

§40128. Annual License Application Requirements.

(a) To apply for a manufacturer license from the Department, the applicant shall submit the following on behalf of the commercial cannabis business:

(1) A completed application form as prescribed by the Department, or through online submission, which includes all of the following information:

- (A) Business information specified in Section 40129;
- (B) Owner information as specified in Section 40130; and
- (C) Manufacturing premises and operations information as specified in Section

40131.

(2) The nonrefundable application fee as specified in Section 40150.

(b) The application shall be signed by the applicant under penalty of perjury that the

information provided is complete, true, and accurate, and shall include the following attestations:

(1) The applicant is authorized to act on behalf of the commercial cannabis business;

(2) If the licensed premises has 20 or more employees, the applicant will enter into a labor peace agreement and will abide by the terms of the agreement as required by section 26051.5 (a)(5)(A) of the Act. A copy of the agreement shall be sent to the Department. If the applicant has not yet entered into a labor peace agreement, a notarized statement indicating the applicant will enter into and abide by the terms of a labor peace agreement shall be sent to the Department;

(3) The commercial cannabis business is operating in compliance with all local ordinances; and

(4) The proposed premises is not within a 600-foot radius of the perimeter of a school providing instruction in kindergarten or any grades 1 through 12, or a day care center, or youth center, or that the premises complies with the local ordinance specifying a different radius, as specified in section 26054(b) of the Act.

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Authority: Sections 26012; 26013 and 26130, Business and Professions Code. Reference: Sections 26050; 26051.5; and 26054, Business and Professions Code.

§40129. Annual License Application Requirements – Business Information.

(a) The applicant shall submit the following information for the commercial cannabis business:

- (1) The legal business name;
- (2) The federal tax identification number. If the commercial cannabis business is a sole proprietorship without a federal tax identification number, the applicant shall submit the social security number of the sole proprietor;
- (3) The name(s) under which the business will operate (“Doing Business As”), if applicable;
- (4) The business’s mailing address which will serve as the address of record;
- (5) The name, title, phone number and email address of the primary contact person for the commercial cannabis business;
- (6) The seller’s permit number issued by the California Department of Tax and Fee Administration or notification issued by the California Department of Tax and Fee Administration that the business is not required to have a seller’s permit. If the applicant has not yet received a seller’s permit, the applicant shall attest that the applicant is currently applying for a seller’s permit;
- (7) The business structure of the commercial cannabis business as filed with the California Secretary of State (e.g., limited liability company, partnership, corporation). A commercial cannabis business that is a foreign corporation shall include in its application the certificate of qualification issued by the Secretary of State of California;
- (8) A list of the owners, as defined in Section 40102;
- (9) A list of financial interest holders, as defined in Section 40102;
- (10) Proof of having obtained a surety bond in the amount of \$5,000, payable to the State as obligee, to ensure payment of the cost incurred for the destruction of cannabis products necessitated by a violation of the Act or the regulations adopted thereunder.
- (11) The license type applied for and whether the application is for medicinal or adult-use manufacturing.

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(b) Pursuant to section 26055(e) of the Act, applicants may voluntarily submit a copy of a license, permit, or other authorization to conduct commercial cannabis manufacturing activities issued by the local jurisdiction. Upon receipt of the application, the Department shall contact the applicable local jurisdiction to confirm the validity of the authorization. If the local jurisdiction does not respond within 10 calendar days, the Department shall consider the authorization valid.

Authority: Sections 26012; 26013 and 26130, Business and Professions Code. Reference: Sections 26050; and 26051.5, Business and Professions Code.

§40130. Annual License Application Requirements - Owners.

- (a) Each owner that is an individual shall submit all of the following information: (1) Name;
- (2) Title or position held;
- (3) Social security number;

- (4) Date of birth;
- (5) Mailing address;
- (6) Contact phone number and email address;
- (7) A copy of Department of Justice form BCIA 8016; and
- (8) Disclosure of all of the following, including dates and a description of the

circumstances, if applicable:

- (A) Any criminal conviction from any jurisdiction. Adjudications by a juvenile court

and infractions do not need to be disclosed. Convictions dismissed under Penal Code section 1203.4 or equivalent non-California law must be disclosed;

- (B) Any civil proceeding or administrative citation, penalty or license sanction that is substantially related to the qualifications of a manufacturer as identified in Section 40162, subsections (f) and (g), including proceedings, penalties or sanctions against you or against a business entity in which you were an owner or officer;

- (C) Any fines or penalties for cultivation or production of a controlled substance on public or private land pursuant to Fish and Game Code section 12025 or 12025.1;

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- (D) Any sanctions by a licensing authority, city, or county for unlicensed commercial cannabis activity within 3 years preceding the date of the application;

- (E) Any suspension or revocation of a cannabis license by a licensing authority or local jurisdiction within 3 years preceding the date of the application.

- (b) The owner form shall be signed by the owner under penalty of perjury that the information provided is complete, true, and accurate.

- (c) An owner disclosing a criminal conviction or other penalty or sanction pursuant to subdivision (a), paragraphs (8)(A) and (B), shall submit any evidence of rehabilitation with the application for consideration by the Department. A statement of rehabilitation shall be written by the owner and contain all the evidence that the owner would like the Department to consider that demonstrates the owner's fitness for licensure. Supporting evidence may be attached to the statement of rehabilitation and may include, but is not limited to, evidence specified in Section 40165, and dated letters of reference from employers, instructors, or counselors that contain valid contact information for the individual providing the reference.

Authority: Sections 26012; 26013 and 26130, Business and Professions Code. Reference: Sections 26012; 26013; 26050; 26055; and 26130, Business and Professions Code.

§40131. Annual License Application Requirements – Manufacturing Premises and Operations Information.

The applicant shall submit all of the following information regarding the manufacturing premises and operation:

- (a) The physical address of the manufacturing premises;
- (b) Whether the premises manufactures medicinal-use and/or adult-use cannabis products;
- (c) The type of activity conducted at the premises (extraction, infusion, packaging, and/or labeling);
- (d) The types of products that will be manufactured, packaged, or labeled; Page 17 of 86
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- (e) The name, title and phone number of the on-site individual who manages the operation of the premises;
- (f) The name, title and phone number of an alternate contact person for the premises;
- (g) The number of employees at the premises;
- (h) The anticipated gross annual revenue from products manufactured at the premises. An applicant for an M-license shall submit the anticipated gross annual revenue from the sale of medicinal-use products manufactured at the premises and an applicant for an A-license shall submit the anticipated gross annual revenue from the sale of adult-use products manufactured at the premises;
- (i) A premises diagram. The diagram shall be specific enough to enable ready determination of the bounds of the property and the proposed premises to be licensed, showing all boundaries, dimensions, entrances and exits, interior partitions, walls, rooms, windows, and common or shared entryways. The diagram must show the areas in which all commercial cannabis activities will be conducted. The diagram shall be to scale. If the proposed premises consists of only a portion of a property, the diagram shall be labeled to indicate which part of the property is the proposed premises and identifying what the remaining property is used for.
- (j) The following information:
 - (1) A description of inventory control procedures sufficient to demonstrate how the applicant will comply with the requirements of Section 40282, or a copy of the standard operating procedure addressing inventory control;

(2) A description of quality control procedures sufficient to demonstrate how the applicant will comply with all of the applicable requirements specified in Sections 40232- 40268 or a copy of the standard operating procedure addressing quality control;

(3) A description of the transportation process to be used by the applicant that is in compliance with state law, or a copy of the standard operating procedure addressing transportation;

(4) A description of security procedures sufficient to demonstrate how the applicant will comply with the requirements of Section 40200, or a copy of the standard operating procedure addressing security procedures;

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(5) A description of the waste disposal procedures sufficient to demonstrate how the applicant will comply with the requirements of Section 40290, or a copy of the standard operating procedure addressing waste management.

(k) A written statement signed by the owner of the property, or the owner's agent, identifying the physical location of the property and acknowledging and consenting to the manufacture of cannabis products on the property. The name, address and contact phone number for the owner or owner's agent shall be included.

(l) Any manufacturer submitting operating procedures and protocols to the Department pursuant to the Act and this chapter may claim such information as a trade secret or confidential by clearly identifying such information as "confidential" on the document at the time of submission. Any claim of confidentiality by a manufacturer must be based on the manufacturer's good faith belief that the information marked as confidential constitutes a trade secret as defined in Civil Code section 3426.1(d), or is otherwise exempt from public disclosure under the California Public Records Act in Government Code section 6250 et seq.

Authority: Sections 26012; 26013 and 26130, Business and Professions Code. Reference: Sections 26050; 26050.1; 26055; and 26130, Business and Professions Code.