



# Cannabis sativa

Rules for San Diego County

# Marijuana in California

- 1996 Prop 215 – Medicinal Use
- 2016 Prop 64 – Recreational Use
- Ballot measures and enacting legislation give local government control on cultivation
- Remains illegal under federal law

# San Diego County

- City of San Diego - yes
- City of Oceanside – yes
- 16 other incorporated cities – no
- Unincorporated county - no

# City of San Diego Production

- Production facilities allowed in industrial zones
- Requires Conditional Use Permit
- Capped at 40 permits
  - 37 issued
  - 2 pending

# City of Oceanside Production

- Medicinal only
- Land must be zoned agricultural
- Conditional Use Permit required
- Fully enclosed and secure
- Permits currently capped at 12
  - 10 issued for medicinal cultivation
  - 2 issued for nursery cultivation

# Unincorporated County

- March 15, 2017 vote to allow for medical and non-medical commercial cultivation
  - Dianne Jacob – No
  - Bill Horn – No
  - Kristen Gaspar – No
  - Ron Roberts – Yes
  - Greg Cox – Yes
- All three voting no cited a “moral objection” to medicinal or non-medicinal marijuana use

# Unincorporated County

- Current BOS status = no change in 3-2
  - Dianne Jacob – No
  - Jim Desmond (replaced Horn) – No
  - Kristen Gaspar – No
  - Nathan Fletcher (replaced Roberts) – Yes
  - Greg Cox – Yes
- Desmond, “I’ll reconsider when family doctors and specialists issue prescriptions that can be filled at conventional pharmacies”

# Unincorporated County

- November 2020
  - Dianne Jacob – No (Termed out)
  - Jim Desmond – No
  - Kristen Gaspar – No (Up for re-election)
  - Nathan Fletcher – Yes
  - Greg Cox – Yes (Termed out)



# Industrial Hemp

- No more than .3% Tetrahydrocannabinol (THC)
- 2014 Farm Bill allowed for research and pilot production
- 2018 Farm Bill removed hemp from Schedule 1 of the Controlled Substances Act
- Commercial cultivation allowed under a USDA approved state program
- California does not have an approved USDA program

# California

- California Industrial Hemp Farming Act approved by legislature in 2018 for implementation in 2019
- Uniform state regulations
- Requires registration with County Agricultural Commissioner
- Only approved cultivars may be used
- Requires sampling and testing before harvest to verify THC content  $\leq 0.3\%$

# Registration Requirements

- \$900 fee
- Name, physical address, mailing address
- Legal description and maps of production area
- Approved cultivars to be used
- Acreage of each plot (min. 1/10 acre)
- Estimated planting and harvest dates
- If not property owner, proof of permission
- Annual renewal

# Registrations as of 10.24.19

- Growers and Seed Breeders
- California
  - 502 entities
  - 1102 sites
- San Diego County
  - 47 entities (9% of state)
  - 95 sites (9% of state)
- What will renewal rate be?

# USDA Draft Rules

- Farm Bill: “Hemp may be grown under a USDA-approved state plan”
- Plans to be approved after release of USDA draft regulations
- Draft regulations released October 29, 2019
- 60-day comment period
- Will adjust rule if necessary based on comments

# USDA Draft Rules

- USDA to approve state plans
- No USDA seed certification – left to states
- Testing within 15 days of harvest (CA 30)
- Non-compliant crops must be destroyed per CSA and DEA rules or law enforcement
- Random annual site inspections
- Submit producer information to USDA
- To read interim rule put “Federal Register Domestic Hemp” into search engine

# Value of USDA Plan

- California will have a compliant plan
- Some jurisdictions refusing recognition of state's stand-alone plan
- Access to federal crop insurance
- Uniform THC testing
- Uniform destruction protocols
- Financing and bank access
- Interstate commerce