



**CALIFORNIA STATE
ASSOCIATION OF
COUNTIES**

August 8, 2014

The Honorable Mike Gatto
Chair, Assembly Appropriations Committee
State Capitol, Room 2114
Sacramento, CA 95814

**RE: SB 1262 (Correa) – Medical Marijuana
As Amended on 8/4/14 – OPPOSE UNLESS AMENDED**



**URBAN COUNTIES
CAUCUS**

Dear Assembly Member Gatto:

The Urban Counties Caucus (UCC), the Rural County Representatives of California (RCRC), the California State Association of Counties (CSAC), and the County Health Executives Association of California (CHEAC), have an “Opposed Unless Amended” position to the August 4th version of Senate Bill 1262 (Correa), which would create a statewide regulatory framework for medical marijuana. This bill will soon be heard in the Assembly Appropriations Committee.



**RURAL COUNTY
REPRESENTATIVES
OF CALIFORNIA**

Our organizations have been working with the author and sponsors of SB 1262 since the bill’s introduction. At each step of the legislative process, counties have offered extensive amendments to ensure the bill is workable for counties, particularly for unincorporated areas where a large amount of marijuana cultivation occurs. While we appreciate the amendments that addressed our concerns (i.e. explicit county taxing authority), a great deal of suggested amendments have still not been accepted and/or other remaining issues have not been addressed. Equally troubling are several new provisions in the bill that have caused our organizations to adopt our current position. They include:



**COUNTY HEALTH
EXECUTIVES
ASSOCIATION OF
CALIFORNIA**

- **Local Control Issues.** There are new provisions which undermine local control. Specifically, we believe the granting of immunity from criminal prosecution for violating a local ordinance as well as the provisions which surround the transportation of marijuana undermine local control. Also, we oppose the new language which suggests the Bureau of Medical Marijuana Regulation “may” (as opposed to “shall”) revoke a license if there are violations of a local ordinance.
- **Enforcement.** Counties have always believed the best approach is for a state-administered/state-enforced regulatory framework. As such, we were troubled by the previous version of SB 1262 which requires local enforcement of state-adopted regulatory standards. In the spirit of compromise, we agreed to accept a locally-enforced scheme provided there were delineations between what counties can and will do versus what enforcement actions a city will undertake. As such, we offered language that bifurcates the enforcement duties between the cities and counties. While this language was accepted in the August 4th version, we are troubled by a lack of “tie-in” between Section 18105 (b) and Section 18122. We are also concerned with Section 18105 (b)’s lack of a

definition of a “local agency”. This could be interpreted to conflict with Section 18122. Furthermore, does this mean local water districts have the authority to enforce? In addition, there is a new provision which prohibits a state agency from enforcing a local ordinance which seems unnecessary since local agencies may need a state agency to assistance at some point.

- New Duties on Counties. There is new language (Section 18119) which requires local governments to provide license renewal conditions to the Bureau of Medical Marijuana Regulation. This imposes a duty on counties that some may not be able to perform. Furthermore, the August 4th version requires counties and cities to provide a list of those entities allowed to operate in the county (Section 18108 (c)) for the purposes of obtaining a standard license. How will counties know the status of first-time applicants? We understand the need for this requirement for provisional licenses, but we view this as unworkable and unnecessary duty for standard licenses.
- Shall vs. May. Counties have identified several provisions in which the language should be “shall” instead of “may.” These include the creation of the state enforcement grant program and consulting local agencies when a provision license or standard license is in compliance with local ordinance, to name a few.

Finally, we would also point out that there seems to be several key provisions that are not in SB 1262. These include language addressing environmental impacts and practices for license holders, and whether the bill clearly eliminates the “collective model” – two “must haves” in any new statewide licensing scheme.

For the above reasons, UCC, RCRC, CSAC, and CHEAC are opposed unless amended to SB 1262. If you have any questions please you can contact Jolena Voorhis with UCC at (916) 327-7531, Paul A. Smith with RCRC at (916) 447-4806, Karen Keene at CSAC (916) 327-7500, or Judith Reigel with CHEAC at (916) 327-7540.

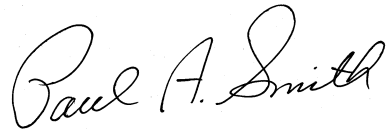
Sincerely,



Karen Keene
Senior Legislative Representative
California State Association of Counties



Jolena Voorhis
Executive Director
Urban Counties Caucus



Paul A. Smith
Senior Legislative Advocate
Rural County Representatives of California



Judith Reigel
Executive Director
County Health Executives Association of
California

cc: The Honorable Lou Correa, Member of the State Senate
Members of the Assembly Appropriations Committee