

## **California's History of Cannabis Law**

### **(1996) Prop 215 - Compassionate Use Act**

California residents passed Prop 215 in recognition of the medicinal value marijuana brought to patients with HIV/AIDS, Cancer, and more. Highlights of Prop 215:

- Exempts patients and defined caregivers who possess or cultivate marijuana recommended by a physician from criminal laws which otherwise prohibit possession or cultivation of marijuana.
- Provides physicians who recommend use of marijuana for medical treatment shall not be punished or denied any right or privilege.

### **(2003) SB 420 - Medical Marijuana Program Act**

Governor Gray Davis signed the bill after passing the legislature. The bill clarified the scope and application of Prop 215 and established the California medical marijuana program. Highlights of SB 420:

- Allows counties and cities to establish higher - but not lower - guidelines if they so choose.
- Clarifies Possession limits
- Established the Medical Marijuana Identification Card Program
- Recognizes the right of patients and caregivers to associate collectively or cooperatively to cultivate medical marijuana.

### **(2010) SB 1449 - Marijuana Possession**

Governor Schwarzenegger signed SB 1449 which amended the Health and Safety Code turning possession of less than an ounce of marijuana from a criminal misdemeanor into a civil infraction punishable by a fine of no more than \$100.

### **(2015) Medical Marijuana Regulation and Safety Act - MMRSA**

In October of 2015 the California State government passed and approved a set of laws that regulated medical marijuana use for commercial cannabis activity. The bulk of these laws came in three different bills, SB 643, AB243, and AB 266 known collectively as the Medical Marijuana Regulation and Safety Act, or MMRSA for short.

### **(2016) Medical Cannabis Regulations and Safety Act - MCRSA**

After the passage of MMRSA, many smaller bills were passed to amend or add to the content (such as AB 2516 which authorizes specialty cottage licenses) and MMRSA officially became MCRSA. The City of Redondo Beach adopted Ordinance 3152 which promulgated local regulations in accordance with MMRS, effective May 5, 2016.

### **(2016) Prop 64 - Adult Use of Marijuana - AUMA**

In 2016, California passed Proposition 64, the Adult Use of Marijuana Act. This proposition allowed adults over the age of 21 to legally grow, possess, and use cannabis for non-medical purposes, within legally mandated limits. This proposition establishes dual licensing systems requiring both local and state licensing to operate a cannabis business.

## **SB 94 (2017) - Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA)**

This bill repeals MCRSA and includes certain provisions of MCRSA in the licensing provisions of AUMA. Under the bill, these consolidated provisions would be known as the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA). The bill would rename the bureau the Bureau of Cannabis Control, would revise references to “marijuana” or “medical cannabis” in existing law to instead refer to “cannabis” or “medicinal cannabis,” respectively, and would apply a definition of “cannabis” similar to the definition used in MCRSA to MAUCRSA. The bill would generally impose the same requirements on both commercial medicinal and commercial adult-use cannabis activity

## **Since Prop 64**

Since the passing of Prop 64 a number of significant legislative and regulatory changes have occurred which warranted the cautious progress of the Redondo Beach Cannabis Steering Committee’s considerations in recommending responsible policies for the City Council. The City Council has advocated on some of these issues, and City staff participated in workshops to better understand the implications. The following are some highlights since the passing of Prop 64.

## Industry Regulatory Updates

The industry is regulated by three licensing agencies:

- 1) The Bureau of Cannabis Control serves as the lead agency and oversees:
  - a) Retailers
  - b) Laboratories
  - c) Distributors
- 2) The California Department of Public Health, which oversees:
  - a) Manufacturers
- 3) The California Department of Food and Agriculture, which oversees:
  - a) Cultivators

When legal commercial cannabis activities began on January 1, 2018, the industry was governed by emergency regulations until the agencies submitted extensive final regulations which were ultimately adopted in 2019.

After a year of the industry operating under these regulations from three separate agencies, it became apparent that many were inconsistent, duplicative, or onerous and the state decided in 2020 to begin planning for agency consolidation into one department. In the fall of 2020 the Chief of the Bureau of Cannabis Control stepped down, leaving uncertainty of who would be the long-term regulator once the three agencies consolidated.

On July 12, 2021 Governor Newsom signed AB 141, officially consolidating the regulating agencies into the newly established Department of Cannabis Control (DCC) and appointed a new Director in charge of overseeing the industry. The DCC recently submitted a new set of emergency regulations that are expected to govern the industry for up to a year before the DCC submits its proposed final regulations, expected to take effect as late as 2023.

### Social Justice Updates

The primary social justice component of Prop 64 provided for the criminal record expungement of previous cannabis convictions. This allowed a pathway toward significant benefits to hundreds of thousands of Californians who experienced barriers a criminal record can bring. The passing of AB 1793 sought to provide added support of allowing counties to automate expungements, however LA County was slow to adopt it. In February of 2020, LA County announced it had finally implemented the program to automate the expungement of 66,000 previous cannabis convictions.

### Public Safety Updates

Enforcement of illegal operators has proven to be challenging post Prop 64 adoption. Several efforts over the years have made progress in establishing better enforcement tools.

The state and industry identified WeedMaps as a primary problem for continuing to advertise illegal cannabis retailers, ultimately resulting in WeedMaps agreement to stop advertising illegal operators as of 2020.

AB 97 (2019) authorizes licensing authorities to assess administrative fines not to exceed \$5,000 per violation for licensees and \$30,000 per violation for an unlicensed person, per day.

AB 1138 (2021), sponsored by the United Cannabis Industry Association, has passed through the legislature and is expected to be signed by Governor Newsom. This bill allows the Attorney General or county and city prosecutors to prosecute operators of illegal cannabis activities as well as property owners and other aiding and abetting with a civil penalty of \$30,000.00/day.

### Public Health Updates

Toward the second half of 2019, California, along with other states, began experiencing a significant public health threat known as Vaping Associated Pulmonary Injury (VAPI). The disease seemed to be connected to the vaping of smokable products such as tobacco, hemp CBD, and cannabis. For many months the disease seemed to progress without a clearly identified reason, while many others continued to die from the disease. There was much speculation as to the cause, but in January 2020 the Chief of the Bureau of Cannabis Control was able to announce:

*“Not a single case of vaping-related illness has been linked to California’s legal cannabis industry” - LA Times*

This announcement showcased the benefit of a regulated legal cannabis industry that requires safety testing of its products and brought much needed clarity on whether legal cannabis products were the cause of the vaping crisis.

In March 2020, California issued emergency Stay at Home orders in an effort to protect its residents from the rapidly spreading COVID-19. The cannabis industry was recognized as an Essential Business, providing safe access to legal medicinal cannabis. The industry proved to be a significant economic benefit to both state and local governments during the pandemic. The industry’s essential status meant it was one of the earliest adopters of the vaccine treatments for employees.

### Local Control and Delivery Updates

The passing of Prop 64 promised local control over legal cannabis activities.

*(a)(1) This division shall not be interpreted to supersede or limit the authority of a local jurisdiction to adopt and enforce local ordinances to regulate business licensed under this division, including, but not limited to, local zoning and land use requirements, business license requirements, and requirements related to reducing exposure to secondhand smoke, or to completely prohibit the establishment or operation of one or more types of businesses licensed under this division within the local jurisdiction.*

- Business and Professions Code Division 10. Cannabis Chapter 20. Local Control. 26200

The Bureau of Cannabis Control passed a regulation in their final regulations in 2019 allowing legal cannabis delivery in any jurisdiction.

*(d) A delivery employee may deliver to any jurisdiction within the State of California provided that such delivery is conducted in compliance with all delivery provisions of this division.*

- BCC Regulation 5416

A coalition of 25 California city and county jurisdictions interpreted the regulation as contradictory to Prop 64’s local control provisions, and filed a lawsuit. The Coalition included City of Agoura Hills, City of Angels Camp, City of Arcadia, City of Atwater, City of Beverly Hills, City of Ceres, City of Clovis, City of Covina, City of Dixon, City of Downey, City of McFarland, City of Newman, City of Oakdale, City of Palmdale, City of Patterson, City of Riverbank, City of Riverside, City of San Pablo, City of Sonoma, City of Tehachapi, City of Temecula, City of Tracy, City of Turlock, City of Vacaville, and the County of

Santa Cruz. The coalition is supported by the City of Fort Jones, the City of Wasco, and the County of Mariposa.

In November of 2020 the lawsuit had concluded, finding that the BCC's regulation does not prohibit local jurisdictions from the ability to ban legal cannabis delivery services from delivery transactions within their jurisdiction.