

Per California Code of Regulations, title 2, section 548.5, the following information will be posted to CalHR's Career Executive Assignment Action Proposals website for 30 calendar days when departments propose new CEA concepts or major revisions to existing CEA concepts. Presence of the department-submitted CEA Action Proposal information on CalHR's website does not indicate CalHR support for the proposal.

**A. GENERAL INFORMATION**

1. Date

February 14, 2018

2. Department

Department of Consumer Affairs

3. Organizational Placement (Division/Branch/Office Name)

Bureau of Cannabis Control

4. CEA Position Title

Assistant Chief, Licensing

5. Summary of proposed position description and how it relates to the program's mission or purpose. (2-3 sentences)

The Bureau of Cannabis Control (BCC) is amending the concept of the CEA over licensing and administration to specifically oversee the licensing program of the Bureau.

With the passage of SB 94, the Bureau of Cannabis Control (BCC) gained expanded responsibility with the inclusion of commercial cannabis activity, which includes both medicinal and adult-use cannabis, in addition to the licensing of medical cannabis.

Additionally, the Governor appointed an assistant chief of administration on August 23, 2017 to specifically oversee the administrative functions of the bureau so that the CEA can devote all available resources to preparing the licensing program to oversee the additional responsibility of adult-use cannabis.

6. Reports to: (Class Title/Level)

Deputy Chief/Exempt Level H

7. Relationship with Department Director (Select one)

- Member of department's Executive Management Team, and has frequent contact with director on a wide range of department-wide issues.
- Not a member of department's Executive Management Team but has frequent contact with the Executive Management Team on policy issues.

(Explain):

8. Organizational Level (Select one)

- 1st  2nd  3rd  4th  5th (mega departments only - 17,001+ allocated positions)

## B. SUMMARY OF REQUEST

9. What are the duties and responsibilities of the CEA position? Be specific and provide examples.

Under the administrative direction of the Deputy Chief (Exempt), Bureau of Cannabis Control, the CEA A, Assistant Chief of Licensing, will be responsible for overseeing the operation of the Bureau's complex licensing program. The CEA A will be responsible for the development of policy recommendations and evaluations for all illicit activities relating to the governance of 10 license types that make up medical and Adult-use cannabis.

The CEA A will develop and implement licensing related statewide policies and procedures. The CEA A will plan, organize, direct and ensure that the policies and procedures coincide with the bureau's consumer protection mandate while ensuring compliance with all state and local laws. The CEA A will serve as an advisor to the Chief and Deputy Chief in matters of the appropriate classifications of licenses, determine the licensing structure for each license type, the establishment of standards for the license type, and the issuance of licenses necessary to conduct business.

The CEA A will provide programmatic oversight for the bureau's licensing program, including promulgating and interpreting policies and regulations established by the bureau. The CEA A will provide resolution to controversial and complex matters that result from the administration of a comprehensive statewide licensing program. The CEA A will develop policy recommendations necessary to administer a statewide program and ensures enactment of policies as directed by the bureau.

Through subordinate managers, the CEA A will assign programs to staff, establish broad priorities, direct the accomplishment of goals and objectives and evaluate results. The CEA A will provide guidance to staff, professional organizations, and the public with regard to the laws and regulations governing the functions of the Bureau. The CEA A will also develop and implement an appropriate and comprehensive licensing program to ensure regulatory consistency statewide, identify and investigate areas of concern, and propose solutions to problems identified by staff, consumers, and licensees.

The CEA A will oversee the preparation of licensing material for publication, and will develop forms, instructions, and documents related to the bureau's licensing performance. The CEA A will have full delegated authority over all licensing policy and resource allocation, and will work closely with state and local agencies on overlapping multi-jurisdictional issues related to licensing program.

The CEA A will review and approve responses for signature by the Bureau Chief or Deputy Chief pertaining to correspondence received regarding the Bureau's licensing program and represent the Bureau in meetings with state and local government, including other public forums.

**B. SUMMARY OF REQUEST (continued)**

10. How critical is the program's mission or purpose to the department's mission as a whole? Include a description of the degree to which the program is critical to the department's mission.

- Program is directly related to department's primary mission and is critical to achieving the department's goals.
- Program is indirectly related to department's primary mission.
- Program plays a supporting role in achieving department's mission (i.e., budget, personnel, other admin functions).

Description: Through legislation, the enactment of both the Medical Marijuana Regulation and Safety Act, as well as the enactment of SB 94, addresses the long-standing issue of regulation and oversight of medical and Adult-use cannabis operations. At the federal level, marijuana remains classified as a Schedule 1 controlled substance and remains illegal at the federal level; however, following the legalization of marijuana by voters in Colorado and Washington, the federal government has issued directives to states for a comprehensive enforcement structure if states approve medical cannabis.

The newly created bureau will be charged with developing standards, regulations, and best practices in the regulation of both medical and Adult-use cannabis. Consistent with the Department of Consumer Affairs' mission of consumer protection, the bureau will also have a responsibility to consumers, in addition to cultivators, dispensers, law enforcement, local government, and other stakeholders to develop a strong, comprehensive licensing and enforcement structure.

**B. SUMMARY OF REQUEST (continued)**

11. Describe what has changed that makes this request necessary. Explain how the change justifies the current request. Be specific and provide examples.

The original concept for the bureau and the CEA was to provide oversight to strictly 4 license types that was limited to strictly medical cannabis. With the enactment of SB 94, the bureau must now provide oversight to Adult-use cannabis, which entails creation of licensing policies and regulations associated with this adoption as well as provide the additional oversight over expanded responsibilities. Additionally, the bureau now has oversight to 10 varied license types and must modify existing staffing roles to encompass the Adult-use cannabis which impacts licensing programs, call center, customer correspondence, and cashiering staff.

To mitigate this additional responsibility, the Office of the Governor appointed an Assistant Chief of Administration on August 23, 2017 to specifically oversee the administrative functions that were originally under the purview of this CEA. These functions include oversight of the call center, customer correspondence, and cashiering staff of the bureau. This appointment of the Assistant Chief of Administration has allowed the bureau to re-focus all licensing staff primarily on developing, testing, and later implementing a standalone licensing application portal. The CEA has devoted all their efforts and resources to ensuring a successful roll out of the licensing application portal. The CEA has also participated in a series of on-going public workshops throughout the state to further provide guidance and education to the public and will continue these efforts.

### **C. ROLE IN POLICY INFLUENCE**

12. Provide 3-5 specific examples of policy areas over which the CEA position will be the principle policy maker. Each example should cite a policy that would have an identifiable impact. Include a description of the statewide impact of the assigned program.

Under the Act, the Bureau has been charged with the mandate of developing standards and regulations, including best practices, in the regulation of medical and Adult-use cannabis. To effectuate this mandate, the bureau will be required to ensure that only qualified businesses and individuals are licensed and that appropriate standards of competency practices are followed and enforced. The CEA A, as the bureau's chief of licensing, is critical to the bureau's activities and mandate to establish a comprehensive regulatory program for medical and Adult-use cannabis.

The CEA A serves as the top advisor and consultant to the Bureau Chief and Deputy Chief on policy issues and activities related to the bureau's licensing program. In this capacity, the CEA A will have a major role in the formulation and development of statewide policies, including promulgating regulations for the bureau's licensing programs. The CEA A is necessary to formulate policies and standards that identify and advocate changes to statute or regulations as needed in order to ensure implementation of legislative mandates and to effectuate the bureau and the Department of Consumer Affairs's mandate of consumer protection.

As an executive level member of the newly created bureau, the CEA A's role in setting Department-wide policy includes evaluating, advising, and providing assistance to the Chief and Assistant Chief on:

- Establishing goals and objectives developed to meet the Department's mission and vision.
- Recommending modifications to the emergency regulations as well as the ongoing regulations, as well as proposed legislation for consistency with the Department's programs and policies.
- Identifying the need for new legislation.
- Developing comprehensive management actions to offset negative effects on consumers, licensees, and bureau staff.
- Developing, implementing, and monitoring performance of the licensing program to ensure success of mandated functions.

The licensing program will be highly visible and sensitive to issues regarding licensing, enforcement of licensees, complainants, and other critical issues tied to the bureau. These issues will have statewide political and economic consequences, in addition to eliciting scrutiny from the legislature, federal government, other state agencies, the media, and the public.

**C. ROLE IN POLICY INFLUENCE (continued)**

**13. What is the CEA position's scope and nature of decision-making authority?**

The CEA functions as a top advisor to the Bureau Chief and Deputy Chief on issues relating to the bureau's licensing program. This position will be responsible for implementing legislation through policy formulation and program development and procedures. The primary functions of the position are to formulate and initiate statewide policies and procedures to ensure implementation of legislative mandates as required by legislation and policy.

The CEA is principal administrator for the bureau's licensing program and has full delegated authority over policy and resource allocation under its programmatic area. The CEA works with state, federal, and local agencies on overlapping multi-jurisdictional statewide licensing activities.

**14. Will the CEA position be developing and implementing new policy, or interpreting and implementing existing policy? How?**

The CEA is charged with developing and implementing new policy as related to this new Bureau. A new, comprehensive regulatory licensing program must be built from the ground up. The CEA is only one of few positions within the bureau that are charged with developing policies and procedures, and promulgating regulations as mandated by legislation and regulation.

The CEA works in conjunction with the Bureau Chief and Deputy Chief, DCA Executive management, and other outside state and local government to develop the regulatory framework for the licensing program of the bureau.