

AMENDED IN ASSEMBLY MAY 8, 2017

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, 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 ~~by~~ *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.
 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~~ *or*
- 9 *allowed under state or local law* in the State of California.
- 10 (2) Respond to a request made by a federal agency ~~for personal~~
- 11 *or federal entity for* information about an individual who is
- 12 authorized ~~pursuant to state or allowed under state or local law~~
- 13 to possess, cultivate, transport, manufacture, sell, or possess for
- 14 sale marijuana or marijuana products or medical cannabis or
- 15 medical cannabis products, if that request is made for the purpose
- 16 of investigating or enforcing ~~federal marijuana law. the federal~~
- 17 *Controlled Substances Act related to marijuana or cannabis or*
- 18 *other federal marijuana or cannabis law.*
- 19 (3) Provide information about a person who has applied for or
- 20 received a license to engage in commercial marijuana or
- 21 commercial medical cannabis activity pursuant to MCRSA or

1 AUMA, if that request is made for the purpose of investigating or
2 enforcing ~~federal marijuana law~~. *the federal Controlled Substances*
3 *Act related to marijuana or cannabis or other federal marijuana*
4 *or cannabis law.*

5 (4) Transfer an individual to federal law enforcement ~~authorities~~
6 ~~for purposes of marijuana enforcement~~ *for marijuana- or*
7 *cannabis-related conduct that is legal under state or local law* or
8 detain an individual at the request of federal law enforcement ~~for~~
9 *or federal authorities for marijuana- or cannabis-related* conduct
10 that is legal under state or local law.

11 (b) *Notwithstanding subdivision (a), a state or local agency*
12 *shall release information related to an individual or entity upon*
13 *the written request of the individual or entity to release that*
14 *information. The release of information pursuant to this subdivision*
15 *shall be limited to the specific request and shall not extend beyond*
16 *the circumstances requested by the individual or entity.*

17 ~~(b)~~

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

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

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

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

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

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

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

39 (D) A city, county, city and county, or state agency with
40 information regarding individuals who have obtained medical

- 1 marijuana program cards pursuant to Article 2.5 (commencing
- 2 with Section 11362.7).

O