

AMENDED IN ASSEMBLY APRIL 17, 2017

CALIFORNIA LEGISLATURE—2017–18 REGULAR SESSION

ASSEMBLY BILL

No. 1578

Introduced by Assembly Member Jones-Sawyer
(Coauthors: Assembly Members Bonta, Chiu, and Wood 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 ~~marijuana~~, *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 by law in the State of California and transferring an individual to federal law enforcement authorities for purposes of marijuana enforcement.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 11362.6 is added to the Health and Safety
2 Code, to read:

3 11362.6. (a) A state or local agency shall not do any of the
4 following without a court order signed by a judge:

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

10 (2) Respond to a request made by a federal agency for personal
11 information about an individual who is authorized *pursuant to*
12 *state law* to possess, cultivate, transport, manufacture, sell, or
13 possess for sale marijuana or marijuana products or medical
14 cannabis or medical cannabis products, if that request is made for
15 the purpose of investigating or enforcing federal marijuana law.

16 (3) Provide information about a person who has applied for or
17 received a license to engage in commercial marijuana or
18 commercial medical cannabis activity pursuant to MCRSA or
19 ~~AUMA~~: *AUMA*, if that request is made for the purpose of
20 *investigating or enforcing federal marijuana law*.

21 (4) Transfer an individual to federal law enforcement authorities
22 for purposes of marijuana enforcement or detain an individual at
23 the request of federal law enforcement for conduct that is legal
24 under state law.

1 (b) For purposes of this section, the following definitions shall
2 apply:

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

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

15 (3) “State or local agency” means all of the following:

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

19 (B) A licensing authority under AUMA or MCRSA.

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

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

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28 **REVISIONS:**

29 **Heading—Line 2.**

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