 5036, 5038, and 5049. BCC Fees and taxes are too high-- consider lowering annual fees.	
556	Comments directed to the Bureau on Quality Assurance and Testing section of 5707, 5720(c)(3), 5712.	Q-308
557	If a distributor finds a discrepancy between the inventory of stock and the inventory log or track and trace system that is outside of normal weight loss caused by moisture loss, the distributor shall commence a full audit of the batch in question. Does this only relate to cultivating distributors? If it does apply to manufacturing producers, what is the range of acceptance or normal weight loss caused by moisture loss; dismiss adult and medical use tags at dispensary and distinction be made at the point of sale; suggests implementation of medical cannabis licensing program w/patient ID card that lasts 2-3 years to qualifying applicants; 5705- will lose twice as much sampling product.	Q-324
558	Section 5050-- loss of access overly broad and restrictive; 5052.1 -Acceptance of shipments- allow any cannabis good that is found to be out of compliance by a retailer to be rejected so that whole shipment doesn't have to be destroyed; allow transport only in exemption from article 5; allow retailers to stay open until at least 12 am; allow retailers to sell other goods aside from anything on-site; support 5413; include language that makes it clear non-store front retailers can participate in licensed events; remove 5422(c); recommend a delay in phase 3 testing; recommend 20% testing requirement for all edibles with a dose of 2.01 mg or greater and a maintaining of the proposed plus or minus 25% for edibles with a serving dose of 200.mg or less; eliminate requirement in 5730(h) for replicate retests of failed samples if LQC samples meet acceptance criteria; eliminate requirement for testing laboratories to substantiate label claims; revise acceptance criteria for percent recovery to 70%-130% for LQC samples; eliminate minimum limits of quantification and replace with specific action levels(pass/fail); eliminate product density requirements from testing labs; reduce sample storage time until it can be established that all analysis can be performed reproducibly on samples stored beyond this time frame; remove constraints on testing laboratories to conduct all required testing in a single licensed facility; allow supply chain sampling; exempt compassion care programs from taxes, and the state should fund research into microbiological and/or pesticide contaminants present in cannabis products intended for consumption by combustion.	Q-328 Q-313 L-22
559	Supports exit packaging; provide guidance that expressly permits licensed distributors to provide free products samples to retailers as part of the normal business activity; exempt compassion care programs from state taxes.	Q-215 Q-329

#	Comment	ID#
560	Concerned about the BCC's THC/CBD labeling at a 10% variance.	Q-330
561	Supports 5306 distributor to distributor transactions post COA testing. Requests Bureau to revise 5724 (d)(1) to increase variability for labeled content of cannabinoids not to exceed 20%.	Q-332 Q-351
562	Commenter is concerned with lab testing inconsistencies; costs for sampling, and would like R&D allocations to be allowed at whatever the number the company sees fit.	Q-333
563	Supports 5418, 5416, 5303, 5306, 5300 with further clarification. Commenter does not support 5724(d) Cannabinoid testing, and product level packaging in 40415.	Q-340, Q-355
564	Commenter does not support 5720 proposed testing requirements for aspergillus; 5724(d) request Bureau to amend the variability for labeled content of cannabinoids to mirror food industry, supportive of 5306, support 5418, 5416, and does not support 5407, or 40330 for failed products batches.	Q-352
565	Commenter does not support 5724(d) Cannabinoid testing	Q-353
566	Recommends random of collecting samples under 5704 -5708; recommends softening the proposed labeling requirements regarding cannabinoid values under 5724 to harmonize with FDA.	Q-358
567	Commenter is concerned that their "market-ready" product would not conform to proposed regulations as it relates to product sampling and testing.	Q-364
568	Concerned that Bureau regulations do not comply with FPLA requirements.	Q-372
569	Drop requirement that pre-made joints be tested in production batches; drop requirement to test fresh cannabis plants; allow dispensaries to place all items in CRP exit bags-requiring both CRP and exit packaging is bad for the environment and is safety overkill; lower fees across the board; and create a standardized time of 72 hours for notifications, record keeping, and updating Metrc.	Q-378
570	BCC please make batch size smaller-maximum batch size should be 5,000 units	Q-393
571	Remove county ID requirement in 5411(b)(1)	Q-400
572	Commenter suggests that BCC should allow testing in final form; regulations should be changed to grams instead of pounds and ounces; and taxes should be paid by the responsible party—take the distributor out as the middleman.	Q-401

#	Comment	ID#
573	Amend 5002(c)(29) to include a Labor Standards Compliance Form in the application process; supports 5002(c)(23), 5023(b), Section 5600(g)(20); amend 5411(b)(1).	L-18 L-25
574	BCC should clarify the requirements for documents that need to be submitted with the license application	Q-285
575	The BCC's license fees should include more tiers	Q-285
576	BCC's license modification and change requirements need clarification	Q-285
577	BCC's premises requirements unfairly disadvantage small and rural operators	Q-285
578	BCC's prohibition on outdoor storage impacts small nurseries	Q-285
579	BCC's security requirements for small operators are unnecessarily onerous	Q-285
580	BCC's waste management rules do not provide for composting by a licensed farmer	Q-285
581	Distributor-Transport Only licensees under BCC have onerous requirements without the full benefit of a full Distribution license, unfairly burdening the small operator who is merely transporting the product already under another license.	Q-285
582	Patients are being forced to obtain complimentary non-cannabis products at a place separate from where they obtain their medical cannabis and small medical retailers are being prevented from fully serving their patients	Q-285
583	Lack of retail-to-retail transportation of cannabis goods creates a gap in the service for patients	Q-285
584	Exit packaging requirements are difficult for patients and create environmental waste	Q-285
585	Delivery requirements do not account for large rural areas	Q-285
586	The frequency of inventory requirements by BCC is burdensome to small operators	Q-285
587	BCC's allowable activities under the microbusiness license fails to assist small operators, especially in rural communities where all activities are not always allowed under zoning rules	Q-285
588	BCC's requirements in section 5504 are too onerous on microbusinesses	Q-285

The following comments were received by the Department, but are not relevant to the proposed rulemaking action because they are directed at the regulations or authority of the California Department of Food and Agriculture, CalCannabis Licensing Program (CalCannabis). Under BPC §26012(a)(2), CalCannabis has the sole authority to create, issue, deny, renew, discipline, suspend, or revoke licenses for cultivation activities.

#	**Comment**	**ID#**
589	Request that requirements to weigh plants at time of harvest be changed. Concerns with weather conditions and moisture weight etc.	Q-322
590	Prohibit large cultivation operations until 2023 as per statute	Q-28
591	Allow growers to sell direct to customers please.	L-1
592	Concerned that requiring a business not only to alert the CDFA, but pay an all new application fee to replace officers will likely have a result of inhibiting business from replacing their officers.	Q-76
593	Request to clarify the current draft cannabis regulations and define Rock Wool growing media used to grow cannabis as a "Solid Waste" pursuant to Public Resources Code Section 40191.	Q-274
594	Implement MAUCRSA completely. Commenters concerned CDFA has failed to implement the will of the voters. Reinstate 1 acre cap.	Q-28 Q-183 Q-323 Q-348 Q-374 Q-377 L-4 L-16 L-23
595	Request CDFA charge lowest annual fee tier for cultivators who use no artificial light and only complete one harvest per year.	Q-289 Q-292

#	Comment	ID#
		L-23
596	All comments addressed to CDFA related to light deprivation prohibition, contiguous premises impacts, microbusinesses verses cottage businesses, and general comments.	Q-291
597	Commenter has concerns with lifting acreage cap; requests fees for farms that use light deprivation without significant high intensity lighting supplemented; need to be able to use banking system- frustrating trying to pay fees and taxes; do away with medical and recreational on farmers and products; and would like to see a model that allows for small farmers to reach consumers directly.	Q-402
598	Protests plants being weighed at the time of harvest.	Q-406
599	Amend 8102 to incorporate labor standards compliance in the application process.	L-18 L-25
600	Perhaps our state can encourage farmers to grow outdoors –very little emissions- by reducing taxes and fees for outdoor clean farming practices. The fixed tax doesn't seem reasonable due to cannabis price changes from supply to demand. It feels like the whole regulation is set up for people who have big money (big corporations), and to destroy small farmers. The commenter has included suggested regulatory changes directed towards CDFA regulations.	Q-288 Q-290
601	Concerns about the use of the term "strain" throughout CDFA regulations	Q-285
602	CDFA limitations on the definition of "premises" negatively impact rural and small cultivators disproportionately	Q-285
603	Requirements for Distributor-Transport Only licenses for self-distributors under BCC licensing are too difficult for small operators given the need for a separate records storage area and costly insurance requirements and the inability to store cannabis goods under that license type. Transferring the transportation for cultivators to CDFA could help.	Q-285
604	Nursery considerations need to be better addressed	Q-285
605	Requirements for temporary licenses do not account for Water Board and CDFW delays and therefore do not allow the effective combination of applications for Adult use and Medical	Q-285
606	Application fees and license fees for cultivators need review and insertion of additional tiers	Q-285
607	CDFA requirements for the application should be refined concerning license stacking, required hours of operation, and other issues	Q-285

#	Comment	ID#
608	CDFA requirement for adding a new designated area for segregating cannabis subject to an administrative hold is unduly burdensome if the segregated product is not specifically allowed to be co-located in other structures.	Q-285
609	Limitation of Specialty Cottage Outdoor license to 25 plants severely restricts eligibility for this license type	Q-285
610	CDFA requirement for licensees on making change requests needs more specificity and clarification	Q-285
611	One-way supply chain creates unintended difficulties – CDFA licensees cannot accept returned plants.	Q-285
612	CDFA County of Origin regulations do not have verification mechanism	Q-285
613	Generator regulations inadvertently encourage use of larger generators than necessary by CDFA	Q-285
614	CDFA should allow for small home-based operators to be able to use their homes for offices and to share office space across all licenses they hold	Q-285
615	Scale requirements do not account for sensible accounting for seeds sold by count	Q-285
616	Track and Trace failure to recognize intermittent internet access of rural farmers	Q-285
617	Cultivation regulations do not address the carbon footprint of indoor cultivation	Q-183

SUPPLEMENTAL RESPONSE:

Allow edibles to be remediated if they fail lab testing, including remelting infused chocolate.	Q-114 Q-159 Q-365	Rejected	**In addition to the information provided in Comment 223 above, the Department includes the following necessity for Section 40330 –** this section prohibits the remediation of edibles, other than limited repackaging or relabeling. All other types of cannabis or cannabis products, such as pre-rolls, topicals, and concentrates, can be reprocessed after failed laboratory testing. There are several reasons for this difference. Remediation of edible products would change the chemical composition of the product in a manner that fundamentally changes the nature of the edible product. Edibles are very similar to food, for which there are no industry standards for remediation of final products. Due to their composition, edibles are more sensitive to changes in their environment than are other types of cannabis products or dried flower, and are more susceptible to contamination by microorganisms that cause foodborne illnesses, some of which are not part of the current laboratory testing scheme. There is also limited data available on the safety of reprocessed edible products for human consumption. Although there is a similar lack of data for other types of cannabis products, because those products are less susceptible to microbial contamination, the potential risk to public health is much lower. To the extent that further information becomes available in the future, the Department will consider revising the regulations accordingly.