Agricultural Issues - Cannabis Cultivation and New Proposed Regulations Regarding Pesticide Use Near Schools

December 19, 2016
Prop. 64 Legalizes marijuana under state law, for use by adults 21 or older (Recreational Use)

Imposes state excise tax of 15% on retail sales of marijuana, and state cultivation taxes on marijuana of $9.25 per ounce of flowers and $2.75 per ounce of leaves

Allows local regulation and taxation of Marijuana (MMJ exempted from sales tax)
Agricultural Issues - Cannabis Cultivation

- State to set standards (Under development):
  - Labeling, testing, and product packaging
  - Develop a system to track from production to sale.

- Growing Nonmedical Marijuana (Unless Prohibited)
  - Up to six plants in 2017
  - Production ag allowed in 2018
Agricultural Issues - Cannabis Cultivation

- **Department of Food and Agriculture**
  - License and regulate growers
  - Track from production to sale
  - Weights & Measures (IRQ, Devices)

- **Department of Pesticide Regulation**
  - Regulate pesticide use for growing marijuana
  - 10 License Types (up to 1 acre)
  - USEPA has not established pesticide tolerances
Agricultural Issues - Cannabis Cultivation

- County Agricultural Commissioner
  - County and City Jurisdiction
  - Pesticide Use Enforcement – regulate use, worker safety
  - Pest Exclusion – inspect any plant liable to be infested
  - Pest Detection - prevention introduction and spread of pests
  - Nursery Program – inspect for pest cleanliness standards
Agricultural Issues - Cannabis Cultivation

- County Agricultural Commissioner Cont.
  - Seed Inspection – inspect for the presence of disease, certify packaging, labeling
  - Organic Products – perform on-site inspections of production grounds and crops
  - Crop Statistics – report crop statistics to CDFA Secretary
  - Commercial Weighing Devices - test and seal annually
  - Prepackaged Commodities - check the quantity or amount represented
Pesticide Use Near Schools

- Certain pesticide applications near these schoolsites will be prohibited at certain times.
- Require growers to notify public K-12 schools, child day care facilities, and county when certain pesticide applications made for the production of an agricultural commodity near a schoolsite are planned in the coming year and also a few days prior to the applications.
Pesticide Use Near Schools

- Production agriculture
- Public K-12 schools and Child Care facilities
- \(\frac{1}{4}\) mile buffer and a 25 foot buffer
- Restricted Materials and non-restricted materials (pesticides)
- Monday –Friday 6am – 6pm
Pesticide Use Near Schools

- **Annual Notification from grower to schools**
- **48 hr. Notice Prior to application to schools & ag commissioner**
- **All pesticides and application types have some restriction or notification requirement**
- **Allows agreement for waiving 48 hr. notification**
- **Schools not required to do anything with information received**
Questions??