

Medical Marijuana Overview

Below is a summary of some of the key components of the laws that establish the Medical Cannabis Regulation and Safety Act:

Assembly Bill 266

- Enacts the Medical Cannabis Regulation and Safety Act for the licensure and regulation of medical cannabis and establishes within the Department of Consumer Affairs the Bureau of Medical Cannabis Regulation, under the supervision and control of the Director of Consumer Affairs.
- Requires the Board of Equalization, in consultation with the Department of Food and Agriculture, to adopt a system for reporting the movement of commercial cannabis and cannabis products.
- Imposes certain fines and civil penalties for specified violations of the act, and would require moneys collected as a result of these fines and civil penalties to be deposited into the Medical Cannabis Fines and Penalties Account.
- Provides that actions of licensees with the relevant local permits, in accordance with the act and applicable local ordinances, are not offenses subject to arrest, prosecution, or other sanction under State law.
- Makes legislative findings to align with existing constitutional provisions that require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

Assembly Bill 243

- Appropriates funds to implement the Medical Cannabis Regulation and Safety Act.
- Requires the Department of Food and Agriculture, the Department of Pesticide Regulation, the State Department of Public Health, the Department of Fish and Wildlife, and the State Water Resources Control Board to promulgate regulations or standards relating to medical cannabis and its cultivation, as specified.
- Requires various State agencies to take specified actions to mitigate the impact that cannabis cultivation has on the environment, and requires cities, counties, and their local law enforcement agencies to coordinate with State agencies to enforce laws addressing the environmental impacts of medical cannabis cultivation.

- Requires a state licensing authority to charge each licensee under the Act licensure and renewal fees, as applicable, and deposit them into an account specific to that licensing authority in the Medical Cannabis and Safety Act Fund, which this bill creates. The bill also imposes certain fines and civil penalties for specified violations of the Medical Cannabis Regulation and Safety Act, and requires resulting moneys be deposited into the Medical Cannabis Fines and Penalties Account, also established by this bill within the fund.

Senate Bill 643

- Sets forth standards for physicians and surgeons prescribing medical cannabis and requires the Medical Board of California to prioritize its investigative and prosecutorial resources to identify those who have repeatedly recommended excessive cannabis to patients for medical purposes or done so repeatedly without a good faith examination.
- Requires applicants to furnish a full set of fingerprints in order to conduct criminal history record checks.
- Requires, through the Medical Cannabis Regulation and Safety Act, that the Department of Food and Agriculture administer the provisions of the act related to and associated with the cultivation and transportation of medical cannabis. The Department of Food and Agriculture, in consultation with the Bureau, shall establish a track and trace program for reporting the movement of medical cannabis items throughout the distribution chain that utilizes a unique identifier. It also establishes State cultivator license types.
- Requires the California Department of Public Health to oversee manufacturing and testing of medical cannabis.
- Requires the Governor to appoint a chief, subject to Senate confirmation, of the Bureau of Medical Cannabis Regulation, and requires the Department of Consumer Affairs to have the sole authority to create, issue, renew, discipline, suspend, or revoke licenses for the transportation and storage (unrelated to manufacturing) of medical cannabis, and would authorize the department to collect fees for its regulatory activities and impose related specified duties.
- Authorizes counties to impose a tax on specified cannabis-related activity.