

State of California
Department of Cannabis Control
California Code of Regulations, Title 4, Division 19
Notice of Modifications to Proposed Regulation Text:

Commercial Cannabis Cultivation Updates; Minimum Sanitation Standards

In accordance with Government Code section 11346.8(c) and section 44 of title 1 of the California Code of Regulations (CCR), the Department of Cannabis Control (Department) hereby provides notice of modifications to the proposed regulation text that was the subject of public hearings on April 29, 2025, and August 5, 2025. The text of the regulations with proposed modifications is attached to this Notice.

Written Comment Period

The written comment period begins on **December 30, 2025**, and ends on **January 14, 2026**. Any interested person, or their authorized representative, may submit written comments relevant to the proposed text modifications by mail or email to:

Department of Cannabis Control
Legal Affairs Division
2920 Kilgore Road
Rancho Cordova, CA 95670
E-mail: publiccomment@cannabis.ca.gov

All written comments received by **January 14, 2026**, that pertain to the proposed text modifications will be considered by the Department and summarized and responded to in the Final Statement of Reasons.

Summary of, and Rationale for, Proposed Modifications to Regulation Text

Section 15070. Unsanitary Conditions.

During the second 15-day comment period, the Department proposed to add section 16307, subsection (b), which interpreted Business and Professions Code (BPC) section 26039.6(a)(1) by clarifying that the discovery of unregistered, unlabeled, or mislabeled pesticides on a licensed premises renders the entire premises “unsanitary” for purposes of determining whether cannabis or cannabis products are adulterated. The Department is now proposing to substantively revise and relocate this regulatory provision under CCR, title 4, division 19, chapter 1, proposed article 8 (“Minimum Sanitation Standards”), which is a more appropriate place for a sanitation-related rule affecting all licensees rather than only cultivators.

The modified text no longer references either Food and Agricultural Code (FAC) section 12811 or Code of Federal Regulations, title 40, part 156.10. As pointed out by commenters, the broad scope of proposed section 16307(b) effectively prohibited possession of pesticides that are legal to possess under federal and state law. In response to concerns raised during the prior public comment period and after further discussion with the Department of Pesticide Regulation, the Department is modifying the proposed rule to instead state that possession of any pesticide product on a licensed premises in violation of FAC section 12995 renders cannabis and cannabis products as held under unsanitary conditions. FAC section 12995 is the most appropriate reference because it explicitly prohibits possession of unregistered pesticides other than products that are legally exempt from registration. The Department has determined that focusing proposed section 15070 on the possession of unlawful pesticide products, and eliminating the Department's discovery of these products as a condition precedent to enforcement, is the most reasonable and effective approach to eliminating the presence of dangerous and illegal pesticides on licensed premises.

Further, the modified text expressly states that the Department will consider cannabis and cannabis products located not only on the premises where illegal pesticides are discovered, but also on other premises held under the same ownership, as being held under unsanitary conditions. BPC section 26039.6(a)(1) does not require contamination or injury to be proven before the Department may embargo or recall cannabis or cannabis products due to adulteration. Instead, the statute plainly declares that cannabis or cannabis products are adulterated if they may have been rendered injurious due to being produced, prepared, packed, or held under unsanitary conditions. Because licensees can transfer cannabis and cannabis products between their licensed premises, limiting the "unsanitary" designation strictly to the site at which the illegal pesticide was discovered would open a loophole that allows licensees to transfer cannabis and cannabis products to another premises to avoid an embargo, circumventing the intent of the regulatory provision and threatening public health and safety by allowing potentially unsafe material into the cannabis supply chain.

Section 16307. Pesticide Use Requirements.

Subsection (b), which was proposed to be added during the second 15-day comment period, is being deleted from section 16307. This provision is now being proposed for adoption as new section 15070 as described above.