



## THE RESTORATION ACT

07/27/21

### FORWARD

I, Nickolas Wildstar, as Governor Elect for the September 14, 2021, Special Election Recall of current Governor Gavin Newsom, do hereby propose that as it pertains to the current law and regulation as has been defined under California's Proposition 64, of the for-profit cannabis industry, and in honor of all those who have given their lives for the acceptance and legalization of medical cannabis, I have the following points and actions to be made:

Whereas in November 1996, medical cannabis became legal under [Prop 215](#),

Whereas in October 2003, medical cannabis guidelines were further established and codified into law under [SB 420](#),

Whereas in July 2015, Governor Gavin Newsom chaired a Blue Ribbon Steering Committee that would set policy option for regulating marijuana in California, titled the [Pathways Report](#),

Whereas in November 2016, a **recreational** cannabis initiative, [Prop 64](#), was approved by the voters that would assume control of cannabis law and regulation including all previous medical cannabis laws under Prop 215 and SB 420.

Whereas in July 2021, in a [Wildstar letter to California Attorney General Robert Bonta](#), I provided statements to AG Bonta as to why Prop 64 was an illegal initiative and as such must be repealed as the state cannot be in the business of violating higher federal law where they are protected under 10<sup>th</sup> amendment claims while mandating cannabis licensees violate higher federal law and not be afforded those same protections,

Whereas in this letter I provide my own statements as to why I find Prop 64 to be in illegal initiative, one that should have never been presented to the voters, I also attest to the fact that a follow up letter will be provided, no later than August 12, 2021 that will present the AG with additional statements-affidavits that go to the damages those people and businesses have suffered as a result of the rules and regulations which were promulgated under Prop 64. The reference to the RESTORATION ACT as bridge legislation to allow current licensees and those in a pending license status to continue to operate until such time that any state court actions are fully adjudicated are essential to the transition back from a federally illegally for-profit status to federally legal not-for-profit status and will be detailed as follows:

### **SECTION 1. PURPOSE AND INTENT**

- 1) The repeal of Prop 64 will result in a certain amount of confusion and disruption within the licensed cannabis industry. This is to be expected. The purpose and intent of the RESTORATION ACT is to provide a regulatory framework that minimizes that confusion and disruption by setting forth the as detailed herein.

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- 2) The current state agency that provides oversight of Prop 64 cannabis licensees is the Department of Cannabis Control (DCC) or its predecessor agency, the Bureau of Cannabis Control (BCC), will be disbanded.
  - a. All regulated cannabis activities within the state will require a permit from the newly formed Department of Cannabis Administration (DCA).
  - b. All current subagencies to DCC or BCC will have duties under the DCA to include
    - i. State Water Resources Control Board
    - ii. Department of Fish and Wildlife
    - iii. California Regional Water Control Boards
    - iv. Board of Forestry and Fire Protection
    - v. Department of Food and Agriculture
    - vi. Department of Public Health
    - vii. Traditional State Law Enforcement Agencies
  - c. The DCA will allow those current Prop 64 Licensee(s), to continue to operate in a for-profit status, until such time that those licenses expire under the following conditions:
    - i. The Prop 64 Licensee will be required to sign a statement whereby they acknowledge they are knowingly violating higher federal law by maintaining a for-profit operation.
    - ii. Retail will not be paying state point of sales taxes as no state agency can accept those revenues without being party to aiding and abetting a Prop 64 Licensee in violating higher federal law.
  - d. Prop 64 Licensee Farms will no longer be paying any cultivation taxes on harvested product as the DCA cannot legally accept “for profit” revenues from these transactions.
    - i. METRC reporting and tagging of plants will no longer be required.
    - ii. Alternatively, to those preceding Prop 64 Licensee options the Prop 64 Licensee may elect to transition into a not-for profit status and like new licensees be required to submit to all the conditions as set forth in Paragraph 2 as a DCA Licensee would be given a one-year DCA fee abatement for having done so. This offer will only be offered to those Prop 64 Licensees with more that 6 months left on a provisional or annual license as had been granted by the previous BCC or DCC agencies.



- iii. Those Prop 64 Pending Licensees who are in a local application status can elect to continue with that application process and once granted would be afforded the same terms and conditions as set forth in the Prop 64 Licensee conditions.
  - iv. Alternatively, to those Prop 64 Pending Licensees they may elect to discontinue that local application process and request a full refund of all application fees that have been charged for that application.
- 3) The DCA will operate much differently than the previous agency functions. They will consider cannabis and hemp as agricultural products, subject to the same rules and regulations as traditional crop cultivation with the following exceptions:
- a. Cannabis will be treated as a state regulated and licensed, medical, not for-profit crop as had been previously considered in Prop 215 and SB 420.
  - b. While Prop 64 was an illegal initiative that had to be repealed it did teach us some things that have been incorporated into the RESTORATION ACT and that will serve to improve the language and intent of those previous medical cannabis laws. Those improvements, as will be defined herein, will go to compassion, regulation, environmental protections, reduction of greenhouse gasses, labor law and protections, doctor-patient cannabis relations, personal grow, pesticide toxicity levels, social equity, and a method of reporting that will not be over burdensome and allow the market to accept a wider range of participants allowing the state to benefit from a transparent and cross communicative relationship with the Licensee.
  - c. Anyone transacting in regulated cannabis will be required to have a state issued license by the DCA.
  - d. Those that do not have a state license will be subject to potential criminal prosecution if they are found to be trafficking in unlicensed cannabis.
  - e. The state DCA licenses will be given only to **not-for-profit collectives (DCA Licensee)**. The annual fee for a DCA Licensee will be \$2,000.00.
  - f. A state DCA license will NOT be given to a cooperative whereby a cooperative, while a recognized statutory entity, can generate profits whereas a collective cannot.
  - g. A **not-for-profit collective** will be defined and recognized as a statutory legal entity as being a group of people who have formed an association or organization where all members are equal owners.



- i. All members will be equal owners of the “collective”.
  - ii. For purposes of plant counts, each outdoor collective will be allowed to grow up to 6 flowering and 12 vegetative plants per member @ 1 crop cycle per year or 12 lbs. of combined finish flower and/or extracts.
  - iii. For the purposes of plant counts, each indoor or greenhouse collective will be allowed to grow up to 6 flowering and 12 vegetative plants per member @ 4 crop cycles per year or 12 lbs. of combined finish flower and extracts.
  - iv. Each collective may have up to 24 clones per member.
  - v. The DCA-Anti-Diversion-Division (**DCA-ADD**) will track individual member “equitable contributions” so as to not to exceed a maximum annual purchase amount of 12 lbs/year or 4oz/week of combined finished flower and concentrates/extracts.
  - vi. Certain members will be given managerial and task functions for which they will be compensated for.
  - vii. The collective will not make a profit.
  - viii. At the end of the fiscal year, any monies that are made in excess of expenses, must be distributed back to the members in equal proportion.
- h. As a DCA licensed cultivator, (DCA-Farm) would pay an annual per sq-ft **DCA Baseline Cultivation Fee (DCA-BCF)** of \$1/sq-ft.
- i. Annual **DCA-Farms/Indoor (DCA-F/I)** licenses may, if qualified, be granted up to 20,000 sq-ft if the local government and all DCA environmental conditions for license approval had been met.
- i. The DCA will not allow any state cultivation license to be issued without an attached California Environmental Quality Act (**CEQA**) report to accompany it. The DCA will be authorized to accept a ONE YEAR provisional license, that will NOT be extended, to those current Prop 64 Licensees since that form of licensing is a leftover ramification of the Prop 64 rules and regulation. However, if that Prop 64 licensee **is NOT** able to qualify for the DCA license, they **will NOT be afforded the same extendable provisional protections** that Prop 64 and/or any local government protections, which may have existed under prior DCC and BCC administration.



- ii. Upon Annual Renewals, DCA will allow the **DCA-F/I** licensee to expand their crop canopy cultivation license by up to 50% from that of the previous year, providing they have had not had any DCA violations, are current on fee's and are within acceptable environmental and local government protocols for the proposed expansion. This section may be applied up to 5 renewals at which time the licensee will be at the DCA maximum indoor capacity of 100,000 sq-ft. There is no way to buy this size indoor grow. It must be earned.
- iii. In addition to the BCF cultivation fee, a **DCA-F/I** Licensee will be required to pay an additional \$40 per sq-ft annual environmental surcharge to be used for carbon reduction programs.
- iv. A **DCA-F/I** Licensee may not exceed a 40 watts per sq-ft load, as measured at the canopy, for cultivation. If, upon spot inspections or through the use of Time of Use utility metering, it is determined the Licensee has exceeded those maximum load conditions, the Licensee will, upon written notice, be given 30 days to bring their facility to within those parameters. The first notice of violation will not result in a fine. Subsequent violations will result in fines, suspension, and possible license revocation.
- j. Annual **DCA-Farms/Greenhouse (DCA-F/GH)** licenses may, if qualified, be granted up to **1 acre (43,560 sq-ft)** and would allow the licensee to expand their crop canopy cultivation license by up to 100% from that of the previous year, providing they have had not had any DCA violations, are current on fee's and are within acceptable environmental and local government protocols for the proposed expansion. This section may be applied up to 3 renewals at which time the licensee will be at the DCA maximum greenhouse capacity of 3 acres (130,680 sq-ft). There is no way to buy this size greenhouse grow. It must be earned. There is no additional environmental surcharge to be applied on DCA-F/GH licenses.
- k. Annual **DCA-Farms/Outdoor (DCA-F/O)** licenses if qualified, be granted up to 2 acres (87,120 sq-ft) and would licensee to expand their crop canopy cultivation license by up to 100% from that of the previous year, providing they have had not had any DCA violations, are current on fee's and are within acceptable environmental and local government protocols for the proposed expansion. This section may be applied up to 3 renewals at which time the licensee will be at the DCA maximum outdoor capacity of 6 acres (261,360 sq-ft). There is no way to buy this size greenhouse grow. It must be earned. There is no additional environmental surcharge to be applied on DCA-F/O licenses.
- l. Annual **DCA-Manufacturing (DCA-M)** licenses will be available at an annual \$200 per sq-ft basis.
  - i. The DCA-M Licensee agrees to providing the DCA with access to the Licensees Time of Use utility metering.



- ii. The DCA-M Licensee agrees to pay an environmental surcharge of \$0.50 per kW/hr whenever they exceed 200 kWh/day or 6,000 kWh/month. The DCA will require that the Licensee monitor these overages. When the DCA spots usage in excess of these values an electronic invoice will be sent to the licensee on 30 day cycles at which point that the charges become due within 14 days of having received that invoice.
  
- m. Annual **DCA-Distribution (DCA-D)** licenses will be granted to those businesses that will transport the finished cannabis products to Retail Cannabis Dispensaries. No Licensee will permit the trade or exchange of cannabis products from a licensed cultivation or manufacturing facility. A DCA-D Licensee assures that the product being collected for delivery to a has been properly tested and approved by a third party, independent testing lab and the information has been uploaded to the DCA website for customer review. The DCA-D will provide security and transportation in unmarked, reinforced vehicles that maintain GPS and video tracking while underway.
  - i. A DCA-D Licensee must carry a \$1,000,000 theft and liability bond that protects their cargo during transportation.
  
- n. Annual **DCA-Testing (DCA-T)** licenses will be granted to those qualified businesses that are qualified under regulations as established by the Department of Health for third party testing labs. There may be no co-ownership between the principal parties of a DCA-T type license and any other DCA license being offered.
  - i. DCA-T labs will test products provided to them by batch samples from the DCA-D Licensee. The batch samples will then be uploaded to the DCA website at which time they are given a pass or fail by the DCA-T lab.
  - ii. If the test batch is given a fail and it could be made to pass with remedial processes that would bring the cannabis products being tested into compliance with quality assurance standards as promulgated by the Department of Public Health.
  - iii. Both DCA-T and DCA-D sign offs must be made on the DCA website for the batch being tested. This will reduce the chances of batch swapping for the purposes of clearing products that do not meet threshold safety limits.
  - iv. DCA-T testing fees shall be paid by the Licensees submitting product.
  - v. Products that fail testing standards must be destroyed in an environmentally sensitive matter so as to not fall into unlicensed cannabis activities.



- 4) DCA functions will include:
- a. Processing license requests and assuring the local government approvals have been met for Land Use Regulations and environmental compliance.
  - b. Maintaining spot surveillance and cumulative water usage does not exceed stated demands.
  - c. Spot checking of site conditions to assure that all Fire, Life and Safety protocols are in place and being followed. Should areas of improvement be found the DCA will provide written "Incident-1" notification to the Licensee as to what must be corrected. The Licensee will have up to 30 days to make those Incident-1 corrections and notify the DCA of the completion at which time, upon confirmation, the incident would be closed. Should the incident not be closed the DCA has increased authority under enhanced incident levels to extend the time for correction, issue fines, suspend or even revoke a license depending upon the situation.
  - d. Confirm all cannabis has been tested for residual chemicals that would be in excess of the limits that had been set forth in Prop 64.
  - e. Provide a website portal that allows patients to take images of the product bar code and confirm the DCA Licensee status, when the product was harvested and the product profile.
  - f. The DCA website will be modeled after the California [Contractor State License Board \(CSLB\)](#) website in that this is a format that works exceptionally well for the contractors and the consumers. It's also a very successful government agency that reports their funds to the General Fund, is highly accountable to the public, **operates at a profit and is fee, not tax based**. The DCA does not have to recreate the wheel. The wheel is already there and spinning.
    - i. The CSLB website invites unlicensed contractors to work towards licensing, provides the customer a way to research the contractor and his employees and provides ongoing education to help those who are in need of information, a central portal to do so.
    - ii. The DCA website will be the primary portal for customers, licensees and physicians to provide and access their records.
    - iii. Per SECTION 1. para 3 (g)(v) the DCA-ADD will track member purchases so as to not exceed 12lbs. over 12 months or 4 oz per week from the activation date of their license. Members that have exceeded those levels will be denied access to the RCD.



- iv. The DCA website will be an educational portal to develop industry education and accreditation.
- v. The DCA will incorporate existing cannabis curriculums such as [420 College](#) or [Oaksterdam University](#) for examples to serve as educational partners in the DCA accreditation programs.
- vi. The DCA website will provide cannabis history.
- vii. The DCA website will address legal, law enforcement and judicial issues that go to the constitutional integration of both licensed and unlicensed cannabis activities.
- viii. The DCA website will include real time, topic-based blogs to answer questions and discuss the industry conditions.
- ix. The DCA website will promote sustainable cultivation practices and post those current programs that promote the latest in green energy and water savings products and techniques.
- g. The DCA will operate under a big tent philosophy. We want those legacy farmers to have a seat at the table. As long as local government is satisfied that the farmer is not breaking any Land Use Regulations specific to that location, the DCA will bend over backwards to process and approve, within 90 days, those applications that have provided the supporting EIR/CEQA and paid the licensing fees.
- h. Once a DCA License has been issued the License will not start timing out until the Licensee notifies the DCA that they are ready to begin operations. At that time the licensee must have the requisite video and water metering uplinked and streaming to the DCA website. The DCA will also require that all local permits, inspections and Certificates of Occupancy have been made prior to finalizing the state DCA License and converting the Application to a license under an Annual Operating Agreement & License (AOAL). Licensees are given up to 120 days to convert from an Application to an AOAL status. If they require longer that's fine and will not deny them from eventually getting that AOA License status, it's just the DCA will not wait longer than that to convert an application to a AOA License status for remaining time on the license.
- i. The DCA Licensee agrees to make their property accessible to any DCA authority that would want to spot check the site to assure compliance.
- j. Under a DCA AOA License the DCA inspector is only authorized to check those areas that are listed in the Licensees Area of Operations. If the DCA inspector has reason to believe there is cannabis activity occurring outside the claimed area of operations the inspector may

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ask to see that area but if they are refused it will be within the Licensees 4<sup>th</sup> and 5<sup>th</sup> amendment rights to do so. The inspector can note any suspicions they have on their spot report but unless further evidence is gleaned from **what would be considered unlicensed activities**, nothing further will come of it.

- k. If additional information comes to light and then proven that a licensee is engaged in unlicensed operations the fines and penalties for those unlicensed activities will be retroactive to when the original report denoted those concerns.
- l. The DCA Licensee acknowledges that these are state fees only. The local government may have licensing fees and regulations that would apply which are in addition to the ones required by DCA.
- m. If local government licensing requirements are not being met, that local government may elect to notify DCA of the infraction. DCA will send a letter out that gives the Licensee, depending upon the infraction, 7-30 days to correct it and restore that local government license to good standing. Failure to do so can result in a license suspension and/or a revocation should the matter fail to be resolved.
- n. Licensees may appeal any ruling with the DCA Rulings Panel. This 5 member panel, made up of appointed officials serving 5 year terms will hear grievances and decide matters that may occur during the Licensees AOA term. Upon hearing the evidence these decisions are made within 14 days of the hearing. There is a \$3,000.00 nonrefundable charge to the Licensee for filing a complaint with the DCA Rulings Panel.
- o. If the Licensee is unsatisfied with the decision of the DCA Rulings Panel they may appeal it to a 3 member, appointed under 3 year terms, DCA Appeals Panel. The Appeals Panel will review the evidence presented to the DCA Ruling Panel and consider any additional information and evidence the Licensee wishes to provide the Appeals Panel. Those Appeals Panel decisions are made within 14 days from of the completion of the arguments. There is a \$6,000.00 nonrefundable charge to the Licensee when filing these appeals and their decisions are final.
- p. If either the DCA Ruling or the DCA Appeals decision goes, regardless of the percentage in that decision, to the Licensee, the DCA is authorized to add up to 180 days to the Licensees Annual Operating Agreement to help offset the charges.

5) All DCA Licensee Requirements:

- a. All DCA Licensees must have a non-profit 501C3 at the time of the application and be in good standing throughout the life of the DCA license period.



- b. The DCA Licensee agrees to open and communicative dialogue with the DCA. We're learning here too. The DCA Licensee is not guilty until proven innocent. If there are systems and procedures that will improve our abilities to grow the worlds finest cannabis and improve our patient's experience than we want to be a part of that process. As such we will ask our DCA Licensees to meet, where applicable, the following conditions:
  - i. All cultivators will provide real time ultra-sonic flow meters to determine the actual water use for their farm. If the actual water use is greater than 50% above what the application stated the demand will be the licensee will either be required to pay an environmental surcharge for the overage.
  - ii. All Licensees will agree to allowing DCA electronic access to the utility metering for the area of operation being licensed. DCA monitoring is to be used only to assure that the Licensee is staying within the terms of their energy use agreement as denoted in the Annual Operating Agreement and that any signs of unusual increased load activity is cause for investigation by the DCA.
  - iii. All DCA Licensees will agree to 24/7 live video surveillance of the area claimed under their areas of operation.
  - iv. All DCA Licensees will agree that, prior to litigation, arbitrate any decisions that may apply against them at the DCA Rulings and Appeals Panels. Licensees may retain counsel and be represented during these hearings.

## **SECTION 2. PERSONAL USE**

- 1) Unless specifically disallowed under local ordinance the DCA recognizes the need for personal growth medical cannabis products and deems any personal grow up to 12 indoor flowering plants and 16 indoor vegetative plants with outdoor to be 6 flowers and 12 vegetative and 24 clones to be within the scope of personal growth requirements for an individual patient. Patients requiring greater amounts of cannabis than what these personal limits allow are encouraged to seek out those collectives and retain them to assist the patient in meeting their requirements for the genetics and amount of cannabis that their physician has recommended for their condition.

## **SECTION 3. MEDICAL PATIENT REQUIREMENTS**

- 1) Each patient shall have a current physician's recommendation.
  - a. Under the Health Insurance Portability and Accountability Act (**HIPAA**) privacy laws the DCA will not share individual medical patient records with any private or government

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agency unless the patient has authorized the release of that information or there is a court order to do so.

- 2) Upon receiving their physician's recommendation, each patient will agree to a minimum of one physician follow up per year to discuss usage, results prescription interactions, overall quality of life and any recommendations to adjust their needs.
- 3) To those patients over 21, who are afflicted with terminal or incurable conditions they will only have to purchase a onetime physician's recommendation. The DCA will issue have a **Terminal Conditions Medical Cannabis Patients A Card (GOLD)** that will never have to be renewed.
- 4) Physicians will approve the **General Conditions Medical Cannabis Patients B Card (WHITE)** which will be generated by DCA and sent to the patient directly. Physicians that are enrolled in the DCA program will agree to a per patient cap of \$75 per year with some charging less. Once the patient is approved the DCA will issue a digital record at no charge. Physicians can issue cards if the like but it's not mandatory as the DCA record will be tracked as the patient enters a licensed dispensary. A doctor's card will not replace a DCA record.
- 5) Physicians may write recommendations to patients 21 and under. Those patients will be given a **Minor Medical Cannabis Patients C Card (RED)** who are in need of medical cannabis. To those RED CARD patients, they will be required to renew annually until such time that they turn 21 and would qualify for a WHITE or RED CARD.
- 6) Physicians may write medical cannabis recommendations for those patients who see their access to cannabis as a religious liberty exercised by their use of cannabis as a sacrament. These **Medical/Religious D Card (GREEN)** would require an annual physician's and a once yearly, follow up prior to the renewal.

#### **SECTION 4. RETAIL CANNABIS DISPENSARIES AND DELIVERY SERVICES**

- 1) The DCA will license Retail Cannabis Dispensaries under an annual DCA-RCD not for profit license.
- 2) The DCA will require a per sq-ft fee for the dispensaries entire indoor area or **Dispensary Floor Area (DFA)** of operation.
- 3) A DCA-RCD Licensee will have armed security at various points within their facility.
  - a. All Security, whether contract or employed, must be licensed by the DCA (DCA-SEC) to wear on display, a photo ID that shows the identity of the guard and their DCA ID No.



- b. The DCA-SEC will be identified by varying levels of authority.
- c. All DCA-SEC employees must be covered by a minimum \$1,000,000 liability insurance with the Licensee named as an additional insured.
- d. A **DCA-SEC1** licensee will be responsible for the entire security protocols of the dispensary. That will be assuring that all aspects of the dispensary are being managed by the Licensee to assure the safety of the Licensee, the employee's and the patients.
  - i. The SEC1 Licensee will be the security point of contact with the DCA.
  - ii. The SEC1 Licensee will be responsible for the actions of those SEC licensees below them.
  - iii. The SEC1 Licensee will assure that video surveillance is active, stored for a minimum of 60 days and is signal acquired by the DCA.
  - iv. The SEC1 Licensee will assure and authenticate video signal acquisition on a daily basis through a Licensee log in portal on the DCA website.
  - v. The SEC1 Licensee will, at close of business, provide the DCA with a daily number of patients who have entered the DFA.
  - vi. Monthly totals of patients accessing the DFA would be authenticated by the SEC1 Licensee and would require the RCD Licensee to pay a per **Patient Access Fee (DCA-PAF)** of \$2.50 per patient. This payment would be self-calculated and would require that payment to DCA be made within 15 days of the prior months close of books.
- e. A DCA-SEC2 Licensee will be responsible for assuring that all product brought into the dispensary has been delivered by a licensed DCA-D and that the products have the DCA bar code on those products being delivered.
  - i. The SEC2 Licensee will scan the incoming products bar code and if the products are not registered on the DCA website they cannot be accepted as inventory until such time that they have been registered on the DCA website.
- f. There will be a **DCA-Dispensary Screening Area (DCA-DSA)** that patients must check in to assure they have a current physician's recommendation as well as the licensed DCA Collective Farm ID No. they are a member of. Once security ascertains that patient has an active patient ID card that patient will be allowed access onto the DFA.



- g. The RCD will put the guard checking the patient ID behind bullet proof glass.
  - h. The DSA will not allow a patient to access the DFA until such time that the doors securing the DSA have been closed. Only then will the patient be granted access to the DFA.
  - i. To access the DFA the patient will have to walk through a metal detector. No guns, knives or weapons will be allowed on the DFA.
  - j. To leave the DFA the dispensary will also be required to have a **DCA-Dispensary Secure Exit (DCA-DSE)** which like the DSA access protocols secures the DFA by independent controlled passage.
  - k. The DCA-SEC will provide the DCA with a real time accounting of the number of patients who gain access to the DFA. This will be referred to as **Patient Traffic Counts (PTC)**.
- 4) There will be an annual \$200 per employee fee for that dispensary.
- a. RCD Bud Tenders will be classified under three separate license classifications.
  - b. An **RCD-Bud Tender1 (RCD-BT1)** is a general purpose level 1 employee that has less than 1 year in the industry and has not completed any of the DCA curriculum that identifies strains and what their consensus has been for the homeopathic and naturopathic reports of others achieving homeostasis through its use, dosing and with or without any combination of prescription medications.
  - c. An **RCD-Bud Tender2 (RCD-BT2)** has over one year experience at bud tending and will have completed the DCA-BT2 online course curriculum that identified certain genetics with patient conditions. They are not doctors, nor will they give medical advice.
  - d. An **RCD-Bud Tender3 (RCD-BT3)** is required to have over 5 years' experience in any combination of medical cannabis cultivation, manufacturing, science and retail dispensing. They will be responsible, as the last line of defense to the patient for assuring the accuracy of the products being offered, that a database is maintained that would provide those doctors doing patient follow ups information regarding the patients' genetics, dosing and any feedback they are willing to report to the RCD-BT3 Licensee. The BT3 level certification will be available through the DCA as an online accreditation.
  - e. When PTC levels are less than 50 patients a day or 150 during a month an RCD Licensee will only be required to, at a minimum, have one RCD-BT1 and one RCD-BT2 on staff during normal business hours. For these low PTC level dispensaries, a BT-3 level licensee



would still have to be employed but they can be hired under contract and work offsite. The only requirement being that they must have access to the RCD patient database to assure accuracy of the information being available.

- f. When PTC levels are greater than 200 patients a day the RCD must employ and on-site BT-3 level licensee.
  - g. When PTC levels are greater than 400 patients a day that RCD would agree to allow the employees to engage in collective bargaining under Labor Peace Agreements. The DCA would then post the **DCA-Labor Peace Agreement (DCA-LPA)** on the DCA website so that customers would know that this dispensary is one that values its employees and maintains their rights under these LPA agreements.
- 5) The DCA will require all owners, managers, and employees to be registered with the DCA with their identities available on the DCA website and badges with pictures to be worn indicating their state DCA identification number.
  - 6) The RCD Licensee must confirm that any transaction between a patient and the Licensee is accompanied by a current physician's recommendation. No transaction can occur without the physician's recommendation.
  - 7) The DCA-RCD Licensee will not charge ANY taxes at the point of sale.
  - 8) The DCA will issue Delivery Service Licenses (DCA-DS) under the following conditions:
    - a. The DCA-DS Licensee is operating under the oversight of the RCD Licensee.

## **SECTION 5. CONSTRUCTION AND INTREPRETATION**

The provisions of this act are meant to stand in accordance with any federal laws and not present a positive conflict with federal drug, tax, health or environmental law. It is meant to meet our international obligations under the [United Nations Single Convention on Narcotics Section 49 Para 2\(f\)](#) in that cannabis may be used by member nations for scientific and medical purposes only. In addition, the provisions of this act are meant to address the following conditions.

- 1) Culture: for generations many of the citizens of our nation have endured and been the victims of the War on Drugs. This has included cannabis when it was considered illegal at the state and federal level. Times are changing. The science is available to support the medical benefits of cannabis and with that the laws have been slowly changing to make medical cannabis an acceptable part of our lives. But that does not change the fact that there has been a history of involuntary servitude through unlawful raids, excessive force, corruption seen in law enforcement, elected and appointed officials. Lawyers and even our judiciary. This has created an atmosphere of hate and distrust

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amongst many who have toiled in the cannabis industry, in some cases for generations, where the “pay to play” way of doing business was considered the norm or the minority communities that would be targeted for the color of their skin with the sentences and incarceration rates being 10X greater than that of white defendants. Where our state and federal cannabis laws discriminated against our veterans, our formerly incarcerated, parents who would lose children for medical cannabis use, the “no knock” warrants that destroyed our lives, and the list goes on. These have ALL been subjective and oppressive manifestations of the “progressive” cannabis reforms we have seen under initiatives such as Prop 64. Under the RESTORATION ACT the DCA clearly has its work cut out for them but in the spirit of mending fences and serving their constituency they intend on doing so.

- 2) Social Equity: the benefit of medical cannabis is that it should not discriminate by race, gender, religion, sexual preference, who you know, who your family is or how much money you have. We all have times in our lives where medical cannabis could be used to improve a physical condition that would normally be addressed with alcohol or prescription drugs. We owe it to those generations who will come after us to give them an opportunity to learn and engage in the business that is cannabis. The DCA will actively work with those social equity applicants who will be living and working in their home communities to bring safe, secure, licensed cannabis to their medical patients.
- 3) Enforcement: There is no room for those bad actors in cannabis who will blow themselves and others up with butane extraction, steal power, take over our forests with pirate grows that threaten our air and water with pesticides and heavy metals, risk those who would accidentally come across them in the wild, divert water, leave trash, leave workers in inhumane living conditions or traffic in unlicensed cannabis products. When the DCA, or any of its subagencies, are made aware of these conditions, the response will be swift and will include all remedies to eradicate the products, the equipment, recover the interdiction costs, if warranted file criminal charges and prevent the problem from reoccurring.
- 4) Sentencing Expungement: As had been a part of Prop 64, the RESTORATION ACT will continue the process of allowing anyone who has been sentenced for cannabis related charges, prior to the issuance of the RESTORATION ACT will be eligible for early release and/or the expungement of any charges they would have been convicted of. Unlicensed cannabis activities after the issuance of the RESTORATION ACT that fall outside of PERSONAL USE may result in criminal prosecution, depending on the nature of the crime.
  - a. No DCA Licensee Applicant will be denied a DCA license based on past cannabis related charges or convictions.
  - b. A DCA Licensee Applicant shall be denied a DCA license if;



- i. They have been convicted of any crimes that caused damage to the environment including but not limited to, protections for instream flow and water quality.
- ii. They have been convicted of a felony violent crime.
- iii. They have been convicted of a felony crime involving fraud, deceit or embezzlement.
- iv. The applicant or any of its officers, directors or owners had been sanction by a local or state authority for unauthorized commercial cannabis activities on public lands.

## **SECTION 5. BANKING AND CURRENCY TRANSACTIONS**

Historically banking related functions within the cannabis industry, licensed or not, has been a challenge. Cannabis is mostly a cash business and the amount of cash generated and trying to get that cash into mainstream financial institutions has been a major headache for the cannabis industry. The DCA will authorize a unique crypto-currency to be known as DCA-Bucks to be used for any transactions that occur within and by those DCA licensed operations.

- 1) The DCA will identify those banking institutions that will convert DCA-Bucks into traditional currency and what their rate of exchange will be.
- 2) If the market is slow to react the DCA may create their own credit unions to service those regional licensees with converting DCA-BUCKS into traditional currencies.

## **SECTION 6. REPORTING AND RECORD KEEPING**

The DCA would request that all licensees provide product manifests to the DCA website that would reconcile the amount of product being cultivated (based on sq-ft values) to the amount being taken by distribution. Ultimately that product is tracked through the retail cannabis dispensary and the values should reconcile. If they do not, the DCA reserves the right to open an investigation and determine through audit processes where the failure has occurred. Other records that the DCA would require be submitted electronically for public viewing would be;

- 1) Collective Members Records
- 2) Two years of tax returns
- 3) Local government operational licenses



## SECTION 7. INDUSTRIAL HEMP

The DCA shall have an Industrial Hemp Advisory Board (DCA-IHAB) that will work to establish programs to incentivize the use of hemp for industrial applications and bioremediation projects.

- 1) The DCA will issue annual licenses to industrial hemp Licensees at a cost of \$1.00 per acre for Bio-Remediation Hemp Licenses (DCA-BRH).
- 2) The DCA will issue annual licenses for industrial hemp for all other “Full Market” applications (DCA-FM) at a cost of \$5,000 per acre.
- 3) The DCA will issue annual licenses for industrial hemp for research and educational applications (DCA-ED) at \$1,000 per acre.
- 4) All Licensees must maintain industrial hemp crops at tested levels below three-tenths of 1 percent.
- 5) The DCA will regulate the licensing of hemp to those licenses for those full spectrum outdoor and greenhouse cannabis cultivation to maintain a minimum of 10 miles between the licenses. While [research has shown](#) that pollen can travel much farther than 10 miles, the amount of pollen transported between these crops decreases logarithmically with increasing distance from the source.

The preceding work is meant to act as a “final” form, for the purposes of enactment, but will take on additional improvements up to the time it’s signed into law. Once signed into law the DCA director will have the authority to amend and improve sections of the RESTORATION ACT by affirmation of a quarterly vote of the 15 member DCA Advisory Panel.

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DCC	Department of Cannabis Control	Page 2
BCC	Bureau of Cannabis Control	Page 2
CEQA	California Environmental Quality Act	Page 4
DCA-ADD	Anti-Diversion Division	Page 4
DCA-BCF	Baseline Cultivation Fee	Page 4
DCA-F/I	Indoor Farms Cultivation License	Page 4
DCA-F/GH	Greenhouse Farms Cultivation License	Page 5
DCA-F/O	Outdoor Farms Cultivation License	Page 5
DCA-M	Manufacturing License	Page 5
DCA-D	Distribution License	Page 6
DCA-T	3 <sup>rd</sup> Party Testing License	Page 6
CSLB	Contractors State License Board	Page 7
DCA-AOAL	Annual Operating Agreement & License	Page 8

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