

CHEAC Summary

BMCR Medical Cannabis Regulations

[Distribution, Transportation and Dispensaries](#)

The Bureau of Medical Cannabis Regulation (BMCR) proposed regulations focus on the application, licensing, and operating requirements for the distribution, transportation, and dispensing of medical cannabis throughout California. We encourage members to read the entire document released by BMCR; however, a summary of the most relevant aspects is provided below.

Operational Definitions (page 1-4)

- Medical cannabis goods – medical cannabis, including dried flower and manufactured medical cannabis products.
- Medical cannabis patient – a person whose physician has recommended the use of cannabis to treat a serious illness, including cancer, anorexia, AIDS, chronic pain, spasticity, glaucoma, arthritis, migraine, or any other illness for which cannabis provides relief.

Application Requirements (pages 5- 9)

- Applicants must provide the contact information for the local jurisdiction in which the entity proposes to operate, including the name of the local licensing authority, the address, and phone number.
- Applicants must provide documentation issued by the jurisdiction in which the application proposes to operate certifying the applicant is in compliance with all local ordinances and regulations, or will be in compliance with all local ordinances and regulations by the time the BMCR issues a license.
- For entities applying for a dispensary license, the applicant must provide evidence that the proposed location is at least a 600-foot radius from a school.
- For entities applying for a license to transport medical cannabis goods, applicants must detail practices for taking possession of medical cannabis goods, practices for holding medical cannabis goods while not in transport, practices for preventing the deterioration of medical cannabis goods, practices for transport of medical cannabis goods, and security practices.

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Waiver of Sovereign Immunity (page 12-13)

- Any applicants that fall within the scope of a sovereign immunity must operate in full compliance with the state laws and regulations, including state or local administrative or judicial enforcement provisions.

Operations in existence prior to January 1, 2018 (page 13 – 14)

- May continue to operate while their application is pending if:
 - A completed application is received by BMCR by July 2, 2018.
 - Continuing operations of an applicant must be the same commercial cannabis activity as the license type for which the applicant is applying.

Priority Review of Applications (page 14)

- Priority will be given to entities that were in operation and in good standing with its local jurisdiction by January 1, 2016, and whose business ownership or premises are the same as they were on January 1, 2016, will receive priority review.

Track and Trace Requirements (page 20)

- Licensees are required to create and maintain a rather involved track and trace system for medical cannabis products. All transactions of medical cannabis products must be entered into the track and trace system on a daily basis.

Notification of Law Enforcement (page 24)

- In the event of theft or loss of medical cannabis goods, licensees are required to notify BMCR and law enforcement authorities within 24 hours.

Distributors

Distribution Requirements (page 28 – 33)

- A distributor may take title to and possession of medical cannabis after harvest but prior to manufacturing. They may sell to a manufacturer or enter into contract with a manufacturer for manufacturing the medical cannabis into medical cannabis products.
- Title is relinquished by the distributor once goods are received by a dispensary.
- A distributor licensee may sell to another distributor.
- A distributor must ensure all medical cannabis goods batches are stored separately and distinctly from other medical cannabis goods batches on the distributor's premises.

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- Labeling and packaging must be done in conformance with current law. This includes not being appealing to children and including warnings.
- A licensed testing laboratory must be contacted for random sampling when a distributor takes physical possession of a medical cannabis batch. If a sample passes random sampling inspection, the medical cannabis goods may be distributed to dispensaries. If the sample fails, the distributor must destroy the batch, as specified.
- Licensees are not required to have medical cannabis goods tested or to follow the specified labeling requirements until 180 after licensure or December 31, 2018, whichever is sooner.

Transporters

Transport Requirements (page 38 -41)

- Entities transporting medical cannabis goods must only be transported inside of a commercial vehicle or trailer and not be visible or identifiable from the outside.
- Medical cannabis goods must be locked in a box that is secured to the interior of the commercial vehicle or trailer.
- If the vehicle is left unattended, the vehicle and trailer must be locked and secured. A commercial vehicle containing medical cannabis goods cannot be left unattended or left overnight in a residential area, and the vehicle must have a vehicle alarm system.
- The transporter must only make direct trips between licensees shipping or receiving medical cannabis goods and its own licensed premises.
- Only a licensed transporter or employee of the licensee over the age of 21 years old is allowed to transport medical cannabis goods using a commercial vehicle.
- Transporters must enter specified information into its track and trace system, including the personal information of the transporter, amount of medical cannabis goods transported, date of delivery and receipt, and any event resulting in exposure, compromise, spoilage, or fouling of products.

Dispensaries

Dispensary Requirements (pages 42 - 47)

- Premises shall be limited to individuals 18 and older.
- Individuals younger than 18 may enter the premises to purchase medical cannabis if the individual is a medical cannabis patient and is accompanied by his parent, guardian or primary caregiver.

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- Dispensaries may only permit authorized individuals to enter limited-access areas. Those individuals must be older than 21 in addition to other key requirements.
- Individuals may only access the retail area after the individual has been identified as a medical cannabis patient or primary caregiver using the either physician's recommendation or valid identification, or written documentation from the physician.
- Licensed dispensaries may only sell medical cannabis goods during the hours of 6:00 a.m. to 9:00 p.m. Pacific Time.
- Medical Cannabis goods for sale shall only be displayed in the retail area during the operating hours.
- Medical cannabis removed from their packaging for display shall not be sold or consumed.
- Licensees shall not sell more than eight ounces of medical cannabis in a single day to a single patient, a physician's recommendation is provided.
- Licensed dispensaries shall not resell medical cannabis goods that have been returned, this includes goods abandoned on the premises.
- Dispensaries shall not provide free samples of medical cannabis goods to any person.

Packaging and Labeling (page 47)

- No companies or organizations can provide free samples on the premises.
- A dispensary shall not package or label medical cannabis goods.
- Exit packaging must:
 - Be difficult for children under five to open and not difficult for adults to use properly.
 - Be opaque
 - Behave the ability to be resealed if intended for more than single use.

Delivery (page 48- 51)

- May only be made to a physical address in California.
- Dispensary delivery employee shall not leave the state of California while possessing medical cannabis goods.

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- Delivery may not be made to an address located on publicly owned land or any address on land or in a building leased by a public agency.
- Delivery must be made using an enclosed motor vehicle.
- Goods must not be visible to the public.
- Vehicles must be equipped with an active alarm system.
- Vehicles must be outfitted with a GPS device, not including a phone or tablet.
- Delivery can only be made during the hours of 6:00 a.m. and 9:00 p.m. Pacific Time.
- No more than \$3,000 in medical cannabis goods may be carried for delivery at any time.
- Delivery employees may not consume while delivering.

Inventory Storage (page 52)

- Goods shall be stored in a building designed to permit control of temperature and humidity and shall prevent the entry of environmental contaminants.
- Harvest batches and edible cannabis products that require refrigeration at 35 to 42 degrees Fahrenheit.

Receiving Shipments (page 52 -54)

- Dispensaries shall only accept shipments of medical cannabis goods between 6:00 a.m. and 9:00 p.m. Pacific Time.
- Shipments cannot enter through the public entrance at any time.
- Upon receiving shipments, products must be immediately secured to prevent diversion, theft and loss.

Grace Period (page 55)

- Up to 180 days after the date of licensure or December 31, 2018, whichever is sooner, a dispensary may sell its inventory of *untested* medical cannabis goods if the dispensary labels the package accordingly.

Track and Trace (page 55-57)

- Dispensaries must receipt, sale, returns, and destruction into the track and trace system.