State of California

Department of Cannabis Control

California Code of Regulations, Title 4, Division 19

Proposed Regulation Text:

Multipack Cannabis Goods

LEGEND:

Text proposed for adoption is shown in underline.

Text proposed for deletion is shown in ~~strikethrough~~.

Chapter 1. All Licensees

Article 1. Division Definitions and General Requirements

§15000. Definitions.

(a) […]

(tt) "Multipack" means a final-form cannabis good that contains inputs from more than one batch.

(~~tt~~uu) "Nonmanufactured cannabis products" means final form items that contain only cannabis, leaf, pre-roll filter tips, or paper.

(~~uu~~vv) "Nonvolatile solvent" means any solvent used in the extraction process that is not a volatile solvent. "Nonvolatile solvent" includes carbon dioxide, ethanol, and nonhydrocarbon-based or other solvents such as water, vegetable glycerin, vegetable oil, animal fat, and glycerin.

(~~vv~~ww) "Nursery" means all activities associated with producing clones, immature plants, seeds, and other agricultural products used specifically for the propagation and cultivation of cannabis.

(~~ww~~xx) "Orally consumed concentrate" means a cannabis concentrate that is intended to be consumed by mouth and is not otherwise an edible cannabis product. "Orally consumed concentrate" includes tinctures, capsules, and tablets as defined in subsection (~~nnn~~ooo).

(~~xxyy~~) "Outdoor cultivation" means the cultivation of mature cannabis without the use of artificial lighting in the canopy area at any point in time.

(~~yyzz~~) "Package" or "packaging" means any container or wrapper that may be used for enclosing or containing any cannabis or cannabis product. "Package" does not include a shipping container or outer wrapping used solely for the transport of cannabis or cannabis products in bulk quantity to a licensed premises.

(~~zz~~aaa) "Person" includes any individual, firm, partnership, joint venture, association,

corporation, limited liability company, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit, and the plural as well as the singular.

(~~aaa~~bbb) “Pest” means an undesired insect, rodent, nematode, fungus, bird, vertebrate, invertebrate, weed, virus, bacteria, or other microorganism (except microorganisms on or in living humans or other living animals) that is, or is liable to become, injurious, dangerous, or detrimental to health, the environment, or the agricultural environment of the state.

(~~bbb~~ccc) “Pre-roll” means any combination of the following rolled in paper: flower, shake, leaf, or kief that is obtained from accumulation in containers or sifted from loose, dry cannabis flower or leaf with a mesh screen or sieve.

(~~ccc~~ddd) “Premises” means the designated structure(s) and land specified in the application that is owned, leased, or otherwise held under the control of the applicant or licensee where the commercial cannabis activity will be or is conducted. The premises ~~shall~~ must be a contiguous area and ~~shall~~ must only be occupied by one licensee.

(~~ddd~~eee) “Primary panel” means the part of a cannabis goods label that is most likely to be displayed, presented, shown, or examined under customary conditions of display for retail sale.

(~~eee~~fff) “Processing” means all activities associated with the drying, curing, sifting, grading, trimming, rolling, storing, packaging, and labeling of cannabis or nonmanufactured cannabis products.

(~~fff~~ggg) “Product Identity” or “identity of the product” means the generic, common, or usual name of the product type that is applicable to a particular product ~~by which it is most commonly known~~, such as edible, gummy, chocolate, cookie, concentrate, wax, shatter, flower, pre-roll, tincture, capsule, topical, or vape.

(~~ggg~~hhh) “Promotional materials” means any form, letter, circular, pamphlet, publication, or other written material directed to a customer or prospective customer to induce retail sales. Promotional material does not include permitted signs, displays, decorations, cannabis accessories, or cannabis or cannabis products furnished by a licensed cultivator, licensed manufacturer, licensed distributor, licensed microbusiness, or licensed cannabis event organizer to a retail licensee for advertising purposes.

Promotional materials ~~shall~~ must have no intrinsic or secondary value.

(~~hhh~~iii) “Publicly owned land” means any building or real property that is owned, leased, or occupied by a city, county, state, federal, or other government entity.

(~~iii~~jjj) "Quarantine" means the storage or identification of cannabis or cannabis product to prevent use, movement or transfer of the cannabis or cannabis product.

(jjjkkk) “Residential area” is an area that is within 600 feet of any single-family or multifamily residence, other than commercial hotels, motels, and similar establishments for temporary lodging.

(~~kkk~~lll) “Retail area” means a building, room, or other area that is open to the public, upon

the licensed retailer or licensed microbusiness premises authorized to engage in retail sales in which cannabis goods are sold or displayed.

(~~lll~~mmm) “Serving” means the designated amount of cannabis product established by the manufacturer to constitute a single unit.

(~~mmm~~nnn) “Sublet” means to lease or rent all or part of a leased or rented property.

(~~nnn~~ooo) “Tablet” means a solid preparation containing a single serving of THC or other cannabinoid that is intended to be swallowed whole, not formulated to be chewable, dispersible, effervescent, orally disintegrating, used as a suspension, or consumed in a manner other than swallowed whole, and does not contain any added natural or artificial flavor or sweetener.

(~~ooo~~ppp) “Tamper-evident” means that the cannabis goods packaging is sealed in a manner that prevents the packaging from being opened without obvious destruction of the seal.

(~~ppp~~qqq) “Terpenes” means terpenes, terpenoids, flavonoids, polyphenols, and other naturally occurring phytochemicals and secondary metabolites contributing to the aroma or flavor of cannabis.

(~~qqq~~rrr) “THC” or “delta-9 THC” means the compound tetrahydrocannabinol, CAS number 1972-08-3. “Total THC” is defined in section 15700(~~rrr~~sss).

(~~rrr~~sss) “Tincture” means a solution of cannabis extract, derived either directly from the cannabis plant or from a manufactured cannabis extract, dissolved in alcohol, glycerin, or vegetable oils. For purposes of this definition, “vegetable” includes botanically classified fruits and vegetables and their seeds.

(~~sss~~ttt) “Topical cannabis product” means a cannabis product intended to be applied to the skin rather than ingested or inhaled.

(~~ttt~~uuu) “Track and trace system” means the program for reporting the movement of cannabis and cannabis products through the distribution chain established by the Department in accordance with section 26067 of the Act.

(~~uuu~~vvv) “Transport” means the physical movement of cannabis or cannabis products from one licensed premises to another licensed premises.

(~~vvv~~www) “Unique identifier” or “UID” means an alphanumeric code or designation used for reference to a specific plant and any cannabis or cannabis product derived or manufactured from that plant.

(~~www~~xxx) “Universal symbol” means the symbol developed by the Department pursuant to section 26130(c)(7) of the Act to indicate that a product contains cannabinoids.

(~~xxxyyy~~) “Vehicle alarm system” is a device or series of devices installed to discourage theft of the vehicle or its contents and is intended to summon general attention or to summon law enforcement as a result of an indication of an attempted breach of the vehicle.

(~~yyyzzz~~) “Volatile solvent” means any solvent that is or produces a flammable gas or vapor that, when present in the air in sufficient quantities, will create explosive or ignitable

mixtures. Examples of volatile solvents include, but are not limited to, butane, hexane, and propane.

(~~zzz~~aaaa) "Watts per square foot" means the sum of the maximum wattage of all lights identified in the designated canopy area(s) in the premises diagram divided by the sum of the dimensions in square feet of the same designated canopy area(s).

(~~aaaa~~bbbb) "Wholesale cost" has the meaning stated in title 18, California Code of Regulations, section 3700.

Authority cited: Section 26013, Business and Professions Code. Reference: Section 26013, Business and Professions Code.

Article 6. Track and Trace Requirements

§15049.4. Track and Trace Requirements for Multipacks.

A multipack cannabis good must be categorized in the track and trace system as a multipack. The licensee creating the multipack must enter the number of batches included in the multipack.

Authority cited: Section 26013, Business and Professions Code. Reference: Sections 26067, 26068 and 26160, Business and Professions Code.

§15307. Quality-Assurance Review.

(a) When a licensed distributor receives a certificate of analysis for regulatory compliance testing from the licensed testing laboratory or upon transfer from another licensed distributor stating that the batch meets specifications required by law, the licensed distributor ~~shall~~ must ensure the following before transporting the cannabis goods to one or more licensed retailers or licensed microbusinesses authorized to engage in retail sales:

~~(a)~~ (1) The certificate of analysis for regulatory compliance testing that the licensed distributor received from the licensed testing laboratory or another licensed distributor is the certificate of analysis that corresponds to the batch, and if a multipack, each batch within the multipack has a corresponding certificate of analysis;

~~(b)~~ (2) The date on the certificate of analysis for the regulatory compliance testing is less than 12 months old;

~~(c)~~ (3) The label on the cannabis goods is consistent with the certificate of analysis for regulatory compliance testing regarding cannabinoid content required to be listed by law as follows:

~~(1)~~ (A) If the cannabis goods are labeled with the content for cannabinoids, terpenoids, Total THC, ~~and/~~or Total CBD prior to receiving the certificate of analysis for regulatory compliance testing, the licensed distributor ~~shall~~ must ensure that the labeled amounts are accurate in accordance with section 15307.1, and

~~(2)~~ (B) If the cannabis goods are not labeled with the content for cannabinoids, terpenoids, Total THC, ~~and/~~or Total CBD prior to receiving the certificate of analysis for regulatory compliance testing, the licensed distributor ~~shall~~ must label the cannabis

goods with the amounts listed on the certificate of analysis pursuant to section 15303;

~~(d)~~ (4) The packaging and labeling of the cannabis goods complies with Business and Professions Code section 26120 and this division, except cannabis goods are not required to be labeled or otherwise identified as medicinal products prior to retail sale unless the cannabis goods must be labeled as such pursuant to this division;

~~(e)~~ (5) The cannabis goods have not exceeded their expiration or sell-by date if one is provided;

~~(f)~~ (6) The weight or count of the batch comports with that in the track and trace system.

A licensed distributor ~~shall~~ must use scales as required by this division; and

~~(g)~~ (7) All events prior to receipt of the certificate of analysis for regulatory compliance testing have been entered into the track and trace system.

~~(h)~~ (b) If the licensed distributor determines that the cannabis goods are not fit for sale because they do not meet the requirements of this section, then the distributor may arrange for a corrective action plan to be submitted pursuant to section 17305 in accordance with the following:

(1) If the cannabis goods may be relabeled by the licensed distributor, another distributor, or microbusiness authorized to engage in distribution, then the distributor who will conduct the remediation ~~shall~~ must submit a corrective action plan pursuant to section 17305. Transport to another licensed distributor or microbusiness authorized to engage in distribution ~~shall~~ may not occur until the corrective action plan has been approved by the Department.

(2) If the cannabis goods may only be remediated by a licensed manufacturer or microbusiness authorized to engage in manufacturing because they must be repackaged or reprocessed, then the licensed distributor ~~shall~~ must comply with the provisions of subsections (e) and (f) of section 15306.

Authority cited: Section 26013, Business and Professions Code. Reference: Sections 26070, 26110 and 26120, Business and Professions Code.

Chapter 6. Testing Laboratories

Article 3. Sampling Cannabis and Cannabis Products

§15705. General Sampling Requirements.

(a) The licensed laboratory that obtains a representative sample from a licensed distributor or licensed microbusiness ~~shall~~ must perform all the required testing at one licensed laboratory premises.

(b) The licensed laboratory may obtain and analyze samples only from cannabis products batches in final form as required by Business and Professions Code section 26100.

(c) The licensed laboratory sampler ~~shall~~ must collect a representative sample from each batch following the procedures specified in the laboratory's sampling standard operating

procedure(s). If the cannabis product is a multipack, the sampler must collect a representative sample from each batch contained within the multipack.

(d) The licensed laboratory ~~shall~~ must ensure that the sample is transported and subsequently stored at the licensed laboratory premises in a manner that prevents degradation, contamination, commingling, and tampering. If the cannabis or cannabis products specify on the label how the cannabis or cannabis products ~~shall~~ must be stored, the laboratory ~~shall~~ must store the sample as indicated on the label.

(e) The licensed laboratory ~~shall~~ must complete a chain of custody form for each sample that the laboratory collects and analyzes.

(f) Once a representative sample has been obtained for regulatory compliance testing, the licensed laboratory that obtained the sample must complete the regulatory compliance testing.

(g) If a licensed laboratory is unable to competently complete the regulatory compliance testing after sampling and before a COA is issued, the licensed distributor or microbusiness authorized to engage in distribution who arranged for the testing of the batch may request approval from the Department to have the impacted batch re-sampled and tested by another licensed laboratory.

(1) The request ~~shall~~ must be made in writing via email to testinglabs@cannabis.ca.gov and ~~shall~~ must include all of the following:

(A) The name and license number of the distributor;

(B) The batch numbers;

(C) The type and quantity of cannabis or cannabis products;

(D) The name and license number of the laboratory that took the initial sample and is not able to competently complete the regulatory compliance testing;

(E) The name and license number of the laboratory proposed to re-sample and complete the regulatory compliance testing for the batch; and

(F) The reason why the laboratory that initially took the sample cannot competently complete the regulatory compliance testing.

(2) The Department will review the request and determine if the licensed laboratory that initially took the sample is unable to competently complete the regulatory compliance testing. If the Department determines that the licensed laboratory is unable to competently complete the regulatory compliance testing, the Department, in its discretion, may approve the request in whole or part and set conditions for the re-sampling and testing.

(3) No re-sampling of any batch ~~shall~~ may occur prior to the licensed distributor or licensed microbusiness authorized to engaged in distribution receiving written approval from the Department.

Authority cited: Section 26013, Business and Professions Code. Reference: Sections 26100, 26104 and 26110, Business and Professions Code.

§15708. Cannabis Product Batch and Pre-Roll Sampling.

(a) The sampler ~~shall~~ must obtain a representative sample from each cannabis product batch or pre-roll batch. Each batch within a multipack cannabis good must be sampled separately in accordance with the requirements of this section.

(b) The sampler may collect a greater number of sample increments if necessary to perform the required testing or to ensure that the samples obtained are representative.

(c) The cannabis product batch or pre-roll batch from which a representative sample is obtained ~~shall~~ must contain no more than 150,000 units. Laboratory analyses of a sample collected from a cannabis product batch containing more than 150,000 units ~~shall be deemed~~ are invalid and the cannabis product batch or pre-roll batch from which the representative sample was obtained ~~shall~~ must not be released for retail sale.

(d) The sampler ~~shall~~ must obtain a representative sample of a cannabis product or pre-roll batch by collecting, at minimum, the number of sample increments relative to the batch size as listed in the following table. Each sample increment consists of 1 packaged unit.

Cannabis Product or Pre-roll Batch Size (units)	**Number of Sample Increments (per sample)**
≤ 50	2
51 – 150	3
151 – 500	5
501 – 1,200	8
1,201 – 3,200	13
3,201 – 10,000	20
10,001 – 35,000	32
35,001 – 150,000	50

Authority cited: Section 26013, Business and Professions Code. Reference: Sections 26100, 26104 and 26110, Business and Professions Code.

§15726. Certificate of Analysis (COA).

(a) The licensed laboratory ~~shall~~ must generate a COA for each representative sample that the laboratory analyzes. Each representative sample taken from each batch within a multipack cannabis good must have a separate COA.

(b) The licensed laboratory ~~shall~~ must ensure that the COA contains the results of all required analyses performed for the representative sample.

(c) The licensed laboratory ~~shall~~ must, within 1 business day of completing all analyses of a sample, ~~both~~ upload the COA into the track and trace system ~~and simultaneously provide a copy of the COA to the Department via email at testinglabs@cannabis.ca.gov with a file name of "METRC UID Number and Test Sample ID" and "Passed" or "Failed" in the subject heading of the email~~.

(d) The licensed laboratory ~~shall~~ may not release to any person any cumulative or individual test results prior to completing all analyses and ~~providing~~ uploading the COA ~~to the Department~~ into the track and trace system.

(e) The COA ~~shall~~ must contain, at minimum, the following information:

(1) The term "Regulatory Compliance Testing" in font no smaller than 14-point, which ~~shall~~ must appear in the upper-right corner of each page of the COA. No text or images ~~shall~~ must appear above the term "Regulatory Compliance Testing" on any page of the COA.

(2) Laboratory's nam~~e, licensed premises address,~~ and license number;

(3) Licensed distributor's or licensed microbusiness authorized to engage in distribution's name~~, licensed premises address,~~ and license number;

(4) Licensed cultivator's, licensed manufacturer's, or licensed microbusiness' name, ~~licensed premises address,~~ and license number;

(5) Batch number of the batch from which the sample was obtained. For cannabis and cannabis products that are already packaged at the time of sampling, the labeled batch number on the packaged cannabis and cannabis products ~~shall~~ must match the batch number on the COA;

(6) Sample identifying information, including matrix type and ~~unique sample identifiers~~UID assigned to the test sample;

(7) Sample history, including the date collected, the date received by the laboratory, and the date(s) of sample analyses and corresponding testing results;

(8) A picture of the sample of cannabis and cannabis products. If the sample is pre-packaged, the picture must include an unobstructed image of the packaging;

(9) For dried flower samples, the total weight of the batch, in grams or pounds, and the total weight, of the representative sample in grams;

(10) For cannabis product or pre-rolls samples, the total unit count of both the representative sample and the total batch size;

(11) Measured density of the cannabis and cannabis products, if applicable;

(12) The analytical methods, analytical instrumentation used, and corresponding Limits of Detection (LOD) and Limits of Quantitation (LOQ);

(13) An attestation on the COA from the laboratory supervisory or management-level employee that all LQC samples required by section 15730 were performed and met the acceptance criteria; and

(14) Analytes detected during the analyses of the sample that are unknown, unidentified, or injurious to human health if consumed, if any.

(f) The licensed laboratory ~~shall~~ must report test results for each representative sample on

the COA as follows:

(1) Indicate an overall “pass” or “fail” for the entire batch;

(2) When reporting qualitative results for each analyte, ~~the licensed laboratory shall~~ indicate “pass” or “fail”;

(3) When reporting quantitative results for each analyte, ~~the licensed laboratory shall~~ use the appropriate units of measurement as required under this chapter;

(4) When reporting results for each test method, ~~the licensed laboratory shall~~ indicate “pass” or “fail”;

(5) When reporting results for any analytes other than cannabinoids that were detected below the analytical method LOQ, indicate “<LOQ”~~, notwithstanding cannabinoid results~~;

(6) When reporting results for any analytes that were not detected or detected below the LOD, indicate “ND”; and

(7) Indicate “NT” for any test that the licensed laboratory did not perform.

(g) The licensed laboratory may not calculate or report cannabinoid content in any manner other than as described in this chapter.

~~(g)~~ (h) The licensed laboratory supervisory or management employee ~~shall~~ must validate the accuracy of the information contained on the COA and sign and date the COA.

(i) The laboratory supervisory or management employee may request to amend a COA to correct minor errors. Requests must be emailed to the Department at testinglabs@cannabis.ca.gov for approval prior to making any corrections. Errors in results required to be reported pursuant to subsection (f) are not minor errors.

NOTE: Authority cited: Section 26013, Business and Professions Code. Reference: Sections 26100, 26104 and 26110, Business and Professions Code**.**

Chapter 10. Cannabis and Cannabis Products

§17303.2. Additional Requirements for Multipacks.

(a) A multipack may not contain cannabis or cannabis goods from more than three batches in a single final-form package.

(b) All batches within a multipack must have the same product identity.

(c) A multipack must be packaged in a manner that ensures that cannabis or cannabis product from each batch within the multipack is physically separate and distinct from cannabis or cannabis product from all other batches.

NOTE: Authority cited: Sections 26013 and 26130, Business and Professions Code. Reference: Sections 26011.5 and 26130, Business and Professions Code.

Article 2. Cannabinoid Concentration Limits

§17304. THC Concentration Limits.

(a) An edible cannabis product ~~shall~~ may not contain more than:

(1) 10 milligrams THC per serving; and

(2) 100 milligrams THC per package.

(b) Notwithstanding subsection (a), a package containing an edible product that is an orally dissolving product, such as sublingual lozenges or mouth strips, may contain up to 500 milligrams THC per package, if:

(1) The cannabis product consists of discrete servings of no more than 10 milligrams THC per piece;

(2) The cannabis product is labeled “FOR MEDICAL USE ONLY;” and

(3) The cannabis product is only available for sale to a medicinal-use patient.

(c) A topical cannabis product or a cannabis concentrate ~~shall~~ may not contain more than 1,000 milligrams THC per package.

(d) Notwithstanding subsection (c), a topical cannabis product or a cannabis concentrate may contain more than 1,000 milligrams THC per package, but not more than 2,000 milligrams THC per package, if the product is labeled “FOR MEDICAL USE ONLY” and is only available for sale to a medicinal-use patient.

(e) A multipack must adhere to the per-serving and-per package limits established in this section, regardless of the number of batches in the package.

Authority cited: Sections 26013 and 26130, Business and Professions Code. Reference: Sections 26011.5, 26120 and 26130, Business and Professions Code.

Chapter 11. Labeling and Packaging Requirements

Article 3. Labeling Requirements

§ 17402. General Provisions.

(a) Any information required to be listed on a label ~~shall~~ must be written in English.

(b) A label ~~shall~~ must be unobstructed and conspicuous so that it can be read by the consumer.

(c) All required label information ~~shall~~ must be located on the outside container or wrapper of the finished product to be sold at a retailer, or be easily legible through the outermost container or wrapper. If the immediate container holding the cannabis goods is separable from the outermost packaging, such as a container placed inside of a box, the immediate container ~~shall~~ must be labeled with the universal symbol as described in section 17410.

(d) The label of a multipack cannabis good must include the information required by section 17406, subsections (a)(5) -(a)(9), for each manufactured cannabis product batch included in the multipack. All multipack labels must include the information required by section 17407 for each batch included in the multipack.

Authority cited: Sections 26013 and 26130, Business and Professions Code. Reference: Section 26120, Business and Professions Code.