

**Assembly
California Legislature
Committee on Rules**

**KEN COOLEY
CHAIR**

VICE CHAIR
CUNNINGHAM, JORDAN

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CARRILLO, WENDY
CERVANTES, SABRINA
FRIEDMAN, LAURA
GALLAGHER, JAMES
GRAYSON, TIMOTHY S.
MAYES, CHAD
NAZARIAN, ADRIN
SALAS, JR. RUDY
WALDRON, MARIE

FONG, VINCE (R-ALT)
LEVINE, MARC (D-ALT)
REYES, ELOISE GÓMEZ (D-ALT)

Thursday, June 21, 2018
10 minutes prior to Session
State Capitol, Room 3162

CONSENT AGENDA

BILL REFERRALS

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RESOLUTIONS

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REQUESTS TO ADD URGENCY CLAUSE

6. SB-175 (McGuire) Developmental services: Canyon Springs Community Facility. [Page 21](#)
7. SB-311 (Pan) Commercial cannabis activity: licensed distributors. [Page 33](#)



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MARC LEVINE (D-ALT.)
ELOISE GÓMEZ REYES (D-ALT.)
VINCE FONG (R-ALT.)

Memo

To: Rules Committee Members
From: Michael Erke, Bill Referral Consultant
Date: 6/20/18
Re: Consent Bill Referrals

Since you received your preliminary list of bill referrals, ACA 31 has been added to the referrals.

REFERRAL OF BILLS TO COMMITTEE

06/21/2018

Pursuant to the Assembly Rules, the following bills were referred to committee:

Assembly Bill No.	Committee:
<u>ACA 31</u>	P.E.,R., & S.S.
<u>ACR 256</u>	RLS.
<u>ACR 257</u>	RLS.
<u>ACR 259</u>	RLS.
<u>AJR 43</u>	H. & C.D.



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VINCE FONG (R-ALT.)

Memo

To: Rules Committee Members
From: Michael Erke, Bill Referral Consultant
Date: 6/20/18
Re: Consent Bill Re-Referrals

Since you received your preliminary list of bill re-referrals, there have been no changes.

RE-REFERRAL OF BILLS

06/21/2018

The Committee on Rules has re-referred the following bills to Committee:

Assembly Bill No.

Committee:

SB 641

HEALTH

SB 823

HEALTH

Assembly Concurrent Resolution

No. 243

Introduced by Assembly Member Eduardo Garcia

May 24, 2018

Assembly Concurrent Resolution No. 243—Relative to Crossing Guards Keep Our Children Safe Month.

LEGISLATIVE COUNSEL’S DIGEST

ACR 243, as introduced, Eduardo Garcia. Crossing Guards Keep Our Children Safe Month.

This measure would recognize the importance of adult crossing guards and the role they play in our communities and would declare the month of September 2018 as Crossing Guards Keep Our Children Safe Month.

Fiscal committee: no.

1 WHEREAS, The State of California has the second highest
2 number of crossing guards in the country; and

3 WHEREAS, Adult school crossing guards play an important
4 role in the lives of children who walk or bicycle to school by
5 helping them safely cross the street at key locations; and

6 WHEREAS, The presence of crossing guards makes parents
7 feel comfortable about their children walking or bicycling to
8 school; and

9 WHEREAS, The job of a crossing guard is dangerous work that
10 often goes unappreciated by motorists and the risks are only
11 expected to increase; and

12 WHEREAS, Crossing guards are routinely subjected to insults
13 and profanity by drivers who blame the guards for lengthening
14 their already slow commutes; and

1 WHEREAS, When traffic worsens in California, police say
2 motorists are more likely to speed and ignore rules of the road to
3 make up for time lost in the congestion; and

4 WHEREAS, That behavior is even more common around
5 schools, where increased crowding only compounds the problem;
6 and

7 WHEREAS, A recent national survey found that nearly
8 two-thirds of all motorists speed around school zones; and

9 WHEREAS, Crossing guards are the only line of defense
10 between schoolchildren and those speeding, frustrated motorists;
11 and

12 WHEREAS, Crossing guards are narrowly missed by hurried
13 and preoccupied motorists who roll through crosswalks before
14 guards and children can get to the curb; and

15 WHEREAS, Parents and civic leaders are persistent in their
16 demands for more signs, markings, and signals in and around
17 school areas and other locations that attract children; and

18 WHEREAS, Accident statistics indicate that children are more
19 often involved in nonschool related accidents and this may be
20 indicative that the standard treatments prescribed for traffic control
21 around school facilities are effective; and

22 WHEREAS, Following uniform standards and safety provisions
23 is a contributing factor to reducing the risk of pedestrian accidents;
24 and

25 WHEREAS, The job of a crossing guard has become so
26 dangerous that the employees union that represents crossing guards
27 in the City of Los Angeles included a requirement in its latest
28 contract that the city launch a television, radio, and newspaper
29 campaign warning motorists to watch out for them; and

30 WHEREAS, Adult crossing guards are role models who help
31 children develop the skills necessary to cross streets safely at all
32 times; now, therefore, be it

33 *Resolved by the Assembly of the State of California, the Senate*
34 *thereof concurring*, That the Legislature recognizes the importance
35 of adult crossing guards and the role they play in our communities;
36 and be it further

37 *Resolved*, That the Legislature declares the month of September
38 2018 as Crossing Guards Keep Our Children Safe Month; and be
39 it further

- 1 *Resolved*, That the Chief Clerk of the Assembly transmit copies
- 2 of this resolution to the author for appropriate distribution.

O

Date of Hearing: June 21, 2018

ASSEMBLY COMMITTEE ON RULES
Ken Cooley, Chair
ACR 243 (Eduardo Garcia) – As Introduced May 24, 2018

SUBJECT: Crossing Guards Keep Our Children Safe Month.

SUMMARY: Declares the month of September 2018 as Crossing Guards Keep Our Children Safe Month and recognizes the importance of adult crossing guards and the role they play in our communities. Specifically, **this resolution** makes the following legislative findings:

- 1) Adult school crossing guards play an important role in the lives of children who walk or bicycle to school by helping them safely cross the street at key locations; and, the presence of crossing guards makes parents feel comfortable about their children walking or bicycling to school.
- 2) The job of a crossing guard is dangerous work that often goes unappreciated by motorists and the risks are only expected to increase. When traffic worsens in California, police say motorists are more likely to speed and ignore rules of the road to make up for time lost in congestion; and, that behavior is even more common around schools, where increased crowding only compounds the problem.
- 3) A recent national survey found that nearly two-thirds of all motorists speed around school zones; and, crossing guards are the only line of defense between schoolchildren and those speeding, frustrated motorists.
- 4) Parents and civic leaders are persistent in their demands for more signs, markings, and signals in and around school areas and other locations that attract children. Accident statistics indicate that children are more often involved in nonschool related accidents and this may be indicative that the standard treatments prescribed for traffic control around school facilities are effective.

FISCAL EFFECT: None

REGISTERED SUPPORT / OPPOSITION:

Support

None on file

Opposition

None on file

Analysis Prepared by: Nicole Willis / RLS. / (916) 319-2800

Assembly Concurrent Resolution

No. 252

Introduced by Assembly Member Cooley

June 11, 2018

Assembly Concurrent Resolution No. 252—Relative to the 4th of July.

LEGISLATIVE COUNSEL’S DIGEST

ACR 252, as introduced, Cooley. The 4th of July.

This measure would state the intent of the Legislature to take the opportunity preceding the 4th of July holiday to recognize and celebrate July 4, 2018, and the 242nd anniversary of the birth of our great nation and the signing of the Declaration of Independence that this day represents.

Fiscal committee: no.

- 1 WHEREAS, July 4, 2018, marks the 242nd anniversary of the
2 signing of the Declaration of Independence, and by the adoption
3 of that document formally entitled “The unanimous Declaration
4 of the thirteen United States of America,” the nation we today
5 know as the United States of America officially came into being,
6 an occasion forever memorialized by President Abraham Lincoln
7 in the words of his Gettysburg Address as when “... our fathers
8 brought forth upon this continent a new nation, conceived in liberty,
9 and dedicated to the proposition that all men are created equal”;
10 and
11 WHEREAS, On June 7, 1776, in Philadelphia, Pennsylvania,
12 at a location today known as Independence Hall, Virginia delegate
13 Richard Henry Lee brought the following resolution before the

1 Second Continental Congress of the United Colonies: “Resolved,
2 That these United Colonies are, and of right ought to be, free and
3 independent states, that they are absolved from all allegiance to
4 the British Crown, and that all political connection between them
5 and the state of Great Britain is, and ought to be, totally dissolved
6”; and

7 WHEREAS, On June 8, 1776, Lee’s resolution was referred to
8 a committee of the whole of the Continental Congress, at which
9 time they spent most of that day, as well as June 10, debating
10 independence; and

11 WHEREAS, On June 11, 1776, a “Committee of Five,” with
12 Thomas Jefferson of Virginia being picked unanimously as its first
13 member, and also including John Adams of Massachusetts,
14 Benjamin Franklin of Pennsylvania, Robert R. Livingston of New
15 York, and Roger Sherman of Connecticut, was charged with
16 drafting a declaration of independence for consideration by the
17 Continental Congress; and

18 WHEREAS, The members of the “Committee of Five” assigned
19 Jefferson the task of producing a draft declaration, and on June
20 28, 1776, he produced a draft that, with minor changes by the
21 committee members, was forwarded to the Congress for its further
22 consideration; and

23 WHEREAS, On July 2, 1776, the Second Continental Congress
24 adopted the Lee resolution upon the affirmative vote of 12 of the
25 13 colonial delegations, an occasion that delegate and future
26 President John Adams detailed to his wife Abigail in a letter written
27 July 3, 1776, as follows: “Yesterday the greatest Question was
28 decided, which ever was debated in America, and a greater perhaps,
29 never was or will be decided among Men”; and

30 WHEREAS, On July 4, 1776, after further debate and changes
31 to the committee document, the Continental Congress adopted the
32 Declaration of Independence establishing the United States of
33 America, to which John Hancock that day affixed his signature,
34 with 55 other delegates representing the 13 colonies, now states
35 of the newly created nation, signing the declaration within the next
36 several weeks; and

37 WHEREAS, July 4 is a day unlike any other in the history of
38 the United States of America, and indeed, the world, in that not
39 only is it the day that an infant nation formally defied the most
40 powerful empire on earth in a quest for freedom, liberty, and

independence, but even more importantly because on that day, this new nation declared as a “self-evident truth” known and knowable to all persons at all times in all places throughout the world the radical notion that “all men are created equal ... endowed by their Creator with certain unalienable rights, that among these are life, liberty and the pursuit of happiness”; and

WHEREAS, Since its adoption and bold pronouncement more than two centuries ago, the Declaration of Independence and the principles which animate that timeless document have inspired literally billions of persons around the world to pursue freedom in their own nation, for themselves and their own loved ones, and for their fellow men and women, and remain today an imperfectly unrealized goal to which all Americans and all who cherish liberty must rededicate themselves, just as the drafters and signers of the Declaration of Independence did by declaring: “with a firm reliance on the protection of divine Providence, we mutually pledge[d] to each other our Lives, our Fortunes and our sacred Honor”; and

WHEREAS, On this and every July Fourth, it is both proper and fitting that the institutions of California government, and indeed all Californians, express heartfelt gratitude and indebtedness to those men and women who have served in the Armed Forces of the United States, and in particular to those who have suffered the injuries of battle and who have made the ultimate sacrifice in protecting freedom and liberty around the world, recalling the words of President Abraham Lincoln that, as a result of their profound sacrifice, “... this nation, under God, shall have a new birth of freedom — and that government of the people, by the people, for the people, shall not perish from the earth”; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature does, and intends to every year immediately preceding the 4th of July, take this opportunity to recognize and celebrate July 4, 2018, and the 242nd anniversary of the birth of our great nation and the signing of the Declaration of Independence that this day represents; and be it further

Resolved, That the Legislature calls upon all the people of the great State of California, and the United States of America, to take the opportunity of the 4th of July holiday to obtain a greater knowledge and understanding of the facts and circumstances that compelled the 13 original colonies to declare their independence,

1 and of the timeless principles of liberty, equality, and
2 self-determination that rest at the heart of the Declaration of
3 Independence; and be it further

4 *Resolved*, That the Legislature, on behalf of a grateful citizenry,
5 hereby expresses its heartfelt thanks, appreciation, and prayers to
6 all who have served and who currently serve in the Armed Forces
7 of the United States, in recognition of the countless sacrifices and
8 the indispensable role these brave men and women have played
9 even before the founding of our nation on July 4, 1776, in
10 preserving, protecting, and defending the freedoms and liberties
11 of all Americans, and expanding freedom throughout the world;
12 and be it further

13 *Resolved*, That the Chief Clerk of the Assembly shall make
14 available suitable copies of this resolution for distribution to
15 Members of the Legislature.

O

Date of Hearing: June 21, 2018

ASSEMBLY COMMITTEE ON RULES
Ken Cooley, Chair
ACR 252 (Cooley) – As Introduced June 11, 2018

SUBJECT: The 4th of July.

SUMMARY: Recognizes July 4, 2018 as the 242nd anniversary of the birth of the United States of America and the signing of the Declaration of Independence. Specifically, **this resolution** makes the following legislative findings:

- 1) July 4, 2018, marks the 242nd anniversary of the signing of the Declaration of Independence, and by the adoption of that document formally titled, “The unanimous Declaration of the thirteen United States of America”, the nation we today know as the United States of America officially came into being. This occasion was memorialized by President Abraham Lincoln in the words of his Gettysburg Address as when “...our fathers brought forth upon this continent a new nation, conceived in liberty, and dedicated to the proposition that all men are created equal.”
- 2) On June 7, 1776, Richard Henry Lee brought forth a resolution which resolved that the colonies should be “free and independent states...and that all political connection between them and the state of Great Britain, is, and ought to be, totally dissolved....” After several days of debate, a "Committee of Five", which included Thomas Jefferson of Virginia, John Adams of Massachusetts, Benjamin Franklin of Pennsylvania, Robert R. Livingston of New York, and Roger Sherman of Connecticut, was charged with drafting a declaration of independence for consideration by the Continental Congress.
- 3) On July 4, 1776, after much debate and changes to the committee document, the Continental Congress adopted the Declaration of Independence establishing the United States of America; and, John Hancock signed the declaration that day with 55 other delegates representing the 13 colonies – now states of the newly created nation – signing within the next several weeks.
- 4) Since its adoption, the Declaration of Independence has inspired persons around the world to pursue freedom in their own nations. Americans must rededicate themselves just as the drafters and signers of the Declaration of Independence did more than two centuries ago.
- 5) On this and every July Fourth, it is proper and fitting that all Californians express gratitude and indebtedness to those who have served in the Armed Forces of the United States, and in particular, to those who have suffered injuries and who have made the ultimate sacrifice in protecting freedom and liberty around the world.

FISCAL EFFECT: None

REGISTERED SUPPORT / OPPOSITION:

Support

None on file

Opposition

None on file

Analysis Prepared by: Nicole Willis / RLS. / (916) 319-2800

Assembly Concurrent Resolution

No. 257

Introduced by Assembly Member Weber

June 18, 2018

Assembly Concurrent Resolution No. 257—Relative to Uterine Fibroids Awareness Month.

LEGISLATIVE COUNSEL’S DIGEST

ACR 257, as introduced, Weber. Uterine Fibroids Awareness Month.

This measure would proclaim the month of July 2018 as Uterine Fibroids Awareness Month in California and would recognize the need for greater research, treatment, and care options regarding uterine fibroids.

Fiscal committee: no.

1 WHEREAS, Uterine fibroids are the most common
2 noncancerous tumors that grow in the walls of the uterus (womb)
3 in women of childbearing age, with no scientific confirmation of
4 what causes the tumors; and

5 WHEREAS, Uterine fibroids may cause significant morbidity
6 through their presence in the uterus and pelvic cavity. Symptoms
7 of uterine fibroids include significant pelvic pain, abnormal uterine
8 bleeding, reproductive dysfunction, miscarriages, early labor, and
9 even infertility; and

10 WHEREAS, The pain, discomfort, stress, and other physical
11 and emotional symptoms of living with uterine fibroids may
12 significantly interfere with a woman’s quality of life, compromise
13 her ability to function normally, work, or care for her family, and
14 lead to more severe health and wellness issues; and

1 WHEREAS, Uterine fibroids are the most prevalent medical
2 condition affecting women, with an estimated 30 percent of women
3 developing a uterine fibroid by 35 years of age, and 80 percent of
4 women developing a uterine fibroid by 50 years of age; and

5 WHEREAS, The exact number of affected women is unknown,
6 as detection and diagnosis are difficult. Only one out of four
7 women who have a uterine fibroid tumor exhibits symptoms severe
8 enough to require treatment; and

9 WHEREAS, To properly diagnose uterine fibroids, access to
10 health care is essential, as screening tests could include ultrasounds,
11 magnetic resonance imaging, X-rays, and computerized
12 tomography (CT) scans. Beyond diagnosis, surgery options include
13 a myomectomy, which could potentially yield conception and
14 full-term pregnancy complications, or a hysterectomy, which would
15 make a woman unable to bear children. Invasive procedures like
16 a myomectomy, however, are not recommended for women who
17 want to conceive; and

18 WHEREAS, Fertility support, which is very common for women
19 with uterine fibroids, is strongly contingent upon premium health
20 care coverage. Lack of health care can strongly impact early
21 detection, surgery options, and access to fertility support.
22 Collectively, the side effects of uterine fibroids, invasive surgery
23 options, and fertility issues considerably impact mental health and
24 economic status due to missed work days and lost wages; and

25 WHEREAS, According to a study published in 2011, uterine
26 fibroid tumors were estimated to cost the United States \$5.9 billion
27 to \$34.4 billion annually with an estimated annual lost work cost
28 of \$1.6 billion to \$17.2 billion through absenteeism and short-term
29 disability in women between 25 and 54 years of age, inclusive;
30 and

31 WHEREAS, The overall incidence of uterine fibroids is
32 estimated to disproportionately and more severely impact African
33 American and Hispanic women, resulting in an incidence rate that
34 is three times greater in African American women and two times
35 greater in Hispanic women compared to Caucasian women; and

36 WHEREAS, The differences in the incidence rates and the
37 magnitude of the condition of uterine fibroids could be impacted
38 by differences in access and use of health care services; and

39 WHEREAS, The State Department of Health Care Services and
40 the State Department of Public Health, through a focus on women's

1 health, encourage education and research on the condition to
2 increase knowledge of uterine fibroids, improve methods of
3 treatment, and develop an alternative to hysterectomies; and

4 WHEREAS, Observation of Uterine Fibroids Awareness Month
5 in the month of July 2018 can assist in the aforementioned efforts,
6 support and encourage women to engage in healthy dialogue, and
7 promote a positive community; and

8 WHEREAS, Florida, Georgia, Maryland, New York,
9 Pennsylvania, South Carolina, Virginia, Washington, D.C., and
10 New Orleans, Louisiana, recognize Uterine Fibroids Awareness
11 Month in July; and

12 WHEREAS, Public awareness and education campaigns on
13 uterine fibroids prevention, screening, and symptoms are held
14 during the month of July each year; and

15 WHEREAS, The San Diego Alumnae Chapter of Delta Sigma
16 Theta Sorority, Inc., as part of its five-point programmatic thrust,
17 conducted physical and mental health events in the City of San
18 Diego, including a free Women's Health Forum on Uterine
19 Fibroids. Its desire to expand awareness of the condition beyond
20 the chapter's region resulted in this statewide resolution; now,
21 therefore, be it

22 *Resolved by the Assembly of the State of California, the Senate*
23 *thereof concurring*, That the Legislature hereby proclaims the
24 month of July 2018 as Uterine Fibroids Awareness Month in
25 California, recognizing the disparity in incidence rates among
26 African American and Hispanic patients of uterine fibroids, and
27 the need for greater research, treatment, and care options regarding
28 uterine fibroids; and be it further

29 *Resolved*, That the Chief Clerk of the Assembly transmit copies
30 of this resolution to the author for appropriate distribution.

O

Date of Hearing: June 21, 2018

ASSEMBLY COMMITTEE ON RULES
Ken Cooley, Chair
ACR 257 (Weber) – As Introduced June 18, 2018

SUBJECT: Uterine Fibroids Awareness Month.

SUMMARY: Proclaims the month of July 2018 as Uterine Fibroids Awareness Month in California and recognizes the need for greater research, treatment, and care options regarding uterine fibroids. Specifically, **this resolution** makes the following legislative findings:

- 1) Uterine fibroids are the most common noncancerous tumors that grow in the walls of the uterus in women of childbearing age, with no scientific confirmation of what causes the tumors.
- 2) The pain, discomfort, stress, and other physical and emotional symptoms of living with uterine fibroids may significantly interfere with a woman's quality of life, compromise her ability to function normally, work, or care for her family, and lead to more severe health and wellness issues.
- 3) Uterine fibroids are the most prevalent medical condition affecting women, with an estimated 30 percent of women developing a uterine fibroid by 35 years of age, and 80 percent of women developing a uterine fibroid by 50 years of age.
- 4) The exact number of affected women is unknown, as detection and diagnosis are difficult. Only one out of four women who have a uterine fibroid tumor exhibits symptoms severe enough to require treatment; and, the overall incidence of uterine fibroids is estimated to disproportionately and more severely impact African American and Hispanic women resulting in an incidence rate that is three times greater in African American women and two times greater in Hispanic women compared to Caucasian women.
- 5) According to a study published in 2011, uterine fibroid tumors were estimated to cost the United States \$5.9 billion to \$34.4 billion annually with an estimated annual lost work cost of \$1.6 billion to \$17.2 billion through absenteeism and short-term disability in women between 25 and 54 years of age.
- 6) The State Department of Health Care Services and the State Department of Public Health, through a focus on women's health, encourage education and research on the condition to increase knowledge of uterine fibroids, improve methods of treatment, and develop an alternative to hysterectomies; and, public awareness and education campaigns on uterine fibroids prevention, screening, and symptoms are held during the month of July each year.

FISCAL EFFECT: None

REGISTERED SUPPORT / OPPOSITION:

Support

None on file

Opposition

None on file

Analysis Prepared by: Nicole Willis / RLS. / (916) 319-2800

AMENDED IN ASSEMBLY JUNE 4, 2018

AMENDED IN SENATE MARCH 16, 2017

SENATE BILL

No. 175

Introduced by Senator McGuire

January 23, 2017

An act to amend Sections ~~19332.5 and 26063 of the Business and Professions Code, relating to marijuana: 6500, 6509, and 7505 of, and to add Section 7502.6 to, the Welfare and Institutions Code, relating to developmental services.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 175, as amended, McGuire. ~~Marijuana: county of origin: marketing and advertising. Developmental services: Canyon Springs Community Facility.~~

Existing law authorizes a court, if the court finds that a person has a developmental disability, and is a danger to himself, herself, or to others, to make an order that the person be committed to the State Department of Developmental Services for suitable treatment and habilitation services, as specified.

This bill would authorize a court to order, until June 30, 2021, the commitment of an individual who meets specified criteria for admission due to an acute crisis, as defined, to a separate and distinct unit of Canyon Springs Community Facility. The bill would make other conforming changes.

~~The Medical Cannabis Regulation and Safety Act (MCRSA) provides for the licensure and regulation of medical marijuana, for 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, for which responsibility is also generally divided between those same state entities. Both MCRSA and AUMA prohibit the use of the name of a California county in the labeling, marketing, or packaging of medical marijuana products or nonmedical marijuana products unless the marijuana contained in the product was grown in that county.~~

~~This bill would specify that those prohibitions also apply to the advertising of marijuana and include the use of any similar sounding name that is likely to mislead consumers as to the origin of the product.~~

~~AUMA authorizes the Legislature to amend specified substantive provisions by a majority vote if it is implementing those provisions, provided that the amendments are consistent with and further the purposes and intent of AUMA.~~

~~This bill would state that the Legislature finds and declares that this act implements substantive provisions of AUMA and is consistent with, and furthers the purposes and intent of, AUMA.~~

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

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

1 SECTION 1. Section 6500 of the Welfare and Institutions Code
2 is amended to read:
3 6500. (a) For purposes of this article, the following definitions
4 shall apply:
5 (1) “Dangerousness to self or others” shall include, but not be
6 limited to, a finding of incompetence to stand trial pursuant to the
7 provisions of Chapter 6 (commencing with Section 1367) of Title
8 10 of Part 2 of the Penal Code when the defendant has been charged
9 with murder, mayhem, aggravated mayhem, a violation of Section
10 207, 209, or 209.5 of the Penal Code in which the victim suffers
11 intentionally inflicted great bodily injury, robbery perpetrated by
12 torture or by a person armed with a dangerous or deadly weapon
13 or in which the victim suffers great bodily injury, carjacking
14 perpetrated by torture or by a person armed with a dangerous or
15 deadly weapon or in which the victim suffers great bodily injury,
16 a violation of subdivision (b) of Section 451 of the Penal Code, a

1 violation of paragraph (1) or (2) of subdivision (a) of Section 262
2 or paragraph (2) or (3) of subdivision (a) of Section 261 of the
3 Penal Code, a violation of Section 288 of the Penal Code, any of
4 the following acts when committed by force, violence, duress,
5 menace, fear of immediate and unlawful bodily injury on the victim
6 or another person: a violation of paragraph (1) or (2) of subdivision
7 (a) of Section 262 of the Penal Code, a violation of Section 264.1,
8 286, or 288a of the Penal Code, or a violation of subdivision (a)
9 of Section 289 of the Penal Code; a violation of Section 459 of
10 the Penal Code in the first degree, assault with intent to commit
11 murder, a violation of Section 220 of the Penal Code in which the
12 victim suffers great bodily injury, a violation of Section 18725,
13 18740, 18745, 18750, or 18755 of the Penal Code, or if the
14 defendant has been charged with a felony involving death, great
15 bodily injury, or an act which poses a serious threat of bodily harm
16 to another person.

17 (2) “Developmental disability” shall have the same meaning as
18 defined in subdivision (a) of Section 4512.

19 (b) (1) A person with a developmental disability may be
20 committed to the State Department of Developmental Services for
21 residential placement other than in a state developmental center
22 or state-operated community facility, as provided in subdivision
23 (a) of Section 6509, if he or she is found to be a danger to himself,
24 herself, or others.

25 (A) Any order of commitment made pursuant to this paragraph
26 shall expire automatically one year after the order of commitment
27 is made.

28 (B) This paragraph shall not be construed to prohibit any party
29 enumerated in Section 6502 from filing subsequent petitions for
30 additional periods of commitment. In the event subsequent petitions
31 are filed, the procedures followed shall be the same as with the
32 initial petition for commitment.

33 (2) A person with a developmental disability shall not be
34 committed to the State Department of Developmental Services for
35 placement in a state developmental center or state-operated
36 community facility pursuant to this article unless he or she meets
37 the criteria for admission to a developmental center pursuant to
38 paragraph ~~(2) or (3)~~ (2), (3), or (4) of subdivision (a) of Section
39 7505 and is dangerous to self or others or he or she currently is a
40 resident of a state developmental center or state-operated

1 community facility pursuant to an order of commitment made
2 pursuant to this article prior to July 1, 2012, and is being
3 recommitted pursuant to paragraph (4) of this subdivision.

4 (3) If the person with a developmental disability is in the care
5 or treatment of a state hospital, developmental center, or other
6 facility at the time a petition for commitment is filed pursuant to
7 this article, proof of a recent overt act while in the care and
8 treatment of a state hospital, developmental center, or other facility
9 is not required in order to find that the person is a danger to self
10 or others.

11 (4) In the event subsequent petitions are filed with respect to a
12 resident of a state developmental center or a state-operated
13 community facility committed prior to July 1, 2012, the procedures
14 followed and criteria for recommitment shall be the same as with
15 the initial petition for commitment.

16 (5) In any proceedings conducted under the authority of this
17 article, the person alleged to have a developmental disability shall
18 be informed of his or her right to counsel by the court, and if the
19 person does not have an attorney for the proceedings, the court
20 shall immediately appoint the public defender or other attorney to
21 represent him or her. The person shall pay the cost for the legal
22 services if he or she is able to do so. At any judicial proceeding
23 under the provisions of this article, allegations that a person has a
24 developmental disability and is dangerous to himself or herself or
25 to others shall be presented by the district attorney for the county
26 unless the board of supervisors, by ordinance or resolution,
27 delegates this authority to the county counsel. The clients' rights
28 advocate for the regional center may attend any judicial
29 proceedings to assist in protecting the individual's rights.

30 (c) (1) Any order of commitment made pursuant to this article
31 with respect to a person described in paragraph (3) of subdivision
32 (a) of Section 7505 shall expire automatically one year after the
33 order of commitment is made. This section shall not be construed
34 to prohibit any party enumerated in Section 6502 from filing
35 subsequent petitions for additional periods of commitment. In the
36 event subsequent petitions are filed, the procedures followed shall
37 be the same as with an initial petition for commitment.

38 (2) Any order of commitment made pursuant to this article on
39 or after July 1, 2012, with respect to the admission to a
40 developmental center of a person described in paragraph (2) of

subdivision (a) of Section 7505 shall expire automatically six months after the earlier of the order of commitment pursuant to this section or the order of a placement in a developmental center pursuant to Section 6506, unless the regional center, prior to the expiration of the order of commitment, notifies the court in writing of the need for an extension. The required notice shall state facts demonstrating that the individual continues to be in acute crisis as defined in paragraph (1) of subdivision (d) of Section 4418.7 and the justification for the requested extension, and shall be accompanied by the comprehensive assessment and plan described in subdivision (e) of Section 4418.7. An order granting an extension shall not extend the total period of commitment beyond one year, including any placement in a developmental center pursuant to Section 6506. If, prior to expiration of one year, the regional center notifies the court in writing of facts demonstrating that, due to circumstances beyond the regional center's control, the placement cannot be made prior to expiration of the extension, and the court determines that good cause exists, the court may grant one further extension of up to 30 days. The court may also issue any orders the court deems appropriate to ensure that necessary steps are taken to ensure that the individual can be safely and appropriately transitioned to the community in a timely manner. The required notice shall state facts demonstrating that the regional center has made significant progress implementing the plan described in subdivision (e) of Section 4418.7 and that extraordinary circumstances exist beyond the regional center's control that have prevented the plan's implementation. ~~Nothing in this paragraph precludes~~ This paragraph does not preclude the individual or any person acting on his or her behalf from making a request for release pursuant to Section 4800, or counsel for the individual from filing a petition for habeas corpus pursuant to Section 4801. Notwithstanding subdivision (a) of Section 4801, for purposes of this paragraph, judicial review shall be in the superior court of the county that issued the order of commitment pursuant to this section.

SEC. 2. Section 6509 of the Welfare and Institutions Code is amended to read:

6509. (a) If the court finds that the person has a developmental disability, and is a danger to himself, herself, or to others, the court may make an order that the person be committed to the State Department of Developmental Services for suitable

1 treatment and habilitation services. Suitable treatment and
2 habilitation services is defined as the least restrictive residential
3 placement necessary to achieve the purposes of treatment. Care
4 and treatment of a person committed to the State Department of
5 Developmental Services may include placement in any of the
6 following:

7 (1) Any licensed community care facility, as defined in Section
8 1502 of the Health and Safety Code, or any health facility, as
9 defined in Section 1250 of the Health and Safety Code, other than
10 a developmental center or state-operated facility.

11 (2) The acute crisis center at Fairview Developmental Center,
12 if the person meets the criteria for admission pursuant to paragraph
13 (2) of subdivision (a) of Section 7505.

14 (3) On or after January 1, 2015, the acute crisis center at Sonoma
15 Developmental Center, if the person meets the criteria for
16 admission pursuant to paragraph (2) of subdivision (a) of Section
17 7505.

18 (4) The secure treatment program at Porterville Developmental
19 Center, if the person meets the criteria for admission pursuant to
20 paragraph (3) of subdivision (a) of Section 7505.

21 (5) *Canyon Springs Community Facility, if the person meets*
22 *the criteria for admission pursuant to paragraph (4) of subdivision*
23 *(a) of Section 7505.*

24 ~~(5)~~

25 (6) Any other appropriate placement permitted by law.

26 (b) (1) The court shall hold a hearing as to the available
27 placement alternatives and consider the reports of the regional
28 center director or designee and the developmental center director
29 or designee submitted pursuant to Section 6504.5. After hearing
30 all the evidence, the court shall order that the person be committed
31 to the placement that the court finds to be the most appropriate
32 and least restrictive alternative. If the court finds that release of
33 the person can be made subject to conditions that the court deems
34 proper and adequate for the protection and safety of others and the
35 welfare of the person, the person shall be released subject to those
36 conditions.

37 (2) The court, however, may commit a person with a
38 developmental disability who is not a resident of this state under
39 Section 4460 for the purpose of transportation of the person to the
40 state of his or her legal residence pursuant to Section 4461. The

1 State Department of Developmental Services shall receive the
2 person committed to it and shall place the person in the placement
3 ordered by the court.

4 (c) If the person has at any time been found mentally
5 incompetent pursuant to Chapter 6 (commencing with Section
6 1367) of Title 10 of Part 2 of the Penal Code arising out of a
7 complaint charging a felony offense specified in Section 290 of
8 the Penal Code, the court shall order the State Department of
9 Developmental Services to give notice of that finding to the
10 designated placement facility and the appropriate law enforcement
11 agency or agencies having local jurisdiction at the site of the
12 placement facility.

13 (d) For persons residing in the secure treatment program at the
14 Porterville Developmental Center, at the person's annual individual
15 program plan meeting the team shall determine if the person should
16 be considered for transition from the secure treatment program to
17 an alternative placement. If the team concludes that an alternative
18 placement is appropriate, the regional center, in coordination with
19 the developmental center, shall conduct a comprehensive
20 assessment and develop a proposed plan to transition the individual
21 from the secure treatment program to the community. The transition
22 plan shall be based upon the individual's needs, developed through
23 the individual program plan process, and shall ensure that needed
24 services and supports will be in place at the time the individual
25 moves. Individual supports and services shall include, when
26 appropriate for the individual, wrap-around services through
27 intensive individualized support services. The clients' rights
28 advocate for the regional center shall be notified of the individual
29 program plan meeting and may participate in the meeting unless
30 the consumer objects on his or her own behalf. The individual's
31 transition plan shall be provided to the court as part of the notice
32 required pursuant to subdivision (e).

33 (e) If the State Department of Developmental Services decides
34 that a change in placement is necessary, it shall notify, in writing,
35 the court of commitment, the district attorney, the attorney of
36 record for the person, and the regional center of its decision at least
37 15 days in advance of the proposed change in placement. The court
38 may hold a hearing and (1) approve or disapprove of the change,
39 or (2) take no action in which case the change shall be deemed

1 approved. At the request of the district attorney or of the attorney
2 for the person, a hearing shall be held.

3 *SEC. 3. Section 7502.6 is added to the Welfare and Institutions*
4 *Code, to read:*

5 *7502.6. (a) Notwithstanding any other law or regulation,*
6 *commencing with the effective date of this section and until June*
7 *30, 2021, a court may order the commitment of an individual to a*
8 *separate and distinct unit of Canyon Springs Community Facility,*
9 *as provided in paragraph (4) of subdivision (a) of Section 7505.*
10 *No more than ten beds at the facility shall be designated for this*
11 *purpose.*

12 *(b) Prior to admission to Canyon Springs Community Facility*
13 *of an individual meeting the criteria of paragraph (4) of subdivision*
14 *(a) of Section 7505, the regional center and regional resource*
15 *development project shall follow the preadmission procedures,*
16 *including notification and assessment procedures, specified in*
17 *subdivisions (a) to (c), inclusive, of Section 4418.7. Upon*
18 *admission, the postadmission procedures and timelines specified*
19 *in subdivision (e) of Section 4418.7 will apply.*

20 *SEC. 4. Section 7505 of the Welfare and Institutions Code is*
21 *amended to read:*

22 *7505. (a) Notwithstanding any other law, the State Department*
23 *of Developmental Services shall not admit anyone to a*
24 *developmental center unless the person has been determined*
25 *eligible for services under Division 4.5 (commencing with Section*
26 *4500) and the person is any of the following:*

27 *(1) An adult committed by a court to Porterville Developmental*
28 *Center, secure treatment program, pursuant to Section 1370.1 of*
29 *the Penal Code.*

30 *(2) Committed by a court to the acute crisis center at Fairview*
31 *Developmental Center, or the acute crisis center at Sonoma*
32 *Developmental Center, pursuant to Article 2 (commencing with*
33 *Section 6500) of Chapter 2 of Part 2 of Division 6 due to an acute*
34 *crisis, pursuant to Section 4418.7.*

35 *(3) An adult committed by a court to Porterville Developmental*
36 *Center, secure treatment program, pursuant to Article 2*
37 *(commencing with Section 6500) of Chapter 2 of Part 2 of Division*
38 *6 as a result of involvement with the criminal justice system, and*
39 *the court has determined the person is mentally incompetent to*
40 *stand trial.*

1 (4) A person committed by a court on or before June 30, 2021,
2 to Canyon Springs Community Facility pursuant to Article 2
3 (commencing with Section 6500) of Chapter 2 of Part 2 of Division
4 6 who otherwise meets the criteria for admission described in
5 Section 4418.7 due to an acute crisis, as defined in paragraph (1)
6 of subdivision (d) of Section 4418.7.

7 ~~(4)~~

8 (5) A person described in Section 4508.

9 (b) Under no circumstances shall the State Department of
10 Developmental Services admit a person to a developmental center
11 after July 1, 2012, as a result of a criminal conviction or when the
12 person is competent to stand trial for the criminal offense and the
13 admission is ordered in lieu of trial.

14 ~~SECTION 1. Section 19332.5 of the Business and Professions~~
15 ~~Code is amended to read:~~

16 ~~19332.5. (a) Not later than January 1, 2020, the Department~~
17 ~~of Food and Agriculture shall make available a certified organic~~
18 ~~designation and organic certification program for medical cannabis~~
19 ~~cultivation, if permitted under federal law and the National Organic~~
20 ~~Program (Section 6517 of the federal Organic Foods Production~~
21 ~~Act of 1990 (7 U.S.C. Sec. 6501 et seq.)), and Article 7~~
22 ~~(commencing with Section 110810) of Chapter 5 of Part 5 of~~
23 ~~Division 104 of the Health and Safety Code.~~

24 ~~(b) The Department of Food and Agriculture may establish~~
25 ~~appellations of origin for cannabis grown in California.~~

26 ~~(c) It is unlawful for medical cannabis to be advertised,~~
27 ~~marketed, labeled, or sold as grown in a California county when~~
28 ~~the medical cannabis was not grown in that county.~~

29 ~~(d) It is unlawful to use the name of a California county,~~
30 ~~including any similar sounding name that is likely to mislead~~
31 ~~consumers as to the origin of the product, in the advertising,~~
32 ~~labeling, marketing, or packaging of medical cannabis products~~
33 ~~unless the product was grown in that county.~~

34 ~~SEC. 2. Section 26063 of the Business and Professions Code~~
35 ~~is amended to read:~~

36 ~~26063. (a) The bureau shall establish standards for recognition~~
37 ~~of a particular appellation of origin applicable to marijuana grown~~
38 ~~or cultivated in a certain geographical area in California.~~

1 ~~(b) Marijuana shall not be advertised, marketed, labeled, or sold~~
2 ~~as grown in a California county when the marijuana was not grown~~
3 ~~in that county.~~

4 ~~(c) The name of a California county, including any similar name~~
5 ~~that is likely to mislead consumers as to the origin of the product,~~
6 ~~shall not be used in the advertising, labeling, marketing, or~~
7 ~~packaging of marijuana products unless the marijuana contained~~
8 ~~in the product was grown in that county.~~

9 ~~SEC. 3. The Legislature finds and declares that Section 2 of~~
10 ~~this act implements substantive provisions of the Control, Regulate~~
11 ~~and Tax Adult Use of Marijuana Act and is consistent with and~~
12 ~~further the purposes and intent of the Control, Regulate and Tax~~
13 ~~Adult Use of Marijuana Act.~~

O

California State Senate

SENATOR MIKE MCGUIRE

NORTHERN CALIFORNIA'S SECOND SENATE DISTRICT



RECEIVED
ASSEMBLY RULES
2018 JUN -4 P 12:49

June 4, 2018

Chairman Ken Cooley
Assembly Committee on Rules
California State Capitol, Room 3016
Sacramento, CA 95814

RE: Urgency Clause Request – SB 175 (McGuire)

Dear Chairman Cooley,

Since 2012, there has been a statutory moratorium on admissions to state institutions for individuals with developmental disabilities except in specified circumstances. Individuals who are experiencing an acute crisis, as described in section 4418.7 of the Welfare & Institutions (W&I) Code, may be judicially admitted to the acute crisis residences at Sonoma Developmental Center or Fairview Developmental Center (referred to as STAR residences). (W&I Code § 7505(a)(2).) The STAR residences provide mental health treatment for stabilization, and all necessary services and supports to prepare the individual for transition either back to their prior residence or to another less restrictive environment. Acute crisis admissions are limited to a maximum of 13 months.

Each of the STAR residences has a capacity of five beds. At most times, the STAR residences are at capacity and, currently, there are 18 individuals on the referral list. When there are no vacancies, many individuals referred are instead admitted to or have remained in Institutions for Mental Disease or other locked psychiatric facilities. These facilities do not typically offer the active treatment or transition planning appropriate to individuals with developmental disabilities.

In May 2017, the Department of Developmental Services released the Plan for Crisis and Other Safety Net Services (Safety Net Plan), providing a person-centered and culturally sensitive framework to broaden the continuum of services for individuals with challenging service needs, including those experiencing acute crises. Many resources are being developed to increase system capacity for individuals in need of higher levels of services and supports, including private and state-operated community crisis homes. Currently, for example, there are 17 community crisis homes with a capacity to serve 71 individuals in various stages of development. Development of such safety net service options takes time, however, and until they are completed there is an immediate, urgent, statewide need for more resources to help


Chairman Ken Cooley
June 4, 2018
Page 2

stabilize individuals in crisis. While the need for the option to utilize the state-operated Canyon Springs Community Facility for individuals experiencing acute crises is urgent and immediate, it is expected to be relatively short-term.

For that reason, the proposed language for SB 175 includes both an urgency clause and an end date for the authority of the courts to admit individuals to Canyon Springs to bridge the gap between the current demand for acute crisis services and the planned expansion of services through the Safety Net Plan.

Thank you for your consideration, and please feel free to contact me at 916.651.4002 if you have any questions.

Warmest Regards,



MIKE McGUIRE
Senator

AMENDED IN ASSEMBLY JUNE 18, 2018

SENATE BILL

No. 311

Introduced by Senator Pan

February 13, 2017

An act to amend Section ~~19326~~ *26110* of the Business and Professions Code, relating to ~~cannabis and marijuana~~; *cannabis*.

LEGISLATIVE COUNSEL'S DIGEST

SB 311, as amended, Pan. ~~Medical cannabis and nonmedical marijuana; testing by a licensee. Commercial cannabis activity: licensed distributors.~~

Existing law, the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA), provides for the licensure and regulation of commercial cannabis activity. Existing law requires a licensed distributor to arrange for a testing laboratory to obtain a representative sample of each cannabis batch at the distributor's premises for testing and, upon issuance of a certificate of analysis by a licensed testing laboratory, conduct a quality assurance review before distribution to ensure the labeling and packaging conform to the legal requirements. Existing law authorizes cannabis and cannabis products fit for sale be transported only from the distributor's premises to the premises of a licensed retailer, microbusiness, or nonprofit.

This bill would authorize a licensed distributor to transport cannabis or cannabis products that are fit for sale to the premises of another licensed distributor.

~~Existing law, the Medical Cannabis Regulation and Safety Act and the Adult Use of Marijuana Act, requires all cultivators, manufacturers, and licensees holding a producing dispensary license in addition to a cultivation or manufacturing license to send all medical cannabis,~~

~~medical cannabis products, marijuana, and marijuana products cultivated or manufactured to a distributor for presale quality assurance and inspection by a distributor and for a batch testing by a testing laboratory prior to distribution to a dispensary or retailer. Existing law authorizes a licensee to perform testing on the licensee's premises for the purposes of quality assurance of the product in conjunction with reasonable business operations.~~

~~This bill would also authorize a licensee to perform testing on the licensee's premises of cannabis or cannabis products obtained from another licensee for the purpose of quality assurance. The bill would specify that onsite testing does not exempt the licensee from the existing requirements of quality assurance testing by a distributor and testing laboratory.~~

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 26110 of the Business and Professions*
- 2 *Code is amended to read:*
- 3 26110. (a) Cannabis batches are subject to quality assurance
- 4 and testing prior to sale at a retailer, microbusiness, or nonprofit
- 5 licensed under Section 26070.5, except for immature cannabis
- 6 plants and seeds, as provided for in this division.
- 7 (b) A licensee that holds a valid distributor license may act as
- 8 the distributor for the licensee's cannabis and cannabis products.
- 9 (c) The distributor shall store, as determined by the bureau, the
- 10 cannabis batches on the premises of the distributor before testing
- 11 and continuously until either of the following occurs:
- 12 (1) The cannabis batch passes the testing requirements pursuant
- 13 to this division and is transported to a licensed ~~retailer.~~ *retailer or*
- 14 *to another licensed distributor.*
- 15 (2) The cannabis batch fails the testing requirements pursuant
- 16 to this division and is destroyed or transported to a manufacturer
- 17 for remediation as allowed by the bureau or the Department of
- 18 Public Health.
- 19 (d) The distributor shall arrange for a testing laboratory to obtain
- 20 a representative sample of each cannabis batch at the distributor's
- 21 licensed premises. After obtaining the sample, the testing laboratory

1 representative shall maintain custody of the sample and transport
2 it to the testing laboratory.

3 (e) Upon issuance of a certificate of analysis by the testing
4 laboratory that the cannabis batch has passed the testing
5 requirements pursuant to this division, the distributor shall conduct
6 a quality assurance review before distribution to ensure the labeling
7 and packaging of the cannabis and cannabis products conform to
8 the requirements of this division.

9 (f) (1) There shall be a quality assurance compliance monitor
10 who is an employee or contractor of the bureau and who shall not
11 hold a license in any category or own or have an ownership interest
12 in a licensee or the premises of a licensee.

13 (2) The quality assurance compliance monitor shall conduct
14 random quality assurance reviews at a distributor's licensed
15 premises before distribution to ensure the labeling and packaging
16 of the cannabis and cannabis products conform to the requirements
17 of this division.

18 (3) The quality assurance compliance monitor shall have access
19 to all records and test results required of a licensee by law in order
20 to conduct quality assurance analysis and to confirm test results.
21 All records of inspection and verification by the quality assurance
22 compliance monitor shall be provided to the bureau. Failure to
23 comply shall be noted by the quality assurance compliance monitor
24 for further investigation. Violations shall be reported to the bureau.
25 The quality assurance compliance monitor shall also verify the tax
26 payments collected and paid under Sections 34011 and 34012 of
27 the Revenue and ~~Tax~~ *Taxation* Code are accurate. The monitor
28 shall also have access to the inputs and assumptions in the track
29 and trace system and shall be able to verify ~~the~~ *their* accuracy ~~of~~
30 ~~those~~ and that they are commensurate with the tax payments.

31 (g) After testing, all cannabis and cannabis products fit for sale
32 may be transported only from the distributor's premises to the
33 premises of *another licensed distributor or* a licensed retailer,
34 microbusiness, or nonprofit.

35 (h) A licensee is not required to sell cannabis or cannabis
36 products to a distributor and may directly contract for sale with a
37 licensee authorized to sell cannabis and cannabis products to
38 purchasers.

39 (i) A distributor performing services pursuant to this section
40 may collect a fee from the licensee for the services provided. The

1 fee may include, but is not limited to, the costs incurred for
2 laboratory testing. A distributor may also collect applicable state
3 or local taxes and fees.

4 (j) This section does not prohibit a licensee from performing
5 testing on the licensee's premises for the purposes of quality
6 assurance of the product in conjunction with reasonable business
7 operations. The testing conducted on the licensee's premises by
8 the licensee does not meet the testing requirements pursuant to
9 this division.

10 ~~SECTION 1. Section 19326 of the Business and Professions~~
11 ~~Code is amended to read:~~

12 ~~19326. (a) A person other than a transporter shall not transport~~
13 ~~medical cannabis or medical cannabis products from one licensee~~
14 ~~to another licensee, unless otherwise specified in this chapter.~~

15 ~~(b) (1) All cultivators, manufacturers, and licensees holding a~~
16 ~~producing dispensary license in addition to a cultivation or~~
17 ~~manufacturing license shall send all medical cannabis and medical~~
18 ~~cannabis products cultivated or manufactured to a distributor, as~~
19 ~~defined in Section 19300.5, for presale quality assurance and~~
20 ~~inspection by a distributor and for a batch testing by a testing~~
21 ~~laboratory prior to distribution to a dispensary.~~

22 ~~(2) Notwithstanding paragraph (1), a cultivator shall not be~~
23 ~~required to send medical cannabis to a distributor if the medical~~
24 ~~cannabis is to be used, sold, or otherwise distributed by methods~~
25 ~~approved pursuant to this chapter by a manufacturer for further~~
26 ~~manufacturing.~~

27 ~~(c) (1) Upon receipt of medical cannabis or medical cannabis~~
28 ~~products from a cultivator, manufacturer, or a licensee holding a~~
29 ~~producing dispensary license in addition to a cultivation or a~~
30 ~~manufacturing license, the distributor shall first inspect the product~~
31 ~~to ensure the identity and quantity of the product and ensure a~~
32 ~~random sample of the medical cannabis or medical cannabis~~
33 ~~product is tested by a testing laboratory.~~

34 ~~(2) Upon issuance of a certificate of analysis by the testing~~
35 ~~laboratory that the product is fit for dispensing medical cannabis~~
36 ~~and medical cannabis products shall undergo a quality assurance~~
37 ~~review by the distributor prior to distribution to ensure the quantity~~
38 ~~and content of the medical cannabis or medical cannabis product,~~
39 ~~and for tracking and taxation purposes by the state.~~

1 ~~(3) This section does not limit the ability of licensed cultivators,~~
2 ~~manufacturers, and dispensaries to directly enter into contracts~~
3 ~~with one another indicating the price and quantity of medical~~
4 ~~cannabis or medical cannabis products to be distributed. However,~~
5 ~~a distributor responsible for executing the contract is authorized~~
6 ~~to collect a fee for the services rendered, including, but not limited~~
7 ~~to, costs incurred by a testing laboratory, as well as applicable state~~
8 ~~or local taxes and fees.~~

9 ~~(d) Medical cannabis and medical cannabis products shall be~~
10 ~~tested by a licensed testing laboratory, prior to dispensing, pursuant~~
11 ~~to Section 19344.~~

12 ~~(e) This chapter does not prohibit a licensee from performing~~
13 ~~testing on the licensee's premises for the purposes of quality~~
14 ~~assurance of the product in conjunction with reasonable business~~
15 ~~operations. This chapter also does not prohibit a licensee from~~
16 ~~performing testing on the licensee's premises of cannabis or~~
17 ~~cannabis products obtained from another licensee for the purpose~~
18 ~~of quality assurance. Onsite testing by the licensee shall not be~~
19 ~~certified by the Bureau of Marijuana Control and does not exempt~~
20 ~~the licensee from the requirements of quality assurance testing at~~
21 ~~a testing laboratory pursuant to this section.~~

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California State Senate

SENATOR
DR. RICHARD PAN
SIXTH SENATE DISTRICT



CHAIR
PUBLIC EMPLOYMENT
& RETIREMENT
BUDGET SUBCOMMITTEE
#3 ON HEALTH AND
HUMAN SERVICES
COMMITTEES
AGRICULTURE
BUDGET & FISCAL REVIEW
EDUCATION
BUSINESS, PROFESSIONS
& ECONOMIC DEVELOPMENT

June 15, 2018

Honorable Ken Cooley
Assembly Rules Committee
State Capitol Room 3016
Sacramento, CA 95814

RE: Adding an urgency clause to SB 311

Dear Assemblymember Cooley:

I respectfully request that an urgency clause is added to SB 311, which was recently amended. A strict interpretation of current statute outlined in section 26110 (g) of the Business and Professions Code will prevent cannabis products to go from one licensed distributor to another licensed distributor after the point of quality verification and testing. Preventing this was not intended when the original Act was written, and this amendment will clarify that cannabis products may move from one distributor or another after quality verification and testing.

The cannabis supply chain depends on multiple points of distribution to efficiently bring product to market. Partnerships between distributors allow distributors to specialize in critical supply chain functions necessary for an efficient marketplace and represents a large percentage of transactions today.

Without the ability to move products freely through a network of distributors, there will be significant bottlenecks in supply reaching the retail market and significant hardship for licensed producers. An urgency clause is necessary to avoid a significant stall in the transfer and sale of products through the cannabis supply chain. Without this clarification in statute applied this year, the Bureau of Cannabis Control would be in a position to potentially enforce with penalties against licensed distributors who depend on distribution to distribution transfers in order to satisfy regulated market demands. Clarification prior to January 1, 2019 would prevent an unnecessary enforcement burden on the Bureau.

Thank you for your consideration. If you need further assistance, please do not hesitate to reach out to Elissa Ouchida in my office at 916-651-4006.

Sincerely,

A handwritten signature in blue ink, appearing to read "Dr. Richard Pan".

Dr. Richard Pan
State Senator, Sixth District