The Cannabis Control Appeals Panel (the “Panel”) proposes to amend the regulations described below after considering all comments, objections, and recommendations regarding the proposed action.

SECTIONS AFFECTED
Title 16, Division 43, California Code of Regulations, sections 6000, 6003, 6004, 6005, 6012, 6014, and 6017.

PUBLIC HEARING
The Panel will hold a public hearing starting at 10:30 a.m., January 13, 2022, at 400 R Street, Suite 330, Sacramento, CA 95811. At the hearing, any person may present statements or arguments orally or in writing about the proposed action described in the informative digest. It is requested, but not required, that persons making oral comments at the hearing also submit a written copy of their testimony.

WRITTEN COMMENT PERIOD
Any interested person or their authorized representative may submit written comments relevant to the proposed regulatory action to the Panel at the addresses below. Written comments, including those sent by postal mail or email to the addresses listed below, must be received by the Panel at its office no later than 5:00 p.m. on January 12, 2022. The Panel will consider only comments received by that time.

Submit comments to:
Christopher Phillips, Chief Counsel
Cannabis Control Appeals Panel
400 R Street Ste 320
Sacramento, CA 95811

Email: Christopher.Phillips@ccap.ca.gov

AUTHORITY AND REFERENCE
Business and Professions Code section 26042 authorizes the Panel to adopt procedures for administrative appeals from cannabis licensing decisions. The proposed amendments implement, interpret, and make specific sections 26042, 26043, and 26044 of the Business and Professions Code.
INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

This rulemaking action amends the regulatory language to reflect recent statutory changes to licensing agency structure, to clarify and make specific certain filing procedures, to update the Panel’s office location and incorporated documents, and to maximize inclusivity.

The Panel is a quasi-judicial administrative body authorized to hear appeals from cannabis licensing decisions. The scope of the Panel’s jurisdiction is provided by Business and Professions Code section 26043. Originally, this jurisdictional scope included appeals from decisions reached by any of the three licensing programs. However, Assembly Bill 141 (effective July 12, 2021) consolidated the three state cannabis licensing programs—the Bureau of Cannabis Control, California Department of Food and Agriculture’s CalCannabis Cultivation Licensing Division, and California Department of Public Health’s Manufactured Cannabis Safety Branch—into a single licensing agency, the Department of Cannabis Control (the “Department”). As of the same date, section 26043 and all related provisions of law have been amended to reflect the consolidated licensing structure. The Panel’s jurisdiction now includes only appeals from the Department.

The proposed amendments therefore revise the regulatory language to refer to the Department as a singular, unified licensing agency.

Additionally, the proposed amendments allow parties to initiate appeals and file documents through an online portal system, in addition to existing methods, and update the documents required to initiate an appeal, incorporated by reference, to the most current versions.

The amendments also update the Panel’s office address.

Finally, the use of pronouns has been adjusted to maximize gender inclusivity.

The broad objective of these amendments is to maximize clarity and accessibility for the public and any parties appearing before the Panel.

FORMS INCORPORATED BY REFERENCE

(1) CCAP Form 6003, Notice of Appeal (Rev. 10/21)

(2) CCAP Form 6005, Certification of Email Address (Rev. 10/21)

The proposed amendment to Rule 6003 incorporates by reference CCAP Form 6003, Notice of Appeal (Rev. 10/21), which must be completed and submitted by the appellant in order to initiate their appeal. Form 6003 has been amended from its original version to reflect the consolidation of the three cannabis licensing entities into one department.

The proposed amendment to Rule 6005 incorporates by reference CCAP Form 6005, Certification of Email Address (Rev. 10/21), which must be submitted to the Panel by all parties to an appeal to determine whether or not they agree to receive service of documents through email. Form 6005 has been amended from its original version to reflect the consolidation of the three cannabis licensing entities into one department.
ANTICIPATED BENEFITS OF THE PROPOSED AMENDMENTS

The proposed amendments will benefit cannabis applicants, licensees, the Department, and the public by clarifying the Panel’s jurisdiction, by introducing an additional method of filing appeals and documents, by providing an updated Panel address, and by employing inclusive gender pronouns.

CONSISTENCY EVALUATION

The Panel has determined that these proposed amendments are not inconsistent or incompatible with existing regulations, as the amendments do not affect existing rights.

DISCLOSURES REGARDING THE PROPOSED ACTION

The Panel has made the following initial determinations:

Mandate on local agencies and school districts: None.

Cost or savings to any state agency: None.

Cost to any local agency or school district which must be reimbursed in accordance with Government Code section 17500 through 17630: None.

Other nondiscretionary cost or savings imposed on local agencies: None.

Cost or savings in federal funding to the state: None.

Cost impacts on a representative private person or business: The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Statewide adverse economic impact directly affecting businesses and individuals: None.

Significant effect on housing costs: None.

RESULTS OF THE ECONOMIC IMPACT ANALYSIS/ASSESSMENT

The Panel concludes that the proposed amendments will not: (1) create or eliminate jobs in California; (2) create new businesses or eliminate existing businesses within California; or (3) affect the expansion of businesses currently doing business within California.

Benefits of Proposed Action to the Health and Welfare of California Residents, Worker Safety, and the State’s Environment: These amendments will have no effect on the existing rights, health, or welfare of California residents. As the amendments do not substantively alter existing Panel procedures, they will have no effect on worker safety. Finally, the addition of an alternative electronic portal filing method may reduce paper waste for both the Panel and any parties appearing before it. Otherwise, these amendments will have no effect on the state’s environment.

Effect on small businesses: The Panel has determined that the proposed amendments affect small businesses only to the extent that they clarify existing procedures and improve inclusivity and
accessibility. The amendments will have no effect on the existing rights of cannabis licensees or other small businesses.

**CONSIDERATION OF ALTERNATIVES**

In accordance with Government Code section 11346.5, subdivision (a)(13), the Panel must determine that no reasonable alternative it considered or that had otherwise been identified and brought to the attention of the Panel, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provisions of law.

The Panel invites interested persons to present statements with respect to alternatives to the proposed amendments during the written comment period or, as needed, at the scheduled hearing.

**CONTACT PERSON**

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Sacramento, CA 95811

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The backup contact person for these inquiries is:

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**AVAILABILITY OF STATEMENT OF REASONS, TEXT OF PROPOSED REGULATIONS, AND RULEMAKING FILE**

The Panel will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations, and the initial statement of reasons. Copies may be obtained by contacting Christopher Phillips, or the alternative contact person, at the address, phone number, or email address listed above.
AVAILABILITY OF CHANGED OR MODIFIED TEXT

After considering all timely and relevant comments received, the Panel may adopt the proposed regulations as described in this notice. If the Panel makes modifications that are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Panel adopts the regulations as revised. Please send requests for copies of any modified regulations to Christopher Phillips at the address or email address listed above. The Panel will accept written comments on the modified regulations for 15 days after the date on which they are made available.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Christopher Phillips at the address or email address listed above.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations in underline and strikeout can be accessed through the Panel’s website at https://www.ccap.ca.gov.