AB-1578 Marijuana and cannabis programs: cooperation with federal authorities. (2017-2018)

CALIFORNIA LEGISLATURE— 2017–2018 REGULAR SESSION

ASSEMBLY BILL No. 1578

Introduced by Assembly Member Jones-Sawyer
(Coauthors: Assembly Members Bonta, Chiu, Wood, Eggman, and Cristina Garcia)
(Coauthors: Senators Skinner and Wiener)

February 17, 2017

An act to add Section 11362.6 to the Health and Safety Code, relating to marijuana.

LEGISLATIVE COUNSEL'S DIGEST

AB 1578, as amended, Jones-Sawyer. Marijuana and cannabis programs: cooperation with federal authorities.

Existing law, the Medical Cannabis Regulation and Safety Act (MCRSA) provides for the licensure and regulation of medical cannabis, which responsibility is generally divided between the Bureau of Marijuana Control within the Department of Consumer Affairs, the Department of Food and Agriculture, and the State Department of Public Health. The Control, Regulate and Tax Adult Use of Marijuana Act (AUMA), an initiative measure enacted by the approval of Proposition 64 at the November 8, 2016, statewide general election, provides for the licensure and regulation of commercial nonmedical marijuana activities, which responsibility is also generally divided between those same state entities. Existing law requires the State Department of Public Health to establish and maintain a voluntary program for the issuance of identification cards to qualified patients who have a physician’s recommendation for medical marijuana. Existing law requires the counties to process applications and maintain records for the identification card program.

This bill would prohibit a state or local agency, as defined, from taking certain actions without a court order signed by a judge, including using agency money, facilities, property, equipment, or personnel to assist a federal agency to investigate, detain, detect, report, or arrest a person for commercial or noncommercial marijuana or medical cannabis activity that is authorized or allowed under state or local law in the State of California and from transferring an individual to federal law enforcement authorities for purposes of marijuana enforcement, or detaining an individual at the request of federal law enforcement or federal authorities for marijuana- or cannabis-related conduct that is legal under state or local law.

Vote: majority  Appropriation: no  Fiscal Committee: no  Local Program: no
SECTION 1. Section 11362.6 is added to the Health and Safety Code, to read:

11362.6. (a) A state or local agency shall not do any of the following without a court order signed by a judge:

(1) Use agency money, facilities, property, equipment, or personnel to assist a federal agency to investigate, detain, detect, report, or arrest a person for commercial or noncommercial marijuana or medical cannabis activity that is authorized by or allowed under state or local law in the State of California.

(2) Respond to a request made by a federal agency for personal or federal entity for information about an individual who is authorized pursuant to state or allowed under state or local law to possess, cultivate, transport, manufacture, sell, or possess for sale marijuana or marijuana products or medical cannabis or medical cannabis products, if that request is made for the purpose of investigating or enforcing federal marijuana law, the federal Controlled Substances Act related to marijuana or cannabis or other federal marijuana or cannabis law.

(3) Provide information about a person who has applied for or received a license to engage in commercial marijuana or commercial medical cannabis activity pursuant to MCRSA or AUMA, if that request is made for the purpose of investigating or enforcing federal marijuana law, the federal Controlled Substances Act related to marijuana or cannabis or other federal marijuana or cannabis law.

(4) Transfer an individual to federal law enforcement authorities for purposes of marijuana enforcement for marijuana- or cannabis-related conduct that is legal under state or local law or detain an individual at the request of federal law enforcement for or federal authorities for marijuana- or cannabis-related conduct that is legal under state or local law.

(b) Notwithstanding subdivision (a), a state or local agency shall release information related to an individual or entity upon the written request of the individual or entity to release that information. The release of information pursuant to this subdivision shall be limited to the specific request and shall not extend beyond the circumstanc e requested by the individual or entity.

(c) For purposes of this section, the following definitions shall apply:

(1) "AUMA" means the Control, Regulate and Tax Adult Use Marijuana Act, enacted by the approval of Proposition 64 at the November 8, 2016, statewide general election and generally codified in Division 10 (commencing with Section 26000) of the Business and Professions Code.

(2) "MCRSA" means the Medical Cannabis Regulation and Safety Act, generally codified in Chapter 3.5 (commencing with Section 19300) of Division 8 of the Business and Professions Code, and other provisions regarding licensing of cultivators, manufacturers, testing laboratories, distributors, and dispensaries of medical cannabis and medical cannabis products located in this article and in Article 2.5 (commencing with Section 11362.7).

(3) "State or local agency" means all of the following:

(A) A law enforcement agency, including, but not limited to, police, sheriffs, university police, and other campus police agencies.

(B) A licensing authority under AUMA or MCRSA.

(C) Any other state or local agency with information that identifies licensees under AUMA or MCRSA.

(D) A city, county, city and county, or state agency with information regarding individuals who have obtained medical marijuana program cards pursuant to Article 2.5 (commencing with Section 11362.7).