

# Disaster Response 101 for Cannabis Companies

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# About the Speakers



Omar Figueroa, Esq.

Omar Figueroa is a graduate of Yale College, Stanford Law School, and the Trial Lawyers College. He has also completed an Executive Education program for directors of corporate boards at the Wharton School in Philadelphia.

He is a Director of the National Cannabis Industry Association as well as a Director of the California Cannabis Tourism Association. He is also a Founding Lifetime Member and former Director of the International Cannabis Bar Association, a Lifetime Member of the NORML Legal Committee, and recognized with the Distinguished Counsel's Award by NORML.

Omar has more than 21 years of experience practicing cannabis law in California. The Law Offices of Omar Figueroa is one of the leading cannabis licensing, regulatory compliance, and intellectual property law firms in California. Omar is the author of several legal reference works, including California Cannabis Laws and Regulations 2020 (available in print and Kindle editions).



# About the Speakers



Lauren Mendelsohn, Esq.

Senior Associate Lauren Mendelsohn is an activist at heart who enjoys helping individuals and businesses navigate regulatory regimes and the criminal justice system. She was named a 2020 Northern California Rising Star by Super Lawyers®.

Lauren focuses on cannabis permitting and licensing, regulatory compliance, government affairs, and post-conviction relief. She formerly chaired the Board of Directors of Students for Sensible Drug Policy (SSDP), an international non-profit aimed at ending the counterproductive “War on Drugs.”

Lauren currently sits on the Board of Directors of the International Cannabis Bar Association and on the Advisory Council of the Sonoma County Growers Alliance, and is a member of the National Cannabis Industry Association's Diversity, Equity and Inclusion Committee. Lauren earned her J.D. from the University of California, Irvine School of Law and her B.S. from the University of Maryland.



# Outline

- Considerations for Emergency Planning & Hypotheticals
- Disaster Relief from BCC, CDFA & CDPH
  - In general
  - Movement of product
  - Loss of connectivity to track-and-trace
  - Process for requesting relief
- Special Considerations for COVID-19
- Special Considerations for Wildfires
- Special Considerations for Power Outages
- Additional Resources
- Q & A



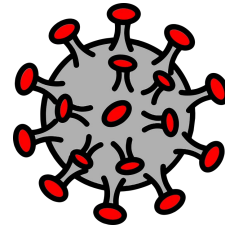
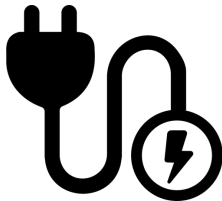
# Some Considerations for Emergency Planning

- Are your data files and systems backed up in an alternate location and/or cloud?
- Do you have an emergency response plan in place?
- Are employees properly trained on the emergency response plan?
- Are your fire suppression and security systems working?
- Do you have insurance? What kind(s)?
- Do your systems require an internet connection? What if this connection is lost?
- Do you have an alternate power supply?
- Are there potential workplace hazards that could arise if the power went out while employees were at the facility?
- Do your workers require PPE?
- Are you subscribed to receive important alerts from local health and emergency management officials?
- Do you know your evacuation zone and exit route?



# Hypothetical (but Familiar) Scenarios

- The power at your licensed premises goes out, and you don't have a backup power source. You have cannabis goods that have to be temperature-controlled. You also lost connectivity to the track-and-trace system as a result of the power outage, which impacted your internet signal. What should you do?
- As the result of a disease outbreak, your city prohibits all indoor retail sales, but allows retailers to operate via curbside pickup or delivery. Your current state license is for storefront cannabis retail without a delivery component. How can you accommodate the city's rule while continuing to legally operate?





# Hypothetical (but Familiar) Scenarios

- Your licensed premises was robbed, and to prevent any further loss you wish to move product to a secure alternate location. How should you go about doing this? And what about the stolen product?
- A wildfire breaks out, and an evacuation order is issued for the area in which your licensed cultivation premises is located. You were in the middle of harvesting and also have some cannabis drying and stored on-site. What do you do?







# Temporary Relief from Regulatory Requirements due to Disaster

- BCC, CDFA & CDPH all have similar provisions regarding disaster relief.
- In a nutshell, a licensee may request temporary relief if they are unable to comply with a regulation or licensing requirement as a result of a disaster.
- The licensing agencies have the discretion to issue temporary relief on this basis, and any such relief will be limited in duration (though it should be a reasonable amount of time) and may come with conditions.
- If a licensee obtains temporary relief from a regulatory requirement, they can't be subject to an enforcement action for a violation related to that requirement.
- Premises that have been vacated due to a disaster won't be deemed abandoned (so make sure the licensing agency is aware).



# Definition of “Disaster” in CA Cannabis Regulations

“Disaster” = Condition of extreme peril to the safety of persons and property within the state or a county, city and county, or city caused by such conditions as air pollution, fire, flood, storm, tidal wave, epidemic, riot, drought, terrorism, sudden and severe energy shortage, plant or animal infestation or disease, Governor’s warning of an earthquake or volcanic prediction, or an earthquake, or similar public calamity, other than conditions resulting from a labor controversy, for which the Governor has proclaimed a state of emergency in accordance with Government Code sections 8558 and 8625, or for which a local governing body has proclaimed a local emergency in accordance with Government Code sections 8558 and 8630.

BCC § 5038(f)

CDFA § 8207(f)

CDPH § 40182(f)



## BCC Regulations: Moving Product Due to Disaster

**§ 5038(h):** “...if a licensee needs to move cannabis goods stored on the licensed premises to another location immediately to **prevent loss, theft, or degradation** of the cannabis goods from the disaster, the licensee may move the cannabis goods without prior approval if all of the following conditions are met:

- The cannabis goods are moved to a secure location where access to the cannabis goods can be restricted to the licensee, its employees, and contractors.
- The licensee notifies the BCC using form **BCC-LIC-027**, that the cannabis goods have been moved within **24 hours**.
- The licensee agrees to grant the BCC access to the location for inspection.
- The licensee submits form **BCC-LIC-027** within **14 calendar days** clearly indicating “what statutory and regulatory sections relief is requested from, the time period for which the relief is requested, and the reasons relief is needed for the specified amount of time.”



# CDFA Regulations: Moving Product Due to Disaster

**§ 8207(h):** “...if a licensee needs to move cannabis and nonmanufactured cannabis products stored on the premises to another location immediately to **prevent loss, theft, or degradation** of the cannabis and nonmanufactured cannabis products from the disaster, the licensee may move the cannabis without obtaining prior approval” from CDFA if:

- The cannabis and cannabis products are moved to a secure location where access to the cannabis is restricted to the licensee, its employees, and contractors.
- **Within 24 hours** of moving the cannabis, the licensee notifies CDFA **in writing** that the cannabis has been moved and that the licensee is requesting relief from complying with specific licensing requirements pursuant to § 8207(a).
- The licensee provides CDFA access to the new location for inspection.
- Within **ten (10) calendar days** of moving the cannabis, the licensee submits to CDFA **in writing** a request for temporary relief that clearly indicates the statutory and regulatory sections from which relief is requested, the time period for which the relief is requested, and the reasons relief is needed for the specified amount of time.”



# CDPH Regulations: Moving Product Due to Disaster

§ 40182(g): “...if a licensee needs to move cannabis or cannabis products stored on the premises to another location immediately to **prevent loss, theft, or degradation** of the cannabis or cannabis products from the disaster, the licensee may move the cannabis or cannabis products without obtaining prior approval from the Department if the following conditions are met”:

- The cannabis or cannabis products are moved to a secure location where access to the cannabis goods can be restricted to the licensees, its employees, and its contractors;
- **Within 24 hours** of moving the cannabis or cannabis products, the licensee notifies CDPH **in writing** that the cannabis goods have been moved and that the licensee is requesting relief from complying with the specific licensing requirements pursuant to subsection (a) of this section. [[Optional form.](#)]
- The licensee agrees to grant CDPH access to the location where the cannabis or cannabis products have been moved;
- The licensee submits **in writing** to CDPH **within 10 days** of moving the cannabis or cannabis products, a request for temporary relief that clearly indicates what regulatory sections relief is requested from, the time period for which the relief is requested, and the reasons relief is needed for the specified amount of time.



# Loss of Connection to Track-and-Trace

- BCC, CDFA & CDPH have similar rules about this:
  - BCC - § 5050
  - CDFA - § 8402(e)
  - CDPH - § 40513
- Licensees are required to prepare and maintain comprehensive records detailing all commercial cannabis activities conducted during loss of connectivity.
- Must notify agency immediately of any loss of connectivity, and freeze the supply chain until connectivity is restored and information is entered into the track and trace system.



## BCC Regulations: Loss of Connection to Track & Trace

### § 5050.

(a) If at any point a licensee loses connectivity to the track and trace system for any reason, the licensee shall prepare and maintain comprehensive records detailing all commercial cannabis activities that were conducted during the loss of connectivity.

(b) The licensee shall notify the Bureau immediately for any loss of connectivity, and shall not **transport, receive, or deliver** any cannabis goods until such time as connectivity is restored. Licensees shall submit such notices on the Notification and Request Form, BCC-LIC-027 (New 10/18), which is incorporated by reference.

(c) Once connectivity has been restored, the licensee shall:

(1) Within **three calendar days**, enter all commercial cannabis activity that occurred during the loss of connectivity into the track and trace system.

(2) Document the cause for loss of connectivity, and the date and time for when connectivity to the track and trace system was lost and when it was restored.



## CDFA Regulations: Loss of Connection to Track and Trace

- **§ 8402(e):** If a licensee loses access to the track-and-trace system for any reason, the licensee shall prepare and maintain comprehensive records detailing all required inventory tracking activities conducted during the loss of access.
  - (1) Once access to the track-and-trace system is restored, all inventory tracking activities that occurred during the loss of access shall be entered into the track-and-trace system within **three (3) calendar days**.
  - (2) A licensee shall document the date and time when access to the track-and-trace system was lost, when it was restored, and the cause for each loss of access.
  - (3) A licensee shall not **transfer cannabis or nonmanufactured cannabis products to a distributor** until such time as access to the system is restored and all information is recorded into the track-and-trace system.





# CDPH Regulations: Loss of Connectivity

## § 40513:

- (a) If a licensee loses access to the track-and-trace system for any reason, the licensee shall prepare and maintain comprehensive records detailing all required inventory tracking activities conducted during the loss of access.
- (b) Upon restoration of access to the track-and-trace system, all inventory tracking activities that occurred during the loss of access shall be entered into the track-and-trace system within three (3) business days.
- (c) A licensee shall document the date and time when access to the track-and-trace system was lost, when it was restored, and the cause for each loss of access.
- (d) A licensee shall not **transfer cannabis products to another licensee or receive cannabis or cannabis products from another licensee** until such time as **access to the track-and-trace system is restored and all information is recorded into the track-and-trace system.**



## Notification of Diversion, Theft, Loss and/or Criminal Activity

- **CDPH Regulations, § 40207:** “If a licensee finds evidence of theft or diversion of cannabis or cannabis products, the licensee **shall report the theft or diversion to the Department and local law enforcement** within **24 hours of the discovery**. The notice to the Department shall be **in writing** and shall include the date and time of the incident; a description of the incident, including items that were taken or missing; and the name of the local law enforcement agency that was notified of the incident.”
- **CDFA Regulations, § 8409:** “Licensees **shall notify the department and law enforcement authorities** within **three (3) calendar days of discovery** of any diversion, theft, loss of, or criminal activity related to licensee’s cannabis or nonmanufactured cannabis products.”



# Notification of Diversion, Theft, Loss and/or Criminal Activity

- **BCC Regulations, § 5036:**

“(a) A licensee **shall notify the Bureau and local law enforcement** within **24 hours of discovery** of any of the following situations: (1) The licensee discovers a significant discrepancy, as defined in section 5034 of this division, in its inventory. (2) The licensee discovers diversion, theft, loss, or any other criminal activity pertaining to the operations of the licensee. (3) The licensee discovers diversion, theft, loss, or any other criminal activity by an agent or employee of the licensee pertaining to the operations of the licensee. (4) The licensee discovers loss or unauthorized alteration of records related to cannabis goods, customers, or the licensee’s employees or agents. (5) The licensee discovers any other breach of security. (b) The notification to the Bureau pursuant to subsection (a) of this section shall be submitted on the **Notification and Request Form, BCC-LIC-027** (New 10/18), which is incorporated herein by reference, and shall include the date and time of occurrence of the theft, loss, or criminal activity, the name of the local law enforcement agency that was notified, and a description of the incident including, where applicable, the item(s) that were taken or lost.”



# Requesting Relief: BCC

[https://bcc.ca.gov/law\\_regs/bcc-lic-027.pdf](https://bcc.ca.gov/law_regs/bcc-lic-027.pdf)

BCC-LIC-027 (New 10/18)  
California Department of Consumer Affairs  
Bureau of Cannabis Control  
[www.bcc.ca.gov](http://www.bcc.ca.gov)

State of California  
Edmund G. Brown Jr., Governor

## NOTIFICATION AND REQUEST FORM

This Form is to provide the Bureau of any notifications or requests for approval, as required under the regulations. The instructions provide more information on how to fill out this Form. Sections A through D are applicable to all licensees, unless indicated otherwise. Section E is applicable only to licensed testing laboratories. Notifications to the Bureau must be completed within the required timeframe, as set forth in regulations. Some changes or modifications to business practices cannot be completed without the required notification and/or prior approval from the Bureau, such as those in Section A. All required information and materials must be attached and submitted with the Form. Multiple boxes may be checked.

Licensee Name: \_\_\_\_\_ License Record Number: \_\_\_\_\_ License Expiration Date: \_\_\_\_\_

### A. REQUESTS FOR APPROVAL

- ☐ Request to Add A or M Designation - 5023(f)
- ☐ Request to Add or Remove a Commercial Cannabis Activity (microbusiness only) - 5023(g)
- ☐ Physical Modification of Premises (requires fee) - 5027
- ☐ Inability to Comply Due to Disaster - Notification and Request - 5038(a)
- ☐ Change of List of Licensees and Employees Participating in Temporary Cannabis Event - 5601(i)
- ☐ Purchase of Former Licensee's Cannabis Goods - 5024.1

### B. REQUIRED NOTIFICATIONS

- ☐ Death, Incapacity, Receivership, Assignment of Creditors, or Other Event Rendering an Owner Incapable - 5024(a)
- ☐ Criminal Conviction of Any Owner - 5035(a)
- ☐ Civil Penalty or Judgment Against Licensee or Any Owner - 5035(b)
- ☐ Administrative Order or Civil Judgment for Violation of Labor Standards Against Licensee or Any Owner - 5035(c)
- ☐ Revocation of a Local License, Permit, or Other Authorization - 5035(d)
- ☐ Discovery of Significant Discrepancy in Inventory - 5036(a)(1)
- ☐ Discovery of Diversion, Theft, Loss, or Any Other Criminal Activity Pertaining to Operation of a License - 5036(a)(2) & 5036(a)(3)
- ☐ Discovery of Loss or Unauthorized Alteration of Records of Cannabis Goods, Customers, or Employees or Agents - 5036(a)(4)
- ☐ Discovery of Any Other Breach of Security - 5036(a)(5)
- ☐ Unable to Resolve Compliance Notification in Track and Trace Within Three Business Days - 5048(e)(2)
- ☐ Connectivity to Track and Trace is Lost - 5050(b)
- ☐ Discovery that Notice of Suspension or Notice of Revocation Has Been Removed or is Damaged and Illegible - 5811(e) & 5812(f)

### C. BUSINESS MODIFICATIONS AND OTHER CHANGES

- ☐ Licensed Premises is Abandoned, Quit, or Closed for a Period Exceeding 30 Consecutive Calendar Days - 5022(a)
- ☐ Labor Peace Agreement - 5023(b)
- ☐ Change in Ownership - 5023(c)
- ☐ Change in Financial Interest Holders - 5023(d)
- ☐ Change in Contact Information - 5023(e)(1)
- ☐ Change in Name or Legal Business Name - 5023(e)(2)
- ☐ Change in DBA or FBN - 5023(e)(3)
- ☐ Change to Financial Information - 5023(e)(4)
- ☐ Change in Bond - 5023(e)(5)
- ☐ Change or Lapse in Insurance for Distributor - 5023(e)(6)
- ☐ Movement of Cannabis Goods to Prevent Immediate Loss, Theft, or Degradation from Disaster - 5038(h)

### D. CHANGES TO VEHICLE INFORMATION

- ☐ Use of New Vehicle or Trailer by a Distributor for Transportation of Cannabis Goods (notification is required prior to use) - 5312(b)
- ☐ Change to Distributor Vehicle or Trailer Information - 5312(c)
- ☐ Use of New Vehicle or Trailer by a Laboratory for Transportation of Samples (notification is required prior to use) - 5709(c)
- ☐ Change to Laboratory Vehicle or Trailer Information - 5709(d)

### E. REQUIRED NOTIFICATIONS FOR TESTING LABORATORIES

- ☐ Application for Each ISO/IEC 17025 Accreditation is Granted or Denied - 5703(i)
- ☐ Use of New or Altered Test Methods by Testing Laboratory - 5713(d)(8)
- ☐ Notification of Receipt of Proficiency Testing Results (if not concurrently sent to the Bureau by the provider) - 5733(h)
- ☐ Completion of Internal Audit by Testing Laboratory - 5735(c)
- ☐ Receipt of Accrediting Body On-site Audit Findings by Testing Laboratory - 5735(d)

Use space below for additional information, as needed.

### DISCLOSURES

#### Mandatory Submission

Submission of the requested information is mandatory unless otherwise noted. Failure to provide any of the required information may result in disciplinary action.


See Instructions on the Following Pages



# Requesting Relief: CDPH

[https://www.cdph.ca.gov/Programs/CEH/D  
FDCS/MCSB/CDPH%20Document%20Libr  
ary/Form\\_RegulatoryRelief.pdf](https://www.cdph.ca.gov/Programs/CEH/D<br/>FDCS/MCSB/CDPH%20Document%20Libr<br/>ary/Form_RegulatoryRelief.pdf)

REQUEST FOR REGULATORY RELIEF  
MANUFACTURED CANNABIS SAFETY BRANCH



This form can be used to request regulatory relief, as allowed by the Disaster Relief provisions outlined in Section 40182 of the [CDPH regulations for cannabis](#). Email your completed form to [MCSB@cdph.ca.gov](mailto:MCSB@cdph.ca.gov) for consideration.

BUSINESS INFORMATION

Business Name:

License Number:

Premises Address:

REQUEST INFORMATION

What section of CDPH regulations are you requesting relief from?

Please describe why you need relief from this requirement, and how that need is tied to the circumstances of the declared disaster.

How long are you requesting this relief last?

CONTACT INFORMATION

Name of Owner Submitting Request:

Email Address:

Phone Number:

Signature of Owner:  Date:

\*This form is optional and is intended to assist you with providing the information required for review and to allow us to process your request in an efficient and timely manner. If you would prefer not to use this form, you can type the information requested in the form directly into an email.

[www.cannabis.ca.gov](http://www.cannabis.ca.gov)[www.cdph.ca.gov/mcsb](http://www.cdph.ca.gov/mcsb)[mcsb@cdph.ca.gov](mailto:mcsb@cdph.ca.gov)

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# Requesting Relief: CDFA

No specific form. A person who is listed as an owner on the license must send a written request for relief via e-mail to [calcannabis@cdfa.ca.gov](mailto:calcannabis@cdfa.ca.gov). We suggest including the following information in the request:

- License number
- Licensee name
- Premises address
- The specific request (including any applicable regulatory sections)
- Why relief is being requested
- Length of time relief is being requested for
- Name, email address, and phone number of owner submitting request



# COVID Basics for Businesses in CA

- Cannabis businesses deemed “essential,” but still have to comply with applicable health-related rules. Be sure to check with your local jurisdiction about what types of businesses can operate and what rules apply.
- Businesses must have measures in place to protect workers and the public, and need to make sure their employees are trained on these new procedures.
  - Facial coverings
  - Social distancing
  - Curbside pickup & delivery
  - Employee health screening
  - Cleaning & sanitizing practices
  - Updates to employment-related practices (sick leave, travel/vacation policies, telework, etc.)
  - Providing proper PPE
  - Etc.



# COVID-19: Industry-Specific Guidance

## Agriculture and Livestock Industry (cultivators)

- [Guidance](#)
- [Checklist](#)

## Delivery Services (dispensaries that deliver)

- [Guidance](#)
- [Checklist](#)

## Logistics & Warehousing (distributors/transporters)

- [Guidance](#)
- [Checklist](#)

## Manufacturing Industry (manufacturers)

- [Guidance](#)
- [Checklist](#)

## Retail (dispensaries)

- [Guidance](#)
- [Checklist](#)

## Life Sciences (testing laboratories)

- [Guidance](#)
- [Checklist](#)

## Office Workspaces

- [Guidance](#)
- [Checklist](#)





# CANNABIS PRODUCT SAFETY DURING COVID-19

## USE GOOD MANUFACTURING PRACTICES IN YOUR FACILITY

The Manufactured Cannabis Safety Branch regulations require manufacturers to create procedures for and implement Good Manufacturing Practices (GMPs) within cannabis manufacturing facilities. The use of GMPs is an essential tool to prevent the spread of COVID-19. Below is a reminder of key GMP requirements and recommended preventative measures.

PERSONNEL HYGIENE	EMPLOYEE HEALTH	EQUIPMENT AND SURFACES
<ul style="list-style-type: none"><li>• <b>Wash hands frequently</b><ul style="list-style-type: none"><li>• Consider creating a schedule for when and how often employees should wash hands.</li><li>• Follow the CDC's 5 Steps for Handwashing: Wet hands. Lather with soap. Scrub for at least 20 seconds. Rinse. Dry.</li></ul></li><li>• <b>Avoid touching your face</b></li><li>• <b>Wear clean outer clothes</b></li></ul>	<ul style="list-style-type: none"><li>• <b>Encourage employees to stay home if sick</b><ul style="list-style-type: none"><li>• Follow your written procedures for how employees will report health conditions, including symptoms of COVID-19, to their supervisors.</li></ul></li><li>• <b>Prevent contamination</b><ul style="list-style-type: none"><li>• Exclude employees with uncontrolled discharge from work areas.</li><li>• Cover your cough or sneeze with a tissue or your elbow, and wash your hands after.</li></ul></li></ul>	<ul style="list-style-type: none"><li>• <b>Cleaning and sanitizing</b><ul style="list-style-type: none"><li>• Follow your standard operating procedures for cleaning surfaces, including product work surfaces, utensils and equipment.</li><li>• Consider increasing the frequency of surface cleaning.</li></ul></li></ul>


**The illnesses that pose the greatest risk for product contamination are: Norovirus, Hepatitis A virus, Salmonella typhi/spp., Shigella spp., and E coli.**

- Update and share your Disease Control Plan with your employees.
- Instruct employees to report any of these high-risk illnesses to their supervisors immediately and exclude them from work areas.

### STAY INFORMED USING RELIABLE SOURCES

Stay aware of the latest news from your government and health officials

- Monitor the news for the latest public health directives to prevent the spread of COVID-19.
- Be responsive to local, state and national guidance for businesses.
- Here is a list of local, state and federal websites where you can find reliable health information:
  - [California Department of Public Health](#)
  - [California COVID-19 Response](#)
  - [California Cannabis Portal](#)
  - [Manufactured Cannabis Safety Branch](#)

 MANUFACTURED CANNABIS SAFETY BRANCH

<https://www.cdph.ca.gov/Programs/CEH/DFDCS/MCSB/CDPH%20Document%20Library/COVID-19CannabisProductSafety.pdf>



## SAFETY AND HEALTH GUIDANCE COVID-19 Infection Prevention for Agricultural Employers and Employees

July 21, 2020

California employers are required to establish and implement an Injury and Illness Prevention Program (IIPP) to protect employees from all workplace hazards, including infectious diseases. This guidance does not impose new legal obligations. It contains information for agricultural employers on how to update their IIPPs to include preventing the spread of COVID-19 in the workplace. This is mandatory in most California workplaces since COVID-19 is widespread in the community.



### Employee Training on COVID-19

Agricultural employers must provide training in a way that is readily understandable by all employees. Train employees on the following topics:

- Information related to COVID-19 from the Centers for Disease Control and Prevention (CDC), including:
  - What COVID-19 is and how it is spread.
  - Preventing the spread of COVID-19 if you are sick.
  - Symptoms of COVID-19 and when to seek medical attention.
- California's COVID-19 industry guidance Agriculture and Livestock for additional resources, including information in Spanish.
- The importance of frequent hand-washing with soap and water, including:
  - Following CDC guidelines to wash for at least 20 seconds.
  - When employees arrive at work and before they leave work.
  - Before and after eating or using the toilet.
  - After close interaction with other persons.
  - After contacting shared surfaces or tools.
  - Before and after wearing masks or gloves.
  - After blowing nose or sneezing.

- That hand sanitizer is not as effective as hand-washing but can be used as an interim measure if a hand-washing station is not immediately available.
- Methods to avoid touching eyes, nose, and mouth.
- Coughing and sneezing etiquette, including covering a cough or sneeze with a tissue or a sleeve instead of a hand.
- The mandatory use of cloth face covers, as required by the California Department of Public Health (CDPH) guidelines, including:
  - CDC guidelines that everyone should use cloth face covers when around other persons.
  - Cloth face covers can help protect persons around the user of the cloth face cover when combined with physical distancing and frequent hand-washing.
  - Cloth face covers are not protective equipment and do not protect the person wearing a cloth face cover from COVID-19.
  - The employer is responsible for providing and ensuring employees use face covers.
- Safely using cleaners and disinfectants on surfaces and objects, which includes:
  - Carefully following label directions.
  - The hazards of all cleaners and disinfectants used at the workplace.

(continued on next page)

- Ventilation requirements.
- Wearing personal protective equipment (such as gloves).
- Ensuring cleaners and disinfectants are used in a manner that does not endanger employees.

- Limiting close contact with others as much as possible and maintaining safe physical distancing (see Physical Distancing information on next page).

- The importance of not coming to work if they have symptoms of COVID-19 as described by the CDC, such as a fever or chills, cough, shortness of breath or difficulty breathing, fatigue, muscle or body aches, headache, new loss of taste or smell, sore throat, congestion or runny nose, nausea, vomiting, or diarrhea or if they live with or have had close contact with someone who has been diagnosed with COVID-19.

- To seek medical attention if the symptoms become severe including persistent pain or pressure in the chest, confusion, or bluish lips or face. Updates and further details are available on CDC's webpage.

- The employer's plan and procedures to protect employees from COVID-19 illness.

- Information on employer or government-sponsored leave benefits the employee may be entitled to receive that would make it financially easier to stay at home. See additional information on government programs supporting sick leave and workers' compensation for COVID-19, including employee's sick leave rights under the Families First Coronavirus Response Act and the Governor's Executive Order N-51-20, and employee's rights to workers' compensation benefits and presumption of the work-relatedness of COVID-19 pursuant to the Governor's Executive Order N-62-20 while that Order is in effect. Some cities and counties also require employers to provide sick leave benefits to employees.

### Procedures to Help Prevent the Spread of COVID-19 at the Workplace

IIPP administrators should establish and implement the following procedures to help prevent the spread of COVID-19:

- Immediately send employees with COVID-19 symptoms home or to medical care as needed.
- Establish procedures to notify local health officials upon learning that someone has a COVID-19 infection. These officials will help employers determine a course of action.
- Encourage sick workers to stay home by not punishing them for missing work. Consider sick leave benefits to help prevent the spread among workers who might otherwise work out of economic necessity. Educate eligible employees on other benefits they can access if symptoms, illness, or caring for an ill family member prevents them from working. See FAQs on laws enforced by the California Labor Commissioner's Office (questions 1 and 2).
- Advise employees who stay home with symptoms not to return to work until at least 3 days after recovery and 10 days after the original onset of symptoms, per CDC guidance.

- Make hand-washing stations more readily available and encourage their use. Employees are advised that hand-washing is compensable as nonproductive time for piece-rate workers (see FAQs on piece-rate compensation).
- Establish procedures to routinely clean and disinfect commonly touched surfaces and

Health experts do not recommend the use of respirators by the general public or the general workforce for COVID-19 so they may be prioritized for health care workers. Employers must provide respirators to agricultural workers when needed to protect workers against excessive dust, *Coccidioides* fungus (the source of Valley Fever), or other harmful agents. Employers should also ensure workers use face coverings to help prevent community transmission of COVID-19.

(continued on next page)

objects (e.g., water containers, steering wheels, shared tools, shared work stations, door handles, seat belts, insides of toilet facilities) throughout the day. These procedures should include:

- Using products that are EPA-approved for use against the virus that causes COVID-19.
- Providing EPA-registered disposable wipes for employees to wipe down commonly used surfaces before use.
- Following the manufacturer's instructions for all cleaning and disinfection products (e.g., safety requirements, protective equipment, concentration, contact time).
- Ensuring there are adequate supplies to support cleaning and disinfection practices.

### Procedures to Increase Physical Distancing

When combined with use of face covers, physical distancing is an infection control measure that can stop or slow down the spread of an infectious disease by limiting contact between people. Safe physical distancing means maintaining a distance of at least six feet from other people. Agricultural employers should use the following physical distancing measures to stop or slow down the spread of COVID-19:

- Physical distancing should be practiced, whether outdoors, in vehicles, or in structures.
- Establish work practices and work stations, and adjust line speed and other processes to enable employees to maintain safe physical distancing while working.
- Stagger break and lunch times.
- Limit crew size by staggering work shifts or increasing the number of work shifts.
- Provide additional seating and shade structures to allow employees to take breaks while staying at least six feet apart.
- Encourage employees to avoid large gatherings and practice physical distancing during non-work hours. Employers who house workers are encouraged to be proactive in making physical distancing possible and to take affirmative steps to quarantine any housed worker exhibiting symptoms.
- Establish a location for receiving regular

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deliveries away from on-farm high-traffic areas and housing.

- Place drop-boxes or drop-off locations near the road so vehicles do not need to enter the farm.
- Create specific instructions for deliveries.
- Provide supplies and customers with the location of and all the procedures to be used at the drop-off point.
- Create signage to easily identify drop-off points. Include contact information on the signs to assist with questions leading up to delivery and upon arrival.

### Good Sanitation Practices

Agricultural employers must ensure bathrooms and hand-washing facilities are readily accessible to all employees at all times.

- Restrooms must be clean and sanitary.
- Hand-washing facilities must be located at or near the restrooms.
- Soap or other suitable cleaning agent and single-use towels must be provided.
- Additional hand-washing supplies should be placed as close to work areas as possible to allow for frequent hand-washing.
- Enough time must be allowed for frequent hand-washing.
- Due to increased hand-washing, the employer should frequently check the supply of soap, paper towels, and toilet paper, and replenish them before they run out.

### Additional COVID-19 Resources for Agricultural Employers

#### Agricultural Employers

- California Coronavirus (COVID-19) Response. COVID-19 Industry Guidance: Agriculture and Livestock
- California Department of Public Health. Coronavirus Disease 2019 (COVID-19) and the Food Supply Chain
- Centers for Disease Control and Prevention. Coronavirus Disease 2019 (COVID-19) Agriculture Workers and Employers
- Oregon Department of Agriculture. Effective Disinfectants to Help Prevent the Spread of Coronavirus Disease (Agriculture) on Food Contact Surfaces
- Pennsylvania Department of Agriculture. COVID-19 Guidance: Farm and Farm Deliveries
- University of California, Davis. COVID-19 Resources for Agriculture

#### General Information

- California Coronavirus (COVID-19) Response
- California Department of Public Health. Asthma-Safer Cleaning and Disinfecting
- California Department of Public Health. Guidance for The Use of Face Coverings
- California Division of Occupational Safety and Health. Cal/OSHA Interim Guidelines for General Industry on 2019 Novel Coronavirus Disease (COVID-19)
- California Labor and Workforce Development Agency. Coronavirus 2019 (COVID-19) Resources for Employers and Workers
- Centers for Disease Control and Prevention. Coronavirus Disease (COVID-19)
- Centers for Disease Control and Prevention. Coronavirus Disease (COVID-19): Interim Guidance for Businesses and Employers
- Centers for Disease Control and Prevention. Coronavirus Disease (COVID-19): Symptoms
- Centers for Disease Control and Prevention. Coronavirus Disease (COVID-19): How It Spreads
- Centers for Disease Control and Prevention. Coronavirus Disease (COVID-19): Steps to Help prevent the spread of COVID-19 if you are sick
- Occupational Safety and Health Administration. Protecting Workers Who Use Cleaning Chemicals
- U.S. Environmental Protection Agency. Disinfectants for Use Against SARS-CoV-2 (the virus that causes COVID-19)

This document is available with active links at [www.dir.ca.gov/COVID19AG](http://www.dir.ca.gov/COVID19AG)  
For assistance regarding this subject matter, employers may contact  
Cal/OSHA Consultation Services at: 1-800-963-9424 or [InfoCons@dir.ca.gov](mailto:InfoCons@dir.ca.gov)  
[www.dir.ca.gov/dosh/consultation.html](http://www.dir.ca.gov/dosh/consultation.html)





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[Cal/OSHA](#) | Requirements to Protect Workers from Coronavirus

## Cal/OSHA and Statewide Industry Guidance on COVID-19

[español](#)



### Face coverings required in public spaces

Cloth face coverings or [masks](#) help reduce the spread of coronavirus especially when combined with physical distancing and frequent hand washing. Starting June 18, Californians must wear face coverings in common and public indoor spaces and outdoors when distancing is not possible. Learn more about the [guidance and limited exceptions here](#).

The Cal/OSHA industry guidance below has been updated to reflect the revised policy on the use of face coverings.

### Use of N-95 respirators - *Update*

The [Cal/OSHA Interim Guidance on COVID-19 for Health Care Facilities: Severe Respirator Shortages](#) has been updated to reflect the requirements announced by Governor Newsom on July 24, 2020.

Workplace safety and health regulations in California require employers to take steps to protect workers exposed to infectious diseases like the Novel Coronavirus (COVID-19), which is widespread in the community. Cal/OSHA has posted guidance to help employers comply with these requirements and to provide workers information on how to protect

### Cal/OSHA

#### Emergency Response

- [Cal/OSHA Safety Guidance on Coronavirus](#)
- [Worker Safety and Health in Wildfire Regions](#)

#### Quick Links

- [File a workplace safety complaint](#)
- [Obtain a free consultation](#)
- [Important Cal/OSHA updates](#)
- [Public records requests](#)

#### Cal/OSHA Branches & Units

##### Branches

- [Enforcement](#)
- [Consultation Services](#)

##### Units

- [Amusement Ride and Tramway](#)

<https://www.dir.ca.gov/dosh/coronavirus/Health-Care-General-Industry.html>



# Special Considerations for Wildfires

- Cal/OSHA - Worker Safety and Health in Wildfire Regions:  
<https://www.dir.ca.gov/dosh/Worker-Health-and-Safety-in-Wildfire-Regions.html>
- Protecting workers who may be exposed to wildfire smoke
  - Outdoor workers:  
<https://www.dir.ca.gov/dosh/wildfire/Worker-Protection-from-Wildfire-Smoke.html>
  - Indoor workers:  
<https://www.dir.ca.gov/dosh/wildfire/Indoor-Protection-from-Wildfire-Smoke.html>
  - During cleanup:  
<https://www.dir.ca.gov/dosh/wildfire/Worker-Health-and-Safety-During-Fire-Cleanup.html>
    - See Emergency Regulation on Protection from Wildfire Smoke (effective July 29, 2019):  
<https://www.dir.ca.gov/dosh/doshreg/Protection-from-Wildfire-Smoke/Wildfire-smoke-emergency-standard.html>






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[Cal/OSHA](#) | Worker Safety and Health in Wildfire Regions

## Worker Safety and Health in Wildfire Regions





Cal/OSHA

Emergency Response

[▶ Cal/OSHA Safety Guidance on Coronavirus](#)  
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Units

[▶ Amusement Ride and Tramway](#)

Wildfire smoke and cleanup presents hazards that employers and workers in affected regions must understand. Smoke from wildfires contains chemicals, gases and fine particles that can harm health. Hazards continue even after fires have been extinguished and cleanup work begins. Proper protective equipment and training is required for worker safety in wildfire regions.

Power outages can also present electrical and other hazards for workers. Proper installation and use of generators can prevent electrocution hazards. Workers must also be aware of the potential of electrocution or being injured by moving parts of machinery and other equipment when power is restored. Workers can also face health hazards from working without electricity in unventilated areas because ventilation systems are not working.

Cal/OSHA has an emergency regulation ([section 5141.1](#)) to protect employees exposed to wildfire smoke. The regulation requires the following:

- Identification of harmful exposures
- Communication
- Training and instruction
- Control of harmful exposures
- Specific particulate sampling requirements if an employer opts to monitor employee exposure with a direct reading

<https://www.dir.ca.gov/dosh/Worker-Health-and-Safety-in-Wildfire-Regions.html>



# Special Considerations for Power Outages

- Cal/OSHA - Protecting Workers when there are Power Outages:  
<https://www.dir.ca.gov/dosh/Protecting-Workers-When-there-are-Power-Outages.html>
- Preparing Your Business for Power Outages (PG&E):  
[https://www.pge.com/pge\\_global/common/pdfs/safety/electrical-safety/electric-generator-safety/Preparing-Your-Facility-for-Power-Outages-Checklist.pdf](https://www.pge.com/pge_global/common/pdfs/safety/electrical-safety/electric-generator-safety/Preparing-Your-Facility-for-Power-Outages-Checklist.pdf)





## Some Notes about Taxes and Disasters

- Cannabis that's removed from a licensed cultivation premises because of a fire, flood, or similar disaster is not taxable simply because of that (i.e., that doesn't count as "entering the commercial market"). 18 CCR § 3700.
- Certain counties such as Sonoma County offer tax adjustments for cannabis that is destroyed by wildfire or other natural causes. Check with your local agriculture department about tax breaks for crop loss.
- Certain state, federal, and local tax filing deadlines have been extended (or are offering extensions to taxpayers who request it) this year due to COVID-19. Check with your various taxing authorities about this.



# Hypothetical (but Familiar) Scenarios

- Your licensed premises was robbed, and to prevent any further loss you wish to move product to a secure alternate location. How should you go about doing this? And what about the stolen product?
- A wildfire breaks out, and an evacuation order is issued for the area in which your licensed cultivation premises is located. You were in the middle of harvesting and also have some cannabis drying and stored on-site. What do you do?

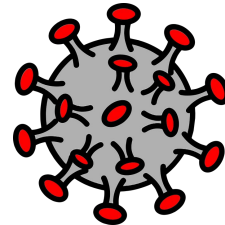
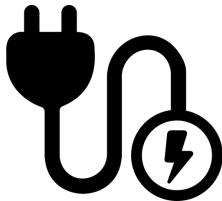






# Hypothetical (but Familiar) Scenarios

- The power at your licensed premises goes out, and you don't have a backup power source. You have cannabis goods that have to be temperature-controlled. You also lost connectivity to the track-and-trace system as a result of the power outage, which impacted your internet signal. What should you do?
- As the result of a disease outbreak, your city prohibits all indoor retail sales, but allows retailers to operate via curbside pickup or delivery. Your current state license is for storefront cannabis retail without a delivery component. How can you accommodate the city's rule while continuing to legally operate?





## From Our Blog

- [Preventing and Managing Coronavirus Outbreaks in the Workplace](#)
- [COVID-19 Traps for Unwary Employers](#)
- [Local Jurisdictions Adopt Civil Penalties for COVID-19 Health Order Violations](#)
- [Public Safety Power Shutoff Events and California Cannabis Regulations](#)

These and more are available at  
[www.omarfigueroa.com/blog](http://www.omarfigueroa.com/blog)



## Additional Resources

- CDC COVID-19 guidance for businesses:  
<https://www.cdc.gov/coronavirus/2019-ncov/community/organizations/businesses-employers.html>
- Cal/OSHA's COVID-19 page:  
<https://www.dir.ca.gov/dosh/coronavirus/Health-Care-General-Industry.html>
- EDD's COVID-19 page: [https://edd.ca.gov/about\\_edd/coronavirus-2019.htm](https://edd.ca.gov/about_edd/coronavirus-2019.htm)
- CDPH's COVID-19 page:  
<https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/Immunization/ncov2019.aspx>
- Sonoma County Emergency Information: <https://socoemergency.org/>
- California Office of Emergency Services (CalOES): <https://www.caloes.ca.gov/>
- Disaster Relief Resource Guide (CA Go-Biz):  
<https://business.ca.gov/advantages/small-business-innovation-and-entrepreneurship/disaster-relief-resource-guide/>
- California State COVID-19 Website: <https://covid19.ca.gov/>
- Ready for Wildfire (CalFire): <https://www.readyforwildfire.org/prepare-for-wildfire/>

Q & A





# Thank you!

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