 Capitol Update, January 11, 2016

The 2016 legislative session kicked off Monday with budget speculations, stakeholder meetings and bill introductions. Some of the first bills to be introduced are aimed at “cleaning up” the Medical Marijuana Safety and Regulatory Act, signed last Fall by Governor Brown. First out the gate was AB 21, introduced to be an emergency cleanup bill that deletes the “March 1st cultivation deadline” that sent cities scrambling to pass a cultivation ordinance prior to March 1, 2016. Failure to do so, in absence of the emergency cleanup legislation, results in the state being the sole licensing agency for silent cities. However, even straightforward, governor-approved, clean-up legislation is a chance for political chicanery.

AB 21 is a prime example of something we all know too well: an author only has so much control over his or her legislation. The ACLU is using AB 21 to push an unrelated effort to take away local regulatory control over personal medical marijuana cultivation, which is provided for in the same code section. Following a letter of opposition requesting the deletion of this language, the Senate Health committee “pulled” the bill to be heard in committee this Wednesday. Unfortunately for us, the Senate Health Committee is slated to force the ACLU’s requested amendment onto the author, creating a possible scenario where the author drops AB 21, leaving cities with the current March 1 deadline for cultivation ordinances. Assemblymember Wood is working hard with Cal Chiefs and the League to ensure that AB 21 remains intact. We will continue to partner with the League of Cities on all outreach regarding this matter.

A more inclusive bill, AB 1575, is being constructed by the original bill authors. This bill is in the early stages of being constructed to address any outstanding issues, such as delivery safety, transportation hours and for-profit vs. non-profit designation. As it stands, the development of “clean-up” legislation will be just as tedious as the development of the regulatory scheme. This year, we anticipate recreational cannabis industry interests to attempt to amend the medical marijuana bill to reflect the legalization effort and to allow for the cultivation and manufacturing of marijuana on tribal lands. Public safety and local government will vehemently oppose these efforts.

On the recreation legalization side of marijuana policy, we hosted our second stakeholder meeting of legalization opponents, ranging from law enforcement to religious leaders to organized labor. Conversations concerning the lack of substance in the Attorney General’s recently released summary of the initiative resulted in an upcoming media plan to highlight these shortcomings.

This year will not be without its challenges. Bills concerning body worn camera use, law enforcement- community relations and civil asset forfeiture will certainly be back. At the same time, many new political discussions, such as firearm regulations, the 2016 election, and the refugee crisis will soon come to fill the “legislation void” in California.
Please let us know how we can assist you!

Lauren and Jonathan