

ASSEMBLY BILL NO. 243

(http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201520160AB243&search_keywords=MARIJUANA)

- This bill would establish the Division of Medical Cannabis Cultivation in the Department of Food and Agriculture. The bill would authorize a county, city, or city and county to issue or deny a conditional permit to cultivate medical marijuana and would require an applicant to obtain both a conditional permit from the county, city, or city and county and a state medical marijuana cultivation license from the division prior to cultivation occurring. By increasing the duties of local officials relative to issuing a conditional permit to cultivate medical marijuana, the bill would impose a state-mandated local program.
- The bill would require the division to implement an identification program for medical marijuana in consultation with the State Water Resources Control Board and the Department of Fish and Wildlife. The bill would authorize the division to charge a fee to cover the reasonable costs of issuing the unique identifier and monitoring, tracking, and inspecting each medical marijuana plant. The bill would allow a county, city, or city and county to administer the unique identifier program, in which case the bill would authorize the county, city, or city and county, to charge a fee to cover the reasonable costs of issuing the unique identifier and monitoring, tracking, and inspecting each medical marijuana plant. The bill would specify that the unique identifier program established pursuant the bill's provisions does not apply to a county, city, or city and county that has an existing ordinance pertaining to the cultivation of marijuana that provides for the identification of individual plants during the cultivation period.
- This bill, on and after June 1, 2016, would impose a tax a licensed medical marijuana cultivator, at the rate of \$50 per medical marijuana plant with a unique identifier. This bill would require the tax to be administered by the State Board of Equalization, as prescribed, and would require a licensed medical marijuana distributor to collect the tax from the licensed medical marijuana cultivator and remit the amounts collected pursuant to the procedures set forth in the Fee Collection Procedures Law. By expanding the application of the Fee Collection Procedures Law, a violation of which is a crime, this bill would impose a state-mandated local program. This bill would require all moneys less refunds, to be deposited into the Marijuana Production and Environment Mitigation Fund, which this bill would create in the State Treasury, and continuously appropriate those moneys to the board for allocation, as specified. The bill would require a licensed medical marijuana cultivator to sell his or her medical marijuana products only to a licensed medical marijuana distributor, and would prohibit any other sales of medical marijuana by a licensed medical marijuana cultivator. The bill would also prohibit the sale of medical marijuana plants that do not contain a unique identifier by a licensed cultivator to a licensed distributor.
- The bill would require, on or before January 1, 2021, specified state agencies, including, among others, the board, the division, and the Department of Justice, to submit reports to the Legislature regarding implementation of the bill.
- The bill would specify that its provisions regarding the unique identifier program and cultivation do not apply to certain qualified patients cultivating marijuana if the patient cultivates marijuana for his or her personal medical use and does not sell, distribute, donate, or provide marijuana to any other person or entity, or to certain primary caregivers cultivating marijuana if the primary caregiver cultivates marijuana exclusively for the personal medical use of no more than 5 specified qualified patients for whom he or she is the primary caregiver and who does not receive remuneration, except as specified.

- The bill would also require indoor and outdoor medical marijuana cultivation to be conducted in accordance with state and local laws and best practices related to land conversion, grading, electricity usage, water usage, water quality, woodland and riparian habitat protection, agricultural discharges, and similar matters. This bill would require state agencies to address environmental impacts of medical marijuana cultivation and coordinate, when appropriate, with cities and counties and their law enforcement agencies in enforcement efforts.
- The bill would state the intent of the Legislature that the multiagency task force, the Department of Fish and Wildlife and State Water Resources Control Board pilot project to address the Environmental Impacts of Cannabis Cultivation, continue its enforcement efforts on a statewide level and permanent basis.
- Under existing law, the Porter-Cologne Water Quality Control Act, the State Water Resources Control Board and the California regional water quality control boards are the principal state agencies with responsibility for the coordination and control of water quality in the state.
- This bill would require each regional board, and would allow the state board, to address discharges of waste resulting from medical marijuana cultivation and associated activities.
- The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.
- This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.
- This bill would declare that it is to take effect immediately as an urgency statute.