

San Francisco Cannabis State Legalization Task Force
California Cannabis-Related Legislation Update #1 - as of March 3, 2017

Guide to this Document

House/Type

Refers to the house of introduction (A-Assembly, S-Senate) and item type (bill (B), joint resolution (JR), concurrent resolution (CR))

Number

Hyperlinks to the bill text on the CA Legislative Information website. Click to access.

Author

Primary author(s) of the bill as introduced.

Subject

Topic area of the bill, from the bill text.

Status

Status includes current location (A-Assembly, S-Senate, and Committee), most recent hearing date (if available), and last amended date (if available).

Summary

A brief overview of the key provisions of the bill. Recent changes/amendments are in bold or strikethrough.

Bill Notes/Positions

Information about bill sponsors, supporters and opposition.

Spot bill indicates that this bill has been introduced as a nonsubstantitive placeholder while detailed provisions are being created.

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AB	64	Bonta, Cooley, Jones-Sawyer, Lackey, and Wood	Cannabis: medical and nonmedical: regulation and advertising	A	This bill has the following provisions: - Licenses under the MCRSA may operate for profit or not for profit; - A dispensary, a “producing dispensary”, or retailer license may be issued for non-storefront locations with no direct physical access for the public; - A prohibition applies to advertising or marketing of medical and nonmedical cannabis and cannabis products on all interstate and state highways; - The Model State Trademark Law, which provides for the registration of trademarks and service marks, extends to legal medical and nonmedical cannabis products; and - the State will advance a \$3 million loan to the California Highway Patrol to begin work on developing protocols to determine when a drivers is operating a vehicle while impaired.	
AB	76	Chau	Adult-use marijuana: marketing	A	This bill states the intent of the Legislature to introduce legislation relating to the prohibition of the marketing of adult-use marijuana to children.	Spot bill
AB	171	Lackey	MCRSA: licensure: reporting	A	This bill would require a licensing authority to include in its annual report the number of conditional licenses issued.	
AB	175	Chau	Adult-use marijuana: marketing: packaging and labeling	A	This bill would require the cannabis product manufacturer to submit the packaging for adult use cannabis to the Bureau of Marijuana Control for approval and requires the bureau to determine whether the packaging and labels are in compliance with the provisions under Proposition 64.	
AB	238	Steinorth	Medical cannabis: distributors: employment	A	This bill would prohibit a distributor Type 11 licensee from denying employment to any individual on the basis that the applicant employs individuals who are or are not party to a collective bargaining agreement.	
AB	350	Salas	Marijuana edibles: appealing to children.	A	This bill would specify that a marijuana product is deemed to be appealing to children or easily confused with commercially sold candy if it is in the shape of a person, animal, insect, fruit, or in another shape normally associated with candy, but would not prohibit a licensee from making an edible marijuana product in the shape of the licensee’s logo.	
AB	389	Salas	Marijuana: consumer guide.	A	This bill would require the Bureau of Marijuana, by July 1, 2018, to establish and make available on its Internet Web site a consumer guide to educate the public on the regulation of medical and nonmedical marijuana.	
AB	416	Mathis	Cannabis	A	This bill states the intent of the Legislature to enact legislation relating to CBD-enriched cannabis.	Spot bill
AB	420	Wood	Marijuana and medical cannabis: advertisement: license number disclosure.	A	This bill would require an advertisement for the sale of medical or nonmedical cannabis or cannabis products to include, at a minimum, the license number of the licensee responsible for its content.	

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AB	729	Gray	Nonmedical marijuana: licensee regulation.	A	<p>This bill would:</p> <ul style="list-style-type: none"> - Require a licensing authority to suspend, and have the option to revoke, a license for a 3rd or subsequent violation of the prohibition on engaging in nonmedical marijuana commercial activities with a person under 21 if it occurs within 36 months of the initial violation. - Require a licensee to post a sign, visible from each public entrance, and a sign inside the premises that reads “No Person Under 21 Allowed” and authorize a licensed dispensary to include language that reads “without identification authorizing the purchase of medical cannabis.” - Authorize a licensee to refuse to sell marijuana to a person who is unable to produce adequate personal identification showing that he or she is 21 years of age or older and to seize any personal identification presented by a person that shows the person to be under 21 years of age or that is false. - Prohibit the sale, offer for sale, or distribution of marijuana or marijuana products in a vending machine or appliance. - Authorize a peace officer, or an employee granted limited peace officer status, to enter and conduct inspections, of any place at which nonmedical marijuana or nonmedical marijuana products are sold, produced, or stored or at any site where evidence of activities involving evasion of tax may be discovered. - Prohibit a licensee from being located within a 600-foot radius of a playground, hospital, or church, unless a licensing authority or local agency specifies a different radius. - Require security measures including maintaining windows and transparent doors to ensure that law enforcement personnel have a clear and unobstructed view of the interior of the premises. - Specify the manner in which a person under 21 years of age is to be used in random inspections, including having pictures taken prior to inspections to verify appearance and requiring the person under 21 years of age to present a true and correct personal identification if verbally requested. 	
AB	844	Burke	CA Marijuana Tax Fund: funding for support system navigation services: minimum performance standards.	A	<p>This bill would require applicants for grants from the CA Marijuana Tax Fund to support system navigation services, as described in AUMA, to meet specific minimum performance standards as a condition of grant eligibility, including, among other standards, operate 24 hours per day, 7 days a week, and 365 days a year.</p>	
AB	845	Wood	Cannabidiol.	A	<p>This bill would authorize, if federal law authorizes the prescription of a controlled substance containing cannabidiol, a physician to prescribe that substance in accordance with federal law. The bill would also provide that upon the enactment of such federal law, the prescription, furnishing, transferring, possession, or use of that controlled substance in accordance with federal law is for a legitimate medical purpose and is authorized pursuant to state law.</p>	
AB	903	Cunningham	California Marijuana Tax Fund: California Highway Patrol.	A	<p>This bill would require the Department of the the CA Highway Patrol to use its annual appropriation from the CA Marijuana Tax Fund to additionally study the viability of standards for marijuana impairment.</p>	
AB	948	Bonta	Marijuana.	A	<p>This bill would state the intent of the Legislature to enact legislation relating to marijuana.</p>	Spot bill

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AB	963	Gipson	Taxation: marijuana.	A	<p>This bill would:</p> <ul style="list-style-type: none"> - Provide for the suspension or revocation of permits from the Board of Equalization (related to tax administration), and authorize the BOE to deny a permit if the applicant had a previous permit that was suspended or revoked, and set forth the process for appeals. - Impose criminal penalties, including fines and imprisonment, for certain violations relating to cultivation and excise taxes and require funds from those fines be deposited into the Marijuana Tax Fines and Penalties Account, to be created in the Marijuana Tax Fund. - Require a distributor to collect prepayments of marijuana excise tax and sales tax on marijuana or marijuana products distributed, - Require a distributor not required to hold a seller's permit to register with the BOE, obtain a permit from the BOE for the purposes of the marijuana taxes, and place security with the BOE. - Authorize the BOE to prescribe a method and manner for prepayment of the marijuana excise tax that utilizes tax stamps or other markings and for collection and remittance of the cultivation tax by distributors. - Recast AUMA provisions to exempt from sales and use taxes retail sales of medical cannabis (including concentrate, edible or topical products) to <i>persons with identification cards</i> or primary caregivers that provide the described identification. - Subject a purchaser that furnishes a seller with a falsified identification card to specified fines. - Require the Department of Health Care Services to, by July 1, 2018, develop a magnetic encoding or similar capability of storing data for identification cards issued under the Medical Marijuana Program, require cards issued after that to contain the encoding, and by January 1, 2019, require every seller to employ a sales tracking system through a card reader capable of reading that encoding. Would require county health departments to issue cards containing the encoding. On or after July 1, 2019, limit the sales and use tax exemption to sales made to purchasers with cards with the encoding and tracked according to the sales tracking system. - Extend the Revenue Recovery and Collaborative Enforcement Team pilot program until January 1, 2020, and establish within the team the Cannabis Criminal Enforcement Team (CCET) for the purpose of combating criminal tax evasion associated with marijuana. - Require the CCET to consist of specified state entities and require those entities and state medical cannabis or nonmedical marijuana licensing authorities to exchange data for those purposes. - Require moneys in the Marijuana Tax Fines and Penalties Account or revenues derived from sales and use taxes to be available to the CCET. 	
AB	1002	Cooley	Center for Cannabis Research.	A	<p>This bill would</p> <ul style="list-style-type: none"> - Rename the California Marijuana Research Program the Center for Cannabis Research and expand the purview of the program to include the study of naturally occurring constituents of cannabis and synthetic compounds that have effects similar to naturally occurring cannabinoids. - Authorize the program to cultivate cannabis to be used exclusively for research purposes and to contract with a private entity to provide expertise in cultivating medical cannabis. - Authorize the controlled clinical trials to focus on examining testing methods for detecting harmful contaminants in marijuana, including mold and bacteria. - Require the President of the University of California to appoint the program's multidisciplinary Scientific Advisory Council on the advice of the director of the program. 	

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AB	1096	Bonta	Medical cannabis.	A	This bill would state the intent of the Legislature to enact legislation to address state regulation of medical cannabis grown on, but transported out of, tribal lands.	Spot bill
AB	1135	Wood	California Marijuana Tax Fund.	A	This bill would require the State Department of Public Health and the State Department of Education to establish an inclusive public stakeholder process to seek input from stakeholders to determine a disbursement formula for the funds provided to the State Department of Health Care Services (DHCS) from the California Marijuana Tax Fund and would require the findings of the stakeholder meetings to be given to the DHCS and considered when determining funding priorities for those moneys.	
AB	1143	Skinner	Outdoor advertising: prohibitions.	A	The Outdoor Advertising Act regulates placement of advertising signs adjacent to and within specified distances of certain highways. The act prohibits these displays from advertising products, goods, or services related to alcohol and tobacco. This bill would also prohibit these displays from advertising marijuana.	
AB	1244	Voepel	Marijuana: production of concentrated cannabis.	A	This bill would express the intent of the Legislature to enact legislation relating to the production of concentrated cannabis using butane.	Spot bill
AB	1410	Wood	Taxation: marijuana cultivation tax.	A	This bill would require a person licensed as a distributor under AUMA and MCRSA to collect the cultivation tax from the taxpayer and give to the taxpayer a receipt in the manner and form prescribed by the BOE. This bill would require the licensed distributor to file the tax return instead of the licensed cultivator. The bill would also require all licensed distributors who are required to collect the tax to obtain a separate permit at no charge.	
AB	1527	Cooley	State and local marijuana regulatory agencies: employees.	A	This bill would prohibit a former employee of the bureau, a licensing authority, the panel, or a local jurisdiction with specified regulatory or licensing responsibilities from being employed by a person or entity licensed under AUMA or MCRSA for a period of one year from the last date of employment. The bill would authorize the bureau or the licensing authority to suspend immediately the license of a licensee who violates this provision and to investigate and determine whether to revoke the license and whether to bar the licensee, or any person or entity acting as an agent of the licensee, from obtaining a license in the future. The bill would specify that a violation of these employment restrictions is not a crime.	
AB	1578	Jones-Sawyer	Marijuana and cannabis programs: cooperation with federal authorities	A	This bill would prohibit a state or local agency, without a court order signed by a judge, from using agency money, facilities, property, equipment, or personnel to assist a federal agency to investigate, detain, detect, report, or arrest a person for commercial or noncommercial marijuana or medical cannabis activity that is authorized by law in California and transferring an individual to federal law enforcement authorities for purposes of marijuana enforcement.	
AB	1606	Cooper	Edible marijuana products.	A	This bill would state the intent of the Legislature to enact legislation, consistent with AUMA restrictions, that would establish quality standards for edible marijuana products.	Spot bill
AB	1627	Cooley	Adult Use Marijuana Act: testing laboratories.	A	This bill would transfer the regulation of testing laboratories under AUMA from the State Department of Public Health to the Bureau of Marijuana Control.	

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AB	6	Lackey	Driving under the influence: drugged driving task force.	A - Public Safety Amended: 2/22/17 Hearing: 2/28/17	This bill would require the Commissioner of the California Highway Patrol to appoint, and serve as the chair of, a drugged driving task force to develop recommendations for best practices, protocols, proposed legislation, and other policies that will address the issue of driving under the influence of drugs. One member of the Task Force shall be a representative of the medical cannabis industry. The bill would require the task force to examine the use of technology, including field testing technologies, to identify drivers under the influence of drugs, and would authorize the task force to conduct pilot programs using those technologies. The bill would require the task force to report to the Legislature its policy recommendations and the steps that state agencies are taking.	Co-Sponsor: CA Police Chiefs Assn, CA Narcotics Officers' Assn Support: Assn of Deputy District Attorneys, CA Assn of Code Enforcement Officers, CA College & University Police Chiefs Assn, CA Peace Officers Assn, LA Deputy Sheriffs, Riverside Sheriffs Assn Oppose: Drug Policy Alliance
SB	65	Hill	Vehicles: alcohol and marijuana: penalties	S -Transportation, Housing and Pub. Safety Committees	This bill would make smoking/ingesting cannabis or cannabis products while operating a boat, vessel, or aircraft an infraction or misdemeanor. The court may order a defendant convicted of a misdemeanor to be imprisoned and order the defendant to attend alcohol education and counseling classes.	
SB	72	Mitchell	Budget Act of 2017.	S - Budget and Fiscal Review	Budget provisions related to cannabis: 1) Loan to the Marijuana Control Fund to be repaid by June 30, 2019 - \$62.7 million 2) Appropriation from Marijuana Control Fund to: - BOE Administration - \$5.3 million - Bureau of Medical Cannabis Regulation - \$26.7 million - Dept of Food and Agriculture - \$25.8 million 3) Appropriation from Medical Marijuana Fund to - CA Dept of Public Health - \$187,000 4) Appropriation from MMRSA Fund to: - CA Dept of Public Health - \$3.6 million	
SB	148	Wiener and Atkins	State Board of Equalization: counties: state agencies: collection of cash payments: cannabis-related businesses	S - Govt and Finance	This bill would enact the Cannabis State Payment Collection Law and would authorize the State Board of Equalization or a county to collect cash payments from cannabis-related businesses for a state agency that administers any fees and charges payable by a cannabis-related business if that state agency has entered into an agreement with the county.	
SB	175	McGuire	Marijuana: county of origin: marketing.	S - Business, Professions and Economic Development	Both MCRSA and AUMA prohibit the use of the name of a California county in the labeling, marketing, or packaging of medical marijuana products or nonmedical marijuana products unless the marijuana contained in the product was grown in that county. This bill would specify that those prohibitions include the use of any similar sounding name that is likely to mislead consumers as to the origin of the product.	
SB	311	Pan	Medical cannabis and nonmedical marijuana: testing by a licensee.	S - Business, Professions and Economic Development	Existing law authorizes a licensee to perform testing on the licensee's premises for the purposes of quality assurance of the product in conjunction with reasonable business operations. This bill would authorize a licensee to perform testing on the licensee's premises of cannabis or cannabis products obtained from another licensee for the purpose of quality assurance. The bill would specify that onsite testing does not exempt the licensee from the existing requirements of quality assurance testing by a distributor and testing laboratory.	

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SB	663	Nielsen	Packages and labels of marijuana or marijuana products: children.	S	This bill would specify that a package or label of marijuana or marijuana products is deemed to be attractive to children if the package or label has specific characteristics, including, among others, resembling any candy, snack food, baked good, or beverage commercially sold without marijuana.	
SB	698	Hill	Driving under the influence: alcohol and marijuana.	S	<p>This bill would:</p> <ul style="list-style-type: none"> - Make it a crime for a person who has between 0.04% and 0.07% of alcohol in his/her blood and whose blood contains any controlled substance or 5 ng/ml or more of delta-9-tetrahydrocannabinol to drive a vehicle. - Make a first violation punishable as an infraction and require the court to order the person to participate in and complete a 3-month DUI program and to install an ignition interlock device (IID) for 6 months. - Require the DMV to immediately suspend the person's driver's license upon receipt of a conviction for that crime, and authorize the department to issue a restricted license to a person who shows proof of enrollment in a 3-month DUI program, and verification that an IID has been installed in each vehicle that the person operates. - Make the willful failure to install in IID a misdemeanor. 	
SJR	5	Stone	Federal rescheduling of marijuana from a Schedule I drug.	S - Rules	This measure would request that the Congress of the United States pass a law to reschedule marijuana or cannabis and its derivatives from a Schedule I drug to an alternative schedule and that the President of the United States sign such legislation.	