

## Marijuana Update

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**Background:** There are two “hot” bills moving through the Legislature at the moment, one of which the League is sponsoring, the other, we oppose. On the critical issue of local control, the two bills could not be more different.

### **SB 1262 (Correa) – Medical Marijuana**

#### **League Position: SPONSOR**

- Jointly sponsored by the League of Cities and the California Police Chiefs Association
- Health-based regulatory model, consistent with Proposition 215 (implementing agency is the Department of Public Health).
- **Protects local control** by requiring proof of local permitting approval before a state license to operate a dispensary or related facility can be obtained from the California Dept. of Public Health (DPH).
- **Promotes public safety** by requiring minimum security standards at dispensaries, and establishing transportation and inventorying requirements for marijuana before and after shipment, to prevent diversion.
- **Imposes health and safety standards** by requiring DPH to establish mandatory, uniform testing standards for marijuana; prohibiting use of non-organic pesticides in cultivation, and requiring that all marijuana comply with the California Sherman Food, Drug and Cosmetic Act
- Requires a doctor-patient relationship for the recommendation process, and requires dispensaries to verify that the recommending doctor is licensed by the CA Medical Board *before* dispensing any marijuana to the patient.

### **AB 1894 (Ammiano) – Medical Cannabis Regulation and Control Act**

#### **League Position: OPPOSE**

- Non-health based regulatory model, inconsistent with Proposition 215 (implementing agency is the Department of Alcoholic Beverage Control)
- **Undermines local control** by handing key local zoning and police powers over to the Department of Alcoholic Beverage Control (ABC)
  - **ABC to decide the maximum number of dispensaries in a city or county**
  - **ABC to have exclusive power to regulate dispensaries**
  - **ABC to create regulations for hours of operation, signage and advertising**
- **Threatens public safety** by limiting ABC’s ability to work with local law enforcement; complaints to local police are not enough to trigger ABC action or investigation.
- **Inadequate protections against product diversion**, in that it does not require marijuana that fails to pass health and safety tests to be destroyed, and fails to specify what happens to non-compliant marijuana.
- **Radical expansion of existing law:** Establishes regulatory model for widespread commercial sales which have never been authorized under California law (only medical marijuana is legal).

#### **Key Messages:**

- SB 1262 (Correa) provides the reasonable health-based regulatory structure that California has lacked since the passage of Prop. 215.
- AB 1894 (Ammiano) is the wrong approach. This measure establishes a framework for expanded recreational use of marijuana that is not authorized under current law.