

CSAC Asks Governor to Sign Marijuana Bills

In the final hours of the session, the Legislature sent to the Governor a package of legislation that would create the first statewide licensing and operating rules for medical marijuana cultivators and dispensaries since the state became the first to legalize medical marijuana in 1996.



The agreed upon language of the medical marijuana framework is divided among three bills: AB 266, Co-Authored by Assembly Members Rob Bonta, Ken Cooley, Reginald Byron Jones-Sawyer, Tom Lackey and Jim Wood; SB 643, by Senator Mike McGuire; and AB 243, by Assembly Member Jim Wood. The Governor would have to sign all three bills for any of them to become law.

The following is a brief summary of the bills:

AB 266 would enact the Medical Marijuana Regulation and Safety Act which would include a licensing and regulatory framework for the medical marijuana industry that would require state and local licenses for medical marijuana businesses. It would also establish a new Bureau of Medical Marijuana Regulation that would oversee this multiagency licensing and regulatory effort, relying on expertise from the California Department of Food and Agriculture and the Department of Public Health.

AB 266 also includes a number of detailed provisions including various definitions and aspects concerning enforcement, licensure, testing, packaging/labeling and reporting. Of particular importance to counties are the provisions in AB 266 that would:

- Protect existing local authority for law enforcement activity, enforcement of local zoning requirements or local ordinances, or enforcement of local permit or licensing agreements.
- Allow local governments to adopt ordinances establishing additional standards, requirements, and regulations for local licenses and permits for commercial cannabis activity.
- Retain the power of local jurisdictions to assess fees and taxes on licensed facilities and the business activities of those licensees.
- Allow a county to impose a tax on each delivery transaction.
- Ensure that it would not interfere with an employer's rights to maintain a drug and alcohol free workplace.

SB 643, by Senator Mike McGuire, would address a wide range of issues pertinent to the overarching framework for medical marijuana including, the establishment standards for physicians and surgeons that prescribe medical marijuana; the assignment of authority and responsibilities to specified state agencies charged with the licensing of medical marijuana activities; track and trace requirements enabling accurate tracking of marijuana products; requirements for pesticide standards for cultivation activities, and licensure suitability provisions. Of particular significance to counties are the provisions in SB 643 that would:

- Prohibit a licensee from commencing activity under the authority of a state license until the applicant has obtained a local license or permit.
- Require that cultivation be conducted in accordance with state and local laws, as specified.
- Allow local agencies to administer a unique identifier program.
- Authorize licensing authorities and state and local agencies to inspect shipments of medical marijuana and request documentation for current inventory.

- Provide counties with explicit authority to impose taxes on medical marijuana activities and products.
- Direct CDFA to establish an organic program by 2020 and authorizes the new Bureau of Medical Marijuana to establish appellations.
- Include county of origin labeling specifications.

AB 243, by Assembly Member Jim Wood, primarily addresses the environmental impacts of medical marijuana cultivation. It would accomplish this through a number of means including requirements for the Department of Food and Agriculture (CDFA), the Department of Pesticide Regulation (DPR), the State Department of Public Health (DPH), the Department of Fish and Wildlife (DFW), and the State Water Resources Control Board (SWRCB) to promulgate regulations or standards relating to medical marijuana and its cultivation.

Detailed licensing provisions for cultivation are also included. The bill would also direct CDFA, DFW and SWRCB to take various actions to address the environmental damage caused by marijuana cultivation including illegal waste discharges and water diversions. Critical funding would also be made available to local agencies for environmental enforcement actions and regulatory activities.

While CSAC has requested the Governor to sign AB 243, a provision found in Section 11362.777(c)(4) would run contrary to the interests of counties. It specifies that if a local government does not have a cultivation ordinance in place by March 1, 2016, the Department of Food and Agriculture will be the default licensing entity for all such jurisdictions. Because it would also contradict the dual licensing structure established by Assembly Bill 266 (Bonta), Assembly Member Wood has been made aware of this provision and has agreed to author clean-up legislation addressing the problem next January.

CSAC has requested the Governor to sign all three bills.

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New California Laws Are a Big Deal for People Who Care Where Their Pot Comes From

"We were able to push things further in a year than we ever thought possible."

—By [Josh Harkinson \(/authors/josh-harkinson\)](#) | Wed Sep. 16, 2015 6:00 AM EDT

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1



CALIFORNIA REPUBLIC

[Redacted Name] Josh Harkinson

California just did it again. The state that in 1996 became the first in the nation to legalize medical marijuana has once more taken the lead in marijuana policy, this time by passing a groundbreaking set of bills that could make the Golden State's huge and largely unregulated pot industry a national model for environmental and social responsibility.

For nearly 20 years, California has been unique among states for its hands-off approach. While authorizing consumption and cultivation of medical cannabis, the state's medical marijuana ballot initiative, Proposition 215, had virtually nothing to say about how pot should be grown or by whom. The result was a boon to California's backwoods pot farmers. The small-time hippie growers in Northern California's "Emerald Triangle" could supply legitimate medical marijuana patients and use Prop 215 as cover to grow and export black-market weed to other states.

For a while, California's Wild West pot economy made nearly everyone but the feds pretty happy. It supplied high-grade pot to whomever wanted it, undermined the Mexican drug cartels, and lured a lot of redwood loggers into a more sustainable profession. But it turns out a state really can overdose on weed. What had been a cottage industry quickly became a "green rush" that has, as I've [reported previously \(http://www.motherjones.com/environment/2014/03/marijuana-weed-pot-farming-environmental-impacts\)](#), decimated forests and salmon streams.

The legislation paves the way for Humboldt and Mendocino pot to be marketed in the same way as "Napa" and "Sonoma" wines.

The Medical Marijuana Regulation and Safety Act, which passed on Friday, promises to change that, but in a way that is uniquely Californian—which is to say, uniquely awesome. Whereas every other medical-marijuana state treats growing pot as a hazardous industrial activity, relegating it to warehouses or strictly guarded enclosures, California will basically regulate pot like any other crop, albeit with a few additional tracking and labeling requirements. That means the Emerald Triangle pretty much gets to keep doing its thing, while following the

same environmental and safety rules that apply to growers of strawberries or pinot grapes.

"It's pretty groundbreaking," says Hezekiah Allen, executive director of the Emerald Growers Association, the region's pot-farming trade group. He's particularly stoked that the new bills outlaw vertically integrated marijuana conglomerates (opposite to the approach many states have taken). The legislation also caps cultivation permits at one acre for outdoor growers and half an acre for indoor growers—policies intended to ensure that the industry remains in the hands of small farmers.


But that's not all. The bills put California in the business of creating and regulating cannabis appellations, meaning that Humboldt and Mendocino pot could soon be marketed in the same way as "Napa" and "Sonoma" wines. They authorize the state to certify medical marijuana as organic (but only if the National Organic Program gives its blessing). And they require licensees with 20 or more employees to abide by a "labor peace agreement" that upholds the rights of workers to unionize.

Down the road, California's classification of pot as an agricultural product may open the door to marijuana sales at state-regulated farmers markets and marijuana research at state-funded agricultural universities like the University of California-Davis, whose scientists could use their expertise to breed new strains. "We did better than we expected, quite frankly," says Allen, who played a key role in negotiating the deal. "We were able to push things further in a year than we ever thought possible."


"We did better than we expected, quite frankly," says Hezekiah Allen, director of the Emerald Growers Association.

Pot growers, however, are decidedly mixed about all of this. For one, the state's regulatory and tracking system will likely crimp the black market by making it much harder for farmers to export their product. "There are going to be a lot of businesses that are not going to be able to make the transition," Allen says. "There are some that are violently lashing out against it. I certainly have taken my fair share of threats. This is the strongest possible structure to build on, but this transition isn't going to come easy."

Then again, when the changes are in place, people may finally be able to smoke pot without being paranoid about what it's been sprayed with or whether it's wiping out furry critters and making rivers run dry.

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