



# COUNTY OF MENDOCINO

## Department of Agriculture

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### MEMORANDUM

**DATE:** October 11, 2023

**TO:** Board of Supervisors and Mendocino County Cannabis program

**FROM:** Department of Agriculture/Weights & Measures

**SUBJECT:** Cannabis Ordinance Streamlining and Access to Track and Trace Records

The Department of Agriculture/Weights & Measures (AWM) has spent considerable time exploring ways to present the value of cannabis production for the county. In this effort we sent out crop report surveys, examined minimum tax as received by the County for permitted entities, and we worked collaboratively with the Mendocino Cannabis Department to understand how we might extrapolate a production value based on estimated yields based on permitted square footage for the different cultivation types. While we did prepare and distribute surveys to cultivators and nursery operators, participation in these surveys was extremely low (only 2 of over 1300 surveys were returned). Compounding this dilemma is the fact that we as a County do not have access to the State's Track and Trace (METRC) data, which would allow us access to manifests indicating transfers of flower, trim, and nursery plants between licensees. This data is not available through public records act requests.

As the county moves forward with amendments to the County's Cannabis Cultivation ordinance, county code chapter 10A. 17 it is important to build a mechanism that requires access to and reporting of crop production information for cultivators and nurseries for the purposes of evaluating compliance with local and state policies and regulations related to record-keeping, as well as for preparing crop report information on cannabis production, which is valuable to the economy of the county.

The following change was recommended by Cannabis Program Staff to the Board of Supervisors on October 10, 2023:

*Section 5: Section 10A.17.070 is hereby amended to read as follows:*

*Sec. 10A.17.070 – Requirements for All CCBL's.*

*G. CCBL Holders shall enroll in and comply with all requirements of any Track and Trace system established by the State of California. Non-compliance with Track and Trace requirements shall constitute a violation of the terms of this Chapter. CCBL Holders must maintain all Track and Trace records and data and shall make all records and data related to commercial cannabis activity available to the Department upon request.*

The county of Mendocino reserves the right to verify compliance with state regulations pertaining to Track and Trace data found in California Code of Regulations Title 4 Division 19. Department of Cannabis Control, Article 6. Track and Trace Requirements, §15047.1. through §15051 respectively.

This staff recommendation is intended to be used by the county's ordinance to request data during audits, inspections, or enforcement investigations to verify local compliance and to prepare crop report information on cannabis production. The county may from time to time and at least annually request data from a CCBL holder's track and trace obligation. This is information that is already required by state license holders to be maintained and to be made available upon request to state regulatory compliance points of contact. The type of information requested may include but is not limited to...

- a. The maximum licensed area in square feet for each Mendocino County CCBL holder.
- b. The total weight of *processed* and *unprocessed*, as well as *non-manufactured* cannabis transferred to destination type/license type (processing, manufacturing, distribution, or retail from cultivation licensees in each county (incl. municipal totals). This data is found in Metrc Track and Trace in terms of total transfers and total packages. This could be requested for each "Item Category" type in pounds (Lbs.).
- c. The total count of cannabis *seeds* transferred away from Mendocino County CCBL Nursery operators. This could be separated and totaled for each "Item Category" type including, "seeds" by each (pkg), grams, or pounds (Lbs.).
- d. The total count of cannabis *plants* transferred away from Mendocino County CCBL Nursery operators. This could be separated and totaled for each "Item Category" type including "Clone – Tissue Culture", "Clone – Cutting", "Immature Plant", and "Plant – Flat" respectively by unit (each).

The Department of Cannabis Control is currently working with Agricultural Commissioners and Sealers of Weights & Measures in the state to develop a reporting mechanism for preparing crop report information. Absent an adopted process and timeline for reporting this data, Counties must build their own processes into local ordinances and regulatory language to achieve local compliance and prepare production data where county jurisdictions desire to publish this information. This serves to benefit the industry by building reliable and accurate methodologies to further normalize this crop and share its production and contributions to local county economies.