

Fact Sheet

What Is a Provisional Cannabis Cultivation License?

On September 27, 2018, California Governor Jerry Brown signed Senate Bill 1459, which allows the California Department of Food and Agriculture (CDFA) to create a new “provisional” cannabis cultivation license as a bridge between temporary and annual cultivation licenses, effective immediately. A provisional license will act in the same manner as an annual license, except it is not renewable, as stipulated in the Medicinal and Adult-Use Cannabis Regulation and Safety Act under Business and Professions Code section 26050.2.

CDFA’s authority to issue the provisional licenses remains in effect until January 1, 2020.

Prerequisites for a Provisional License

To qualify for a provisional commercial cannabis cultivation license, an annual applicant must:

- hold—or have held—a temporary cannabis cultivation license for the same premises and the same commercial cannabis activity for which the provisional license will be issued
- submit a completed state annual cultivation license application (all applicable requirements pursuant to California Code of Regulations section 8102 still apply), including evidence that compliance with the California Environmental Quality Act (CEQA) is underway
- pay the application fee for the associated license type

Application Pathway

After the annual cannabis cultivation license application has been submitted—and if there is no basis for denial—CDFA will determine whether the applicant will receive a provisional license or an annual license. This determination will be based on the evidence of exemption from, or compliance with, CEQA, as provided by the applicant in the application. If the applicant can provide evidence that CEQA compliance is underway, then CDFA may issue a provisional license. CDFA’s refusal to issue a provisional license does not entitle the applicant to appeal the decision.

Key Conditions

Once a provisional commercial cannabis cultivation license has been issued, the licensee must comply with the following conditions:

- a provisional license is valid for 12 months from the date issued and shall not be renewed
- all applicable application and license fees are required
- adherence to all California Cannabis Track-and-Trace requirements, pursuant to Chapter 1 Article 5 of the California Code of Regulations, is required
- revocation or suspension of a provisional cannabis cultivation license does not entitle the provisional licensee to appeal the decision
- authority to issue a provisional cannabis cultivation license will remain in effect until January 1, 2020
- the provisional licensee must submit an annual cannabis cultivation application —and receive approval for an annual license—prior to the expiration of the provisional license, if he or she wants to continue to operate after the provisional license expires

For More Information

For additional details about provisional, temporary, and annual commercial cannabis cultivation licenses, please contact CDFA's CalCannabis Cultivation Licensing Division by calling toll-free 1-833-CALGROW (1-833-225-4769) or sending an email to: calcannabis@cdfa.ca.gov. Also visit the CalCannabis website for step-by-step guides and videos on the state's cultivation licensing application process, including information on the California Cannabis Track-and-Trace system: calcannabis.cdfa.ca.gov.