

**State of California  
Office of Administrative Law**

In re:  
California Department of Tax and Fee  
Administration

Regulatory Action:

Title 18, California Code of Regulations

Adopt sections: 3800, 3820  
Amend sections: 3501, 3700, 3703, 3800  
[renumbered to 3801],  
3805, 3810

NOTICE OF APPROVAL OF CERTIFICATE OF  
COMPLIANCE

Government Code Sections 11349.1 and  
11349.6(d)

OAL Matter Number: 2024-1121-01

OAL Matter Type: Certificate of Compliance  
(C)

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This timely Certificate of Compliance action makes permanent, with minor amendments, emergency regulations that (1) prescribe procedures for return, remittance, and collection of excess cannabis tax, (2) clarify when and how a cannabis retailer may file a claim for a cannabis excise tax credit, and (3) establish requirements and procedures regarding retention of a portion of cannabis excise taxes as vendor compensation. In addition, this action adopts regulations that further specify recordkeeping requirements for cannabis retailers, clarify applicability, and establish provisions regarding responsible person liability.

OAL approves this regulatory action pursuant to section 11349.6(d) of the Government Code.

Date: January 8, 2025



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Nicole C. Carrillo  
Senior Attorney

For: Kenneth J. Pogue  
Director

Original: Nicolas Maduros, Director  
Copy: Kim DeArte

# REGULAR

For use by Secretary of State only

STD. 400 (REV. 10/2019)

OAL FILE NUMBERS	NOTICE FILE NUMBER <b>Z-2024-0702-06</b>	REGULATORY ACTION NUMBER <b>2024-1121-015</b>	EMERGENCY NUMBER
For use by Office of Administrative Law (OAL) only		OFFICE OF ADMIN. LAW 2024 NOV 21 AM 11:12	
NOTICE		REGULATIONS	

**ENDORSED - FILED**  
in the office of the Secretary of State  
of the State of California

JAN 08 2025

1:34 pm

NM

AGENCY WITH RULEMAKING AUTHORITY  
California Department of Tax and Fee Administration

AGENCY FILE NUMBER (If any)

### A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE Cannabis Excise Tax Regulations	TITLE(S) 18	FIRST SECTION AFFECTED 3800	2. REQUESTED PUBLICATION DATE July 12, 2024
3. NOTICE TYPE <input checked="" type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other	4. AGENCY CONTACT PERSON Kim DeArte	TELEPHONE NUMBER (916) 309-5227	FAX NUMBER (Optional)
OAL USE ONLY <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn	NOTICE REGISTER NUMBER 2024, 28-2	PUBLICATION DATE 7/12/24	

### B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Cannabis Excise Tax Regulations	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S) 2023-0120-02ER
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2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)
ADOPT 3800, 3820
AMEND 3501, 3700, 3703, 3800, 3805, 3810
TITLE(S) 18
REPEAL ↳ [renumbered to 3801]

**PER AGENCY REQUEST NCC**

3. TYPE OF FILING			
<input type="checkbox"/> Regular Rulemaking (Gov. Code §11346) <input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4) <input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))	<input checked="" type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute. <input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h)) <input type="checkbox"/> File & Print <input type="checkbox"/> Other (Specify)	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100) <input type="checkbox"/> Print Only

**PER AGENCY REQUEST NCC**

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)			
<input checked="" type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))	<input checked="" type="checkbox"/> Effective on filing with Secretary of State	<input type="checkbox"/> §100 Changes Without Regulatory Effect	<input checked="" type="checkbox"/> Effective other (Specify)

Eff. on Filing: 3700, 3703, 3800 [renum. 3801], 3805, 3810.  
Quarterly: 3501, new 3800, 3820.

6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY		
<input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660)	<input type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal
<input type="checkbox"/> Other (Specify)		

7. CONTACT PERSON K. DeArte	TELEPHONE NUMBER (916) 309-5227	FAX NUMBER (Optional)	E-MAIL ADDRESS (Optional) kim.dearte@cdtfa.ca.gov
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8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE Nicolas Maduros	DATE 11/15/24
TYPED NAME AND TITLE OF SIGNATORY	

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**ENDORSED APPROVED**

JAN 08 2025

Office of Administrative Law