

Jesse Marx

From: Maya Srikrishnan
Sent: Saturday, June 27, 2020 12:31 PM
To: Jesse Marx
Subject: RE: Local and Statewide Checkpoints Problems with Cannabis Transportation

----- Forwarded message -----

From: **DCA, BCC@DCA** <BCC@dca.ca.gov>
Date: Wed, Jun 3, 2020 at 5:01 PM
Subject: RE: Local and Statewide Checkpoints Problems with Cannabis Transportation
To: Josh Swider <jswider@infinitcal.com>

Hello Josh,

Thank you for the information. As you acknowledge in your email, commercial cannabis activity remains illegal under federal law despite its legalization in our state. The Bureau understands that this creates challenges for those legally conducting commercial cannabis activity pursuant to state law. However, the Bureau does not have the authority to change the federal law or border patrol checkpoint operations to allow licensees to transport cannabis goods through these checkpoints.

Best Regards,

<image002.png>

Bureau Staff

Bureau of Cannabis Control

(833) 768-5880

www.bcc.ca.gov

<https://cannabis.ca.gov>

<image003.png> <image004.png> <image005.png>

From: Josh Swider <jswider@infinitcal.com>
Sent: Friday, May 29, 2020 4:30 PM
To: BCC Labs@DCA <BCC.Labs@dca.ca.gov>; DCA, BCC@DCA <BCC@dca.ca.gov>
Cc: chriscate@sandiego.gov; ramparano@cityofimperial.org
Subject: Local and Statewide Checkpoints Problems with Cannabis Transportation

[EXTERNAL]: jswider@infinitcal.com

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To Whom It May Concern,

I am writing on behalf of Infinite Chemical Analysis Labs LLC, a Bureau of Cannabis Control- licensed testing facility in San Diego (Testing Laboratory Type 8, License No: C8-0000019-LIC). As required by the BCC and state of California, we send laboratory sample technicians out to licensed cannabis cultivation, manufacturing, and distribution sites to collect cannabis samples for quality and safety analyses prior to retail.

We have recently been experiencing issues transporting our clients' cannabis samples across checkpoints located at I-8, Campo and CA-78, Borrego Springs. This has been an issue for us and our clients. We have numerous clients east of this border and must transport their cannabis samples for analysis in compliance with California State Law, BCC, CDFA and CDPH regulations. However, since cannabis is still federally illegal, border patrol and federal agents at these checkpoints have informed us our laboratory technicians can no longer service these clients without risking having their samples confiscated by the federal government and being arrested.

Infinite Chemical Analysis Labs Sample Technicians were stopped at:
Borrego Springs Border Patrol Station, CA-78, CA 92004
Phone: (800) 232-5378

Campo Border Patrol Station, 32355 Old Hwy 80, Pine Valley, CA 91962
Beau Weaver:
Cell- 434-509-2858
Office-619-481-4054

Infinite Chemical Analysis Labs has upheld California laws and regulations in order to operate in this nascent industry. However, the barrier the agents at the checkpoints have raised is impeding our state rights and prohibiting our lab from conducting the analyses required by the state agencies overseeing the cannabis industry. We reached out on May 28th, 2020 for clarification from the checkpoint that stopped our laboratory technician and were told not to drive through the checkpoints with cannabis again. Since Friday, May 29th, 2020 we have halted sample transport from Imperial Valley and Calexico, leaving many cannabis producers without a BCC licensed laboratory to verify their products are safe for retail. There are 7 licensed distribution centers, 3 licensed product manufacturers and 6 licensed dispensaries within this border. Despite obtaining the correct licensing and paying local, state, and federal taxes in order to operate our businesses within the state of California, these businesses are now being deprived of an essential service required to get their products to market.

As a public safety laboratory first and foremost, Infinite Chemical Analysis Labs is requesting help to have the ability to cross any checkpoint stations within California when transporting cannabis samples from state-licensed facilities to our lab for required quality and safety analyses. We currently transport cannabis in compliance with CALIFORNIA CODE OF REGULATIONS TITLE 16 DIVISION 42. BUREAU OF CANNABIS CONTROL § 5709 (a) & (b), listed below:

§ 5709. Laboratory Transportation of Cannabis Goods Samples.

(a) The following requirements apply when a licensed testing laboratory transports cannabis goods samples:

- (1) While transporting cannabis goods samples, a licensed testing laboratory employee shall ensure the cannabis goods are not visible to the public. Cannabis goods shall be locked in a fully enclosed box, container, or cage that is secured to the inside of the vehicle or trailer. No portion of the enclosed box, container, or cage shall be comprised of any part of the body of the vehicle or trailer. For the purposes of this section, the inside of the vehicle includes the trunk.
- (2) While left unattended, vehicles and trailers shall be locked and secured.
- (3) The laboratory shall not leave a vehicle or trailer containing cannabis goods samples unattended in a residential area or parked overnight in a residential area.
- (4) The laboratory shall ensure that any vehicle or trailer transporting cannabis goods samples has an alarm system.
- (5) The laboratory shall ensure that packages or containers holding cannabis goods samples are neither tampered with, nor opened during transport.
- (6) The laboratory transporting cannabis goods samples shall only travel between licensees for whom the laboratory is conducting regulatory compliance testing or quality assurance testing. A laboratory shall not deviate from the travel requirements described in this section, except for necessary rest, fuel, or vehicle repair stops.
- (7) The laboratory may transport multiple cannabis goods samples obtained from multiple licensees at once.
- (8) Vehicles or trailers transporting cannabis goods samples are subject to inspection by the Bureau at any licensed premises or during transport at any time.
- (9) No person under the age of 21 years old shall be in a vehicle or trailer transporting cannabis goods samples.
- (10) Only an employee of the laboratory or security personnel who meets the requirement of section 5045 of this division shall be in a vehicle while transporting cannabis goods samples.
- (b) The laboratory shall provide the following required transport vehicle information to the Bureau:
 - (1) Proof that the laboratory is the registered owner under the Vehicle Code for each vehicle used to transport cannabis goods samples;
 - (2) The year, make, model, license plate number, and numerical Vehicle Identification Number (VIN) for each vehicle or trailer used to transport cannabis goods samples; and
 - (3) Proof of insurance for each vehicle used to transport cannabis goods samples.
- (c) The laboratory shall provide the Bureau with the information required by this section in writing for any new vehicle or trailer that will be used to transport cannabis goods samples prior to using the vehicle or trailer.
- (d) The laboratory shall provide the Bureau with the information required under subsection (c) of this section and with any changes to the information required by this section in writing within 30 calendar days, submitted on the Notification and Request Form, BCC-LIC-027 (New 10/18), which is incorporated herein by reference

Talking with the agents from the checkpoints we can only legally cross if a change is made in order to transport cannabis samples across these checkpoints. We ask for your help in this matter with checkpoints surrounding Imperial Valley and any other local or statewide checkpoint. Please help us find a fair solution for those within California's legal cannabis industry.

Please reach out to us directly with any questions or concerns. We look forward to hearing back with what we can do to solve this problem.

Best,
Josh Swider
Co-Founder/CEO

[<image006.jpg>](#)

Infinite Chemical Analysis Labs

License No: C8-0000019-LIC

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