

CALIFORNIA HIGHWAY PATROL

GENERAL ORDER 70.16

DECEMBER 2024

CANNABIS LAWS, ENFORCEMENT, AND TRANSPORTATION

1. PURPOSE.

a. This chapter is to provide guidance for officers who encounter cannabis-related activity, including persons who are found in possession of medical cannabis or recreational cannabis, engaged in commercial cannabis activity, and/or involved with industrial hemp. In addition to providing direction regarding appropriate enforcement actions, this chapter will provide officers with information to assist in differentiating between legal and illegal cannabis users and business operations.

b. This chapter provides an overview of California's cannabis laws and regulations. Officers should exercise sound professional judgment when contacting persons in possession of cannabis, cannabis products, or industrial hemp.

c. It is illegal for a person to drive under the influence of cannabis, cannabis in combination with alcohol and/or another drug, or any other impairing substance. Refer to Highway Patrol Manual (HPM) 70.4, Driving Under the Influence Enforcement Manual, Chapter 4, Driving Under the Influence Policy and Procedures, for additional information.

2. TERMINOLOGY. The terms "marijuana" and "cannabis" can be used interchangeably. However, legislation continues to change legal references from marijuana to cannabis. Therefore, cannabis is the preferred terminology when referring to the plant and its byproducts.

3. LEGALIZATION OF CANNABIS AND HEMP.

a. Cannabis.

(1) In 1996, California Proposition 215, the Compassionate Use Act (CUA), legalized the use and possession of cannabis for seriously ill patients with a physician's recommendation. The CUA also allowed patients and caregivers to cultivate cannabis for personal use.

(2) In 2004, Senate Bill 420, Medical Marijuana, further clarified medical marijuana laws, including allowing the California Department of Public Health (CDPH) and local counties to issue voluntary medical marijuana identification cards. This bill also allowed for the formation of nonprofit patient collectives for the purposes of providing cannabis to patients.

(3) In 2016, Proposition 64, the Adult Use of Marijuana Act (AUMA), was voted on and passed by California voters. This proposition effectively legalized specified recreational cannabis sales and distribution to persons aged 21 years or older. The AUMA placed an excise tax on cannabis sales for the purposes of funding research, education, and prevention programs.

NOTE: The passage of Proposition 64 left most of the medical cannabis-related protections provided under previous laws in place.

(4) In June 2017, the California State Legislature passed Senate Bill 94, the Medicinal and Adult-Use of Cannabis Regulation and Safety Act (MAUCRSA). This bill merged medical and recreational cannabis into a single regulatory system which allows for the cultivation, manufacture, distribution, transportation, sales, and possession of cannabis.

b. Hemp.

(1) Senate Bill 566, Industrial Hemp, (2013) and the passage of AUMA in 2016 authorized the production of industrial hemp in California. As such, persons authorized and registered with a local County Agricultural Commissioner may cultivate, transport, and engage in industrial hemp manufacturing.

(2) The Federal Agriculture Improvement Act of 2018 removed industrial hemp from the federal controlled substances list and allows for the transfer of hemp-derived products across state lines for commercial or other purposes. It also allows the sale, transport, or possession of hemp-derived products, so long as those items are produced in a manner consistent with state and federal law.

4. CANNABIS OVERVIEW.

a. Cannabis is a flowering plant that produces a group of chemicals called cannabinoids. There are three primary species of cannabis: *Cannabis sativa* Linnaeus, *Cannabis indica*, and *Cannabis ruderalis*.



Figure 13-1. Cannabis plant (left) and harvested cannabis flower (right).

b. Cannabis cultivators harvest cannabis flower, which is where cannabinoids are concentrated. The flower can then be dried and consumed or further refined into different forms, including: resin (hashish), extracts (hashish oil), concentrates (honey oil, wax, shatter), tinctures (alcohol-based cannabis extracts), cannabis edibles (baked goods, candies), or other products (pills, screams, sprays, etc.).



Figure 13-2. Hashish (left), hashish oil (center left), shatter (center right), and honey oil (right).

c. Natural Cannabinoids. Cannabinoids are a class of chemicals which affects specific receptors in the brain. There are over 100 known cannabinoids. Law enforcement is primarily concerned with the cannabinoid delta-9-tetrahydrocannabinol (delta-9-THC) as this cannabinoid has been closely associated with impairment. As research continues, additional impairing cannabinoids may be identified.

d. Synthetic Cannabinoids. Like natural cannabinoids, synthetic cannabinoids are engineered to target the same receptors affected by natural cannabinoids. Synthetic cannabinoids are produced by spraying chemicals onto plant material, incense, and other products. Sales of synthetic cannabinoids are illegal. Refer to Annex A for additional information.



Figure 13-3. A synthetic cannabinoid known as Spice.

e. Cannabidiol.

(1) Cannabidiol (CBD) is a cannabinoid found in cannabis products containing delta-9-THC and in industrial hemp-based products containing low dose (no more than 0.3 percent) or no delta-9-THC.

(2) Cannabidiol is often marketed as a health supplement and can be found in hemp-derived edibles, beverages, creams, sprays, and tinctures. Such products contain a low concentration or no delta-9-THC, which allows them to be sold openly and legally. Generally, CBD is not considered psychoactive.

f. Metabolites.

(1) When a cannabinoid (e.g., delta-9-THC) enters the body after being consumed, it moves into the blood stream and eventually the brain, where it causes a psychoactive “high” feeling to the user.

(2) Cannabinoids also enter the liver, where they are metabolized (broken down) into different metabolites. One of the most common cannabinoids, delta-9-THC, is metabolized into 11-hydroxy-THC and 11-nor-9-carboxy-THC.

(a) 11-hydroxy-THC is the main psychoactive metabolite formed in the body after cannabis is consumed.

(b) 11-nor-9-carboxy-THC, also known as carboxy-THC, is an inactive metabolite formed in the body after cannabis is consumed.

g. Chemical Tests. Chemical tests are used to determine if a person has consumed cannabis in impaired driving investigations and when persons are suspected of being under the influence of drugs in public. Refer to HPM 70.4, Chapter 3, Under the Influence of Drugs, and Chapter 5, Chemical Tests - Implied Consent Law, for additional information.

5. CANNABIS PRODUCTS SOLD IN CALIFORNIA.

- a. Cannabis products legally sold in California from state-licensed dispensaries or delivery services come in a variety of forms. These include cannabis flowers, resins, beverages, concentrates, tinctures, pills, edibles, creams, sprays, and other products.
- b. These products generally contain delta-9-THC and may also contain CBD.
- c. Manufactured cannabis products legally sold in California are required to be packaged in child-resistant containers, marked with a delta-9-THC content, and include a California-specific marking indicating the product contains cannabis. Refer to Business and Professions Code (BPC) Section 26120 for additional information and requirements.



Figure 13-4. California-specific manufactured cannabis product marking.

NOTE: Dried cannabis flowers are not a manufactured product and are not required to have the manufactured label. Refer to Section 26120 BPC for additional information on packages containing only dried flower.

6. CANNABIS CONSUMPTION.

- a. Smoking. One of the most common forms of cannabis consumption is smoking. There are numerous cannabis smoking devices available for purchase by the public. Cannabis cigarettes (joints or blunts), pipes (bongs and pipes), vaporizers (similar to electronic cigarettes), and other devices may be used to smoke cannabis. Possession of cannabis smoking devices is legal.



Figure 13-5. Cannabis smoking device (bong) (left), cannabis/tobacco pipes (bowl) (center left), small tobacco/cannabis vaporizers (center right), and a large cannabis vaporizer (right).

b. Edibles. With the legalization of cannabis in California, edible cannabis products (food and/or beverages which have been infused with cannabis) are becoming increasingly popular. Cannabis may appear in foods such as candies, baked goods, and other edible products.



Figure 13-6. Edible.

c. Tinctures. Tinctures are alcohol-based cannabis supplements that are sold in no more than 2 fluid ounce small vials with a calibrated dropper or similar device, which are used to administer the solution. Tinctures may contain delta-9-THC, CBD, or a combination of both.



Figure 13-7. Tincture.

7. RECREATIONAL AND MEDICINAL CANNABIS USE

a. Differentiating Between Recreational and Medicinal Cannabis Use.

- (1) In order to determine how much cannabis a person is authorized to possess, it must first be established if the cannabis is for medicinal or recreational use.
- (2) Section 11362.5 of the Health and Safety Code (HSC) allows a medicinal cannabis user or their primary caregiver to possess or cultivate cannabis with a written or oral recommendation from a physician.
- (3) A person claiming to be a medical cannabis user may produce a CDPH-issued medical marijuana identification card (MMIC), a county-issued MMIC, or a physician's recommendation for cannabis.

NOTE: The validity of a CDPH-issued MMIC may be checked here: https://mmic.cdph.ca.gov/MMIC_Search.aspx. As these cards are issued by counties, they may look different.



Figure 13-8. Sample California Medical Marijuana Identification Card.

b. Medicinal Cannabis.

(1) Qualified medicinal cannabis patients with a CDPH or county-issued MMIC, a physician's recommendation, or their primary caregiver may:

(a) Possess or cultivate an amount of cannabis that is reasonable to treat their medical needs. In the case of *People v. Trippet* (1997), the Court of Appeal, First District, found, "The rule should be that the quantity possessed by the patient or the primary caregiver, and the form and manner in which it is possessed, should be reasonably related to the patient's current medical needs." Sections 11357 (cannabis possession) and 11358 (cannabis cultivation) HSC generally do not apply to medicinal cannabis users.

NOTE: Although medicinal cannabis users must generally be 18 years of age or older to purchase medical cannabis, persons under the age of 18 may use medical cannabis when provided by a parent or guardian for a medical condition.

(b) Possess a container of cannabis in a vehicle that has been sealed, resealed, or closed.

(c) Refer to Sections 11362.5 and 11362.71 HSC for additional information regarding qualified patients and their primary caregivers.

(2) Qualified medicinal cannabis patients and their primary caregivers are prohibited from:

(a) Possessing an unreasonable amount of cannabis for their medical condition.

(b) Smoking cannabis in a public place where smoking tobacco is prohibited.

(c) Possessing cannabis on, or consuming cannabis within 1,000 feet of specified places, including schools, day care facilities, and youth centers (under specified conditions).

(d) Consuming cannabis in a vehicle on or off-highway.

(e) Transporting cannabis across state lines, even to another state where cannabis possession is legal.

(f) Driving while impaired by cannabis (and/or any other impairing substance).

c. Recreational Cannabis.

(1) Recreational cannabis users 21 years of age or older may:

(a) Possess up to 28.5 grams of cannabis.

(b) Possess up to eight grams of concentrated cannabis.

(c) Possess up to six cannabis plants.

(d) Consume and cultivate cannabis (limited to six cannabis plants per person) on private property.

NOTE: There is no limit on cannabis plant size.

(2) Recreational cannabis users are prohibited from:

- (a) Possessing cannabis, cannabis concentrates, or cannabis plants in excess of the amounts listed above, except when licensed by an appropriate cannabis control agency to engage in cannabis cultivation, manufacturing, distribution, or sales.
- (b) Smoking cannabis in a public place where smoking tobacco is prohibited.
- (c) Possessing cannabis on, or consuming cannabis within 1,000 feet of specified places, including schools, day care facilities, and youth centers (under specified conditions).
- (d) Consuming cannabis in a vehicle on or off-highway.
- (e) Possessing an open container of cannabis in a vehicle, unless secured in the vehicle's trunk.
- (f) Transporting cannabis across state lines, even to another state where cannabis possession is legal.
- (g) Driving while impaired by cannabis (and/or any other impairing substance).

8. CANNABIS LAWS.

- a. Cannabis Laws—Prohibited Acts. Annex A contains a list of prohibited acts and additional information related to cannabis.
- b. Search and Seizure.
 - (1) The presence of a legal amount of cannabis alone cannot be the sole basis for a search.
 - (2) Officers should ensure any search conducted is not based solely on the odor of cannabis or any of the other legal conduct described in Section 11362.1 HSC.
 - (3) The commercial distribution (transportation) of cannabis by a licensed cannabis distributor is legal in California. However, commercial cannabis distributors and delivery services must be licensed by the California Department of Cannabis Control (DCC). Commercial cannabis distributors and delivery services acting without a DCC license should be investigated for a potential violation of Section 11360 HSC and any other applicable

laws. Officers shall identify a criminal violation and take enforcement action before seizing cannabis from a person claiming to be a cannabis distributor. Officers shall not seize cannabis for violations of administrative regulations issued by the DCC. Refer to paragraphs 9. and 10. of this chapter for additional information related to cannabis distributors.

(4) The transportation of industrial hemp is legal in California. However, it is difficult to differentiate cannabis plants from industrial hemp plants at the roadside. Officers shall use sound professional judgment before taking enforcement action and seizing a product claimed as industrial hemp. Refer to paragraph 11. of this chapter for additional information related to industrial hemp.

(5) Refer to General Order 100.91, Search and Seizure Policy, for additional information regarding search and seizure.

9. CALIFORNIA DEPARTMENT OF CANNABIS CONTROL.

a. The Department of Cannabis Control licenses and regulates commercial cannabis activity within California. The DCC was established July 12, 2021, following the signing of Assembly Bill 141. This consolidated the three state cannabis programs—Department of Public Health’s Manufactured Cannabis Safety Branch, Department of Consumer Affairs’ Bureau of Cannabis Control, and Department of Food and Agriculture’s CalCannabis Cultivation Licensing Division—into a single department.

b. The DCC governs different aspects of California’s cannabis regulatory framework, including: cultivation, distribution (transportation), testing, manufacturing, sales, and delivery.

c. Administrative regulations authored by DCC governs the implementation of California’s cannabis programs. These regulations are administrative in nature and are not enforceable by the Department.

d. California Cannabis Track and Trace System.

(1) The DCC manages the California Cannabis Track-and-Trace (CCTT) system, which tracks all commercial cannabis and cannabis products from seed to sale and delivery of cannabis goods. The CCTT system is required to track the cannabis plant from cultivation, to testing, through manufacturing, during distribution, and ultimately to a retailer for consumer sale. The CCTT also tracks all cannabis goods delivered by a licensed retailer.

(2) Departmental employees can access CCTT through the California Law Enforcement Telecommunications System (CLETS) using Web Workstation (WebWS). Users can search CCTT by driver's license number, vehicle plate number, or manifest number. The CCTT mask is available in WebWS by navigating to the "CHPCCTT – Cannabis Track and Trace – Inquiry" mask from the drop-down window.

(3) There is no CCTT mask available in the Computer Aided Dispatch (CAD) application. Any inquiries made to CCTT using CAD need to be entered in a freeform message format using the "W-Free" mask. Additional information regarding CCTT access using CLETS can be found on the internal Dispatcher Resource Web page located under the CLETS Links at: <http://dispatch.chp.ca.gov>.

Response Example 1: Negative or Non-Hit Response

```
USER123456.IZ.QZ.CA0349400.OLN/C6167370  
TXT  
NO RECORD ON FILE.  
AS OF 2017-08-03 3:12 PM  
*** END OF MESSAGE ***
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Figure 13-9: Sample of a negative or non-hit CLETS response.

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Response Example 3: Positive Hit Response

USER123456.IZ.QZ.CA0349400.LIC/LCPLT18
TXT
MATCH ON LIC/LCPLT18

MANIFEST: 0000000241
- DATE CREATED: 2017-08-01 8:17 PM
- ORIGINATING ENTITY: CA LOFTY ESTABLISHMENT, LLC
- ORIGINATING LICENSE NUMBER: 020-X0001
- ADDRESS OF ORIGINATING ENTITY: 9079 SE MAIN ST. SACRAMENTO, CA 95814-7355
- PHONE NO. OF ORIGINATING ENTITY: +1-800-420-MAIN
- CONTACT PHONE NO. FOR INQUIRIES:

DESTINATION # 1: OR LOFTY ESTABLISHMENT, LLC
- DESTINATION LICENSE NUMBER: 050-X0002
- ADDRESS OF DESTINATION: 151 B ST. SACRAMENTO, CA 95814-7355
- DESTINATION PHONE NO.: +1-800-420-MAIN
- DATE AND APPROXIMATE TIME OF DEPARTURE: 2017-08-02 6:17 PM
- ACTUAL DATE-TIME OF DEPARTURE: 2017-08-02 6:15 PM

- DATE AND APPROXIMATE TIME OF ARRIVAL: 2017-08-03 6:17 AM
- ACTUAL DATE-TIME OF ARRIVAL: 2017-08-03 6:20 AM
- DATE-TIME RECEIVED: 2017-08-04 6:35 AM
- ROUTE TO BE TRAVELED:
I WILL USE THIS ROUTE, AND THIS ROUTE.
AND THIS OTHER ROUTE.

DESTINATION # 1, TRANSPORTER # 1: OR LOFTY ESTABLISHMENT, LLC
- TRANSPORTER LICENSE NUMBER: 020-X0001
- ADDRESS OF TRANSPORTER: 1000 24TH ST. SACRAMENTO, CA 95814-7355
- NAME OF PERSON TRANSPORTING: JOHN DOE
- EMPLOYEE ID OF PERSON TRANSPORTING: DOE1234
- STATE DRIVER'S LICENSE NO.: CA1234509876
- MAKE, MODEL, LICENSE PLATE NO.: HUMMER H2 LCPLT18
- CONTACT PHONE NO. FOR INQUIRIES: 123-456-7890
- DATE AND APPROXIMATE TIME OF CHECK-IN:
- ACTUAL DATE-TIME OF CHECK-IN:
- DATE AND APPROXIMATE TIME OF CHECK-OUT:
- ACTUAL DATE-TIME OF CHECK-OUT:

DESTINATION # 1, PACKAGES
- ABCDEF012345670000032607 | SHP: 14.0000 OZ | RCV: 14.0000 OZ
- 2017-06-13-HARVEST ROOM-M | BUDS - PURPLE KUSH (BUDS)
- STATUS: ACCEPTED
- ABCDEF012345670000032608 | SHP: 16.0000 OZ | RCV: 16.0000 OZ
- 2017-06-13-HARVEST ROOM-H | BUDS - PURPLE KUSH (BUDS)
- STATUS: ACCEPTED
- ABCDEF012345670000032609 | SHP: 13.0000 OZ
- 2017-06-13-HARVEST ROOM-M | BUDS - PURPLE KUSH (BUDS)
- STATUS: REJECTED

AS OF 2017-08-03 7:15 AM
*** END OF MESSAGE ***

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Figure 13-10: Sample of a positive hit CLETS response.

10. COMMERCIAL CANNABIS DISTRIBUTION AND DELIVERY.

- a. Officers may encounter commercial cannabis being distributed (transported) through the commercial cannabis supply chain or when being delivered to customers.
- b. The following laws and regulations are administrative in nature and are not enforceable by departmental personnel; however, they may assist an officer with determining the legitimacy of a cannabis distributor and/or delivery activities.
- c. A complete list of all administrative cannabis regulations can be found at <https://cannabis.ca.gov/cannabis-laws/laws-and-regulations>.
- d. Officers contacting persons claiming to be engaged in commercial cannabis activities should verify the validity of commercial cannabis activity using the CCTT. Any questions related to commercial cannabis enforcement should be

directed to DCC's law enforcement branch's e-mail address, enforcement@cannabis.ca.gov.

e. Unlicensed commercial cannabis distributor and/or delivery activities should be investigated for a violation of Section 11360 HSC and any other applicable laws. Refer to Annex A for additional information.

f. Officers investigating possible criminal violations of commercial cannabis activity should contact the DCC using the enforcement e-mail address, as appropriate, to ensure the DCC can take any appropriate administrative actions.

g. Absent any criminal violations, officers encountering violations of administrative law and/or regulations should contact the DCC using the e-mail address above and report the activity once the enforcement contact has concluded.

h. Selected Commercial Cannabis Laws.

(1) The following laws provide important context for officers encountering commercial cannabis activity.

(2) Section 26001 BPC:

(a) Defines distribution as the procurement, sale, and transport of cannabis and cannabis products between licensees.

(b) Defines delivery as the commercial transfer of cannabis or cannabis products to a customer.

(3) Section 26070(f) BPC requires a licensed distributor to maintain a physical copy of the shipping manifest and make it available to law enforcement upon request during transportation.

(4) Section 26090 BPC:

(a) Requires all employees of a retailer, microbusiness, or nonprofit delivering cannabis or cannabis products to carry a copy of the licensee's current license, a copy of the QR Code Certificate issued by DCC, an identification badge provided by the employer, and a government-issued identification with a photo of the employee (e.g., a driver's license). The employee shall present their license and identification upon request to law enforcement.

(b) Requires a licensee, during delivery, to maintain a copy of the delivery request and make it available to law enforcement officers upon request.

i. Selected Cannabis Distribution Regulations.

(1) The following is an overview of selected administrative regulatory requirements for commercial cannabis distributors.

(2) Distribution of commercial cannabis goods shall only be conducted by licensees, or employees of licensees, holding a distributor license, distributor–transport only license, or a testing laboratory license issued by the DCC. Refer to paragraph 10.j. for additional information regarding cannabis distributor license types.

(3) A commercial vehicle distributing cannabis is subject to inspection pursuant to Section 2813 of the California Vehicle Code (CVC). A motor carrier permit (MCP) is required when a vehicle is transporting cannabis on a “for hire” basis and/or when the gross vehicle weight rating (GVWR) is more than 10,000 pounds. An MCP is not required if the distributor owns the cannabis in transit and the vehicle is less than 10,000 pounds GVWR. (Refer to Sections 34601 through 34624 CVC for additional information.)

(4) The distribution of cannabis is not regulated under Title 13 of the California Code of Regulations, nor is it regulated under Title 49 Code of Federal Regulations and is not part of those inspection processes.

(a) Commercial Vehicle Inspection Specialists and personnel encountering an on-highway load of cannabis in a vehicle subject to inspection shall notify a commercial officer.

(5) Persons licensed as a cannabis distributor by the DCC are authorized to transport cannabis and collect cannabis taxes from other businesses in the cannabis supply chain.

NOTE: Commercial cannabis distributors may have large amounts of legitimate cannabis, manufactured cannabis product, and cash in their vehicle or on their person.

(6) The following is a list of selected requirements commercial cannabis distributors must follow:

(a) The driver and all passengers must be at least 21 years of age or older.

(b) Employees must have a laminated or plastic-coated identification badge issued by the licensee that must include the licensee’s name and photo.

- (c) All vehicles and trailers used for commercial cannabis distribution must be owned or leased by the licensee.
 - (d) Vehicles and trailers being used for commercial cannabis distribution cannot be left unattended in residential areas or left unattended overnight. If left unattended, vehicles and trailers must have an alarm and must be secured.
 - (e) Cannabis goods must be unopened and secured within the vehicle. Cannabis goods must not be visible from the outside of the vehicle.
 - (f) Refer to Sections 26013 and 26070 of the BPC and DCC administrative regulations for additional information.
- (7) In addition to the requirements listed above, the driver must have a shipping manifest/sales invoice which must include:
- (a) The manifest/invoice number, date and time of departure, and estimated date and time of arrival.
 - (b) Specific shipper and receiver information, including: license number, type of cannabis license, address, and contact information.
 - (c) Specific distributor information, including: license number, business name and contact information, driver's name, and driver's license number; and the vehicle make, model, and license plate number.
 - (d) Product details, including: item name and description (which includes weight, count, unit, total cost, and unique identifier, if applicable).
- (8) Licensed cannabis distributors may provide a copy of the Quick Response (QR) code certificate with the shipping manifest and the DCC license number.
- (a) A QR code is a type of barcode which contains information embedded in the image. A copy of the QR code certificate, issued by the DCC, is required to accompany every transport of cannabis and cannabis products between licensees or licensed premises.
 - (b) Once the QR code has been scanned, the device will automatically link to a website confirming the cannabis retailer's license status and displays the retailer's address and license location.

(c) If presented, licenses may be verified by scanning the QR code on the certificate issued by the DCC for cannabis distributors and delivery services.

j. Cannabis Distributor License Types. Officers may encounter commercial cannabis distributors with temporary, provisional, or annual licenses issued by the DCC. The following license types are issued by the DCC and persons or entities holding these licenses may legally engage in commercial cannabis distribution.

(1) Type 11: Distributor License. Pursuant to DCC regulations, the following are allowable Type 11 Distributor License activities (refer to DCC regulations for a complete list of allowable activities):

(a) Shall only distribute cannabis goods, cannabis accessories, and licensees' branded merchandise or promotional materials.

(b) May deliver cannabis goods to retailers.

(c) May transport between cultivator, warehouse, retailer, microbusiness, storage area, another distributor, or any other licensed entity.

(d) May provide cannabis goods storage-only services to a licensed cultivator, manufacturer, microbusiness, nonprofit organization, or another distributor.



Figure 13-11. Sample of a DCC-issued Provisional Cannabis Distributor License. Officers may encounter distributors holding valid temporary, provisional, or annual licenses.

(2) Type 12: Microbusiness License. A microbusiness licensee must engage in at least three of the following commercial cannabis activities: cultivation, manufacturing, distribution, or retail sales. A microbusiness licensee may conduct any Type 11 Distributor License activities.



Figure 13-12. Sample of a DCC-issued Microbusiness License. Officers may encounter businesses holding valid temporary, provisional, or annual licenses.

(3) Type 13: Distributor–Transport Only License. A Distributor–Transport Only License allows a licensee to conduct the same activities as a Type 11 Distributor License; however, they may only deliver immature cannabis plants and seeds to a cannabis retailer or microbusiness.



Figure 13-13. Sample of a DCC-issued Distributor–Transport Only License. Officers may encounter distributors holding valid temporary, provisional, or annual licenses.

(4) Testing Laboratory License. A Testing Laboratory License allows a cannabis testing laboratory to transport samples between licensees. A Testing Laboratory License allows many of the same activities as a Type 11 Distributor License. However, testing laboratory licensees must be in possession of a chain of custody form detailing sample activities rather than a shipping manifest/sales invoice.



Figure 13-14. Sample of a DCC-issued Testing Laboratory License. Officers may encounter laboratories holding valid temporary, provisional, or annual licenses.

k. Selected Cannabis Delivery Service Regulations. Cannabis delivery services are not cannabis distributors; however, they do transport cannabis, cannabis products, and money. These cannabis delivery services deliver cannabis to customers, often at their homes. Pursuant to DCC regulations, the following apply to a cannabis delivery service:

- (1) A delivery employee may deliver to any jurisdiction within California, regardless of local regulations during the hours of operation established by section 15403 of the California Code of Regulations Title 4.
- (2) Cannabis delivery services must be performed by employee(s) of a licensed retailer.
- (3) Cannabis deliveries must be conducted in-person, in an enclosed motor vehicle, by a delivery employee of at least 21 years of age.
- (4) A delivery employee shall carry a copy of the retailer license, a copy of the QR Code Certificate, and both a government and employee identification card.
- (5) During a delivery, cannabis goods cannot be visible from the outside of the vehicle.
- (6) A delivery employee shall not leave cannabis goods in an unattended vehicle unless it is locked and equipped with an alarm system.
- (7) A delivery employee shall not carry cannabis goods valued at more than \$10,000.
- (8) There is no limit to the amount of money a delivery employee may carry.
- (9) Upon request by law enforcement officers, the licensed retailer's delivery employee shall provide:
 - (a) The delivery inventory ledger from the time the licensed retailer's delivery employee left the premises up to the time of the request;
 - (b) All delivery request receipts for cannabis goods carried by the delivery employee, in the delivery vehicle, or any deliveries that have already been made to customers; and
 - (c) The log of all stops from the time the licensed retailer's delivery employee left the licensed premises up to the time of the request.

(10) Upon delivery, the recipient must receive and sign a paper or electronic delivery request receipt for each delivery of cannabis goods which shall include:

- (a) Name and address of the licensed retailer.
- (b) First name and employee number of the person delivering the cannabis product.
- (c) First name and employee number of the person preparing cannabis order.
- (d) First name of the customer and unique customer number assigned by the licensed retailer.
- (e) Date and time of delivery request.
- (f) Delivery address.
- (g) Detailed description of all cannabis goods (including weight, volume, and/or other measurements).
- (h) Total amount paid for the delivery (including taxes and fees).
- (i) Date and time of delivery when completed.
- (j) The customer's signature once the delivery is received. The customer shall receive a copy of the delivery request receipt.

(11) Prior to the delivery employee leaving the licensed retail premises for each delivery trip, the licensee shall create a delivery inventory ledger in the CCTT and record the information required. The driver must have a paper or electronic delivery inventory ledger that includes:

- (a) The delivery inventory number generated by the CCTT and assigned to the specific delivery trip.
- (b) Name and license number of the licensed retailer.
- (c) Delivery employee's name, employee ID, and driver's license.
- (d) The delivery vehicle's make, model, and license plate number.
- (e) The item name and category of each cannabis good to be carried on the delivery trip, the unique identifier(s) (UID) assigned to those cannabis

goods, and the number of units associated with each UID on the delivery inventory ledger.

(f) The UID(s) of any cannabis goods ordered by customers and processed by the licensed retailer prior to the delivery employee leaving the licensed retail premises.

(g) The date and time the delivery employee began the delivery trip.

(12) The delivery driver must maintain a paper or electronic log that includes all stops from the time the driver leaves the retail premises to the time the driver returns to the licensees' premises. The information above must be recorded within the CCTT by the end of the calendar day on which the delivery was completed. If a delivery driver does not have any pending delivery requests during a 30-minute period, they must return to their business address.

11. INDUSTRIAL HEMP.

a. The cultivation, transportation, and sale of industrial hemp and industrial hemp-derived products are legal under California law.

b. Industrial hemp is *Cannabis sativa Linnaeus* which contains no more than 0.3 percent delta-9-THC content. (Refer to Section 11018.5 HSC.)

c. Food and Agriculture Code (FAC), Division 24, regulates the cultivation and transportation of industrial hemp in California.

d. The requirements listed in the FAC, Division 24, are **NOT** enforceable by departmental personnel; however, they should be used as a guide to help verify the legitimacy of industrial hemp cultivation sites or transporters encountered in the field. Specific requirements and prohibitions include:

(1) Industrial hemp cultivators must register and receive permission from the County Agricultural Commissioner before beginning industrial hemp cultivation for commercial purposes.

(2) Clandestine cultivation of industrial hemp is prohibited. Industrial hemp cultivation sites must be marked by adequate signage.

(3) California industrial hemp cultivators must obtain a testing certificate prior to harvest (refer to Section 81000[b] FAC for exemptions related to registered, established agricultural research institutions). The testing

certificate shall be issued by a laboratory registered with the federal Drug Enforcement Administration, and shall include:

(a) The Global Positioning System coordinates and total acreage of the industrial hemp crop.

(b) The language, "PASSED AS CALIFORNIA INDUSTRIAL HEMP," if the test resulted in a delta-9-THC content less than 0.3 percent. The certificate will read, "FAILED AS CALIFORNIA INDUSTRIAL HEMP," if the test resulted in a delta-9-THC content greater than 0.3 percent.

NOTE: A cultivator who intends to grow industrial hemp and complies with Section 81006(e)(9) FAC cannot be prosecuted for possession of cannabis if their laboratory test results in a delta-9-THC content greater than 0.3 percent.

(c) Section 81006(f)(11) FAC requires a registered industrial hemp cultivator to retain an original signed copy of the laboratory test certificate for two years and make it available to law enforcement upon request. Additionally, the registered cultivator must provide a copy of the test certificate to each person purchasing, transporting, or otherwise obtaining industrial hemp or industrial hemp product from the cultivator.

NOTE: At this time, CDFA has determined there is no requirement for an industrial hemp transporter to carry a copy of the laboratory testing certificate. However, CDFA is encouraging industrial hemp transporters to carry the laboratory testing certificate when transporting industrial hemp.

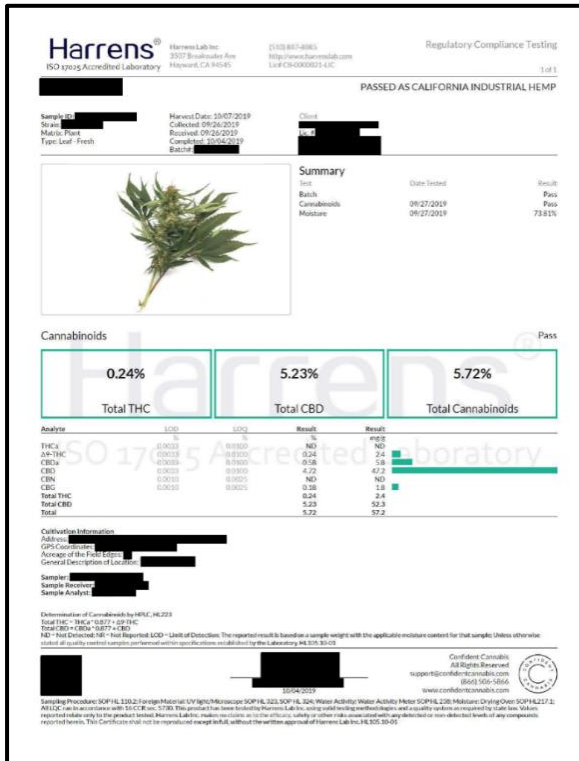


Figure 13-15. Example of a Laboratory Testing Certificate.

e. Industrial Hemp-Based Cannabidiol. Industrial hemp-based CBD products are generally not regulated and are commonly found for sale throughout California. Industrial hemp-based CBD is often sold in creams, balms, capsules, tinctures, candies, and other products.

12. CANNABIS TAKEN AS EVIDENCE. CANNABIS TAKEN AS EVIDENCE SHOULD BE PROCESSED IN ACCORDANCE WITH HPM 70.1, EVIDENCE MANUAL.

OFFICE OF THE COMMISSIONER

ANNEX A

OPI: 066

ANNEX A

CANNABIS LAWS—PROHIBITED ACTS

The following is a list of cannabis-related violations for which appropriate enforcement action may be taken. Violation descriptions are not all-inclusive, and personnel should consult the appropriate code before taking enforcement action.

As a reminder, some of these sections may not apply to qualified medicinal cannabis patients or primary caregivers. Refer to Sections 11362.5 and 11362.83 HSC for additional information.

Key: I – Infraction, M – Misdemeanor, F – Felony

Cannabis Consumption:

- Section 11362.3(a)(1) HSC—Smoke or ingest cannabis or cannabis products in a public place. (I)
- Section 11362.3(a)(2) HSC—Smoke cannabis or cannabis products in a public place where smoking tobacco is prohibited. (I)
- Section 11362.3(a)(3) HSC—Smoke cannabis or cannabis products within 1,000 feet of a school or specified facility. (I)
- Section 11362.3(a)(5) HSC—Smoke or ingest cannabis or cannabis products upon school grounds, day care, or youth centers while children are present. (I)
- Section 23220 CVC—Smoke or ingest cannabis in a vehicle off-highway. (I)
- Section 23221 CVC—Smoke or ingest cannabis in a vehicle on a highway. (I)

Cannabis Possession:

- Section 11357(a)(1) HSC—Under 18 years of age and in possession of less than 28.5 grams of cannabis or less than eight grams of concentrated cannabis. (I)
- Section 11357(a)(2) HSC—18 to under 21 years of age and in possession of less than 28.5 grams of cannabis or less than eight grams of concentrated cannabis. (I)
- Section 11357(b)(1) HSC—Under 18 years of age and in possession of more than 28.5 grams of cannabis or more than eight grams of concentrated cannabis. (I)

- Section 11357(b)(2) HSC—18 years of age or older and in possession of more than 28.5 grams of cannabis or more than eight grams of concentrated cannabis. (M)
- Section 11357(c)(1) HSC—18 years of age or older and in possession of less than 28.5 grams of cannabis or less than eight grams of concentrated cannabis, on school grounds, as specified. First offense. (M)
- Section 11357(d) HSC—Under 18 years of age and in possession of less than 28.5 grams of cannabis or less than eight grams of concentrated cannabis, on school grounds, as specified. (I)
- Section 23222(b) CVC—Possession of an open container of cannabis in a vehicle. See code for loose cannabis flower and medical cannabis exemption. (I)

Cannabis Possession for Sale:

- Section 11359(a) HSC—Under 18 years of age, possession of cannabis for sale. (I)
- Section 11359(b) HSC—18 years of age or older, possession of cannabis for sale. (M)
- Section 11359(c) HSC—18 years of age or older, possession of cannabis for sale with specified convictions (refer to HSC). (F/M)
- Section 11359(d) HSC—Person 21 years of age or older, employing a person 20 years of age or younger, to unlawfully cultivate, transport, carry, sell, offer to sell, give away, prepare for sale, or peddle cannabis. (F/M)
- Section 26140(a) BPC—Sale of cannabis to a person 20 years of age or younger. (M)
- Section 26140(c)(1) BPC—Sale of cannabis to a person under 18 years of age without a valid government-issued identification card, and either a valid county-issued identification card, pursuant to Section 11362.712 HSC, or a valid physician’s recommendation. (M)

Cannabis Cultivation/Manufacture:

- Section 11358(a) HSC—Under 18 years of age, planting, harvesting, processing, or cultivating cannabis. (I)
- Section 11358(b) HSC—18 to under 21 years of age, planting, harvesting, processing, or cultivating six or less living cannabis plants. (I)
- Section 11358(c) HSC—18 years of age or older, planting, harvesting, processing, or cultivating more than six living cannabis plants. (M)
- Section 11358(d) HSC—18 years of age or older, planting, harvesting, processing, or cultivating more than six living cannabis plants with specified environmental crime elements or prior convictions (refer to code). (F)
- Section 11362.3(a)(6) HSC—Manufacture concentrated cannabis using volatile solvents. (F)

Cannabis Transportation/Illegal Sales:

- Section 11360 HSC—Unless authorized, it is illegal to transport cannabis for sale, import into the state, sell, furnish, administer, or give away (or offer to do any of these activities). Refer to the HSC for additional information.

Persons 21 years of age or older are legally permitted to transport up to 28.5 grams of recreational cannabis, eight grams or less of concentrated recreational cannabis, and six cannabis plants.

Medicinal cannabis patients may transport a reasonable amount of cannabis for personal medical use. Refer to Section 11362.1(a) HSC for additional information.

Persons and entities licensed by the DCC are authorized to transport cannabis and collect cannabis taxes from points in the cannabis supply chain. As such, these persons may be legally in possession of cannabis, cannabis products, and cash.

Synthetic Cannabis:

- Section 11357.5 HSC—Illegal to sell/distribute/furnish synthetic cannabis/synthetic stimulants. Refer to the HSC for specified compounds. (M)

Driving Under the Influence:

- Section 21200.5 CVC—Unlawful to ride a bicycle upon a highway under the influence of alcohol and/or drugs. (M)
- Section 21221.5 CVC—Unlawful to operate a motorized scooter upon a highway under the influence of alcohol and/or drugs. (M)
- Section 23152(f) CVC—Unlawful to drive under the influence of a drug. (M)
- Section 23152(g) CVC—Unlawful to drive under the combined influence of alcohol and a drug. (M)
- Section 23153(f) CVC—Unlawful to drive under the influence of a drug, and cause injury. (F)
- Section 23153(g) CVC—Unlawful to drive under the combined influence of alcohol and a drug, and cause injury. (F)

Under the Influence of Cannabis:

- Section 647(f) of the Penal Code—Under the influence of a drug (cannabis) in a public place. (M)

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