

**ASSEMBLY BILL**

**No. 243**

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**Introduced by Assembly Member Wood**

February 5, 2015

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An act to add Section 11362.769 to the Health and Safety Code, and to add Section 13276 to the Water Code, relating to medical marijuana.

LEGISLATIVE COUNSEL'S DIGEST

AB 243, as introduced, Wood. Medical marijuana cultivation.

Existing law, the Compassionate Use Act of 1996, an initiative measure enacted by the approval of Proposition 215 at the November 5, 1996, statewide general election, authorizes the use of marijuana for medical purposes. Existing law makes it a crime to plant, cultivate, harvest, dry, or process marijuana, except as otherwise authorized by law, such as the medical marijuana program.

This bill would 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, agricultural discharges, and similar matters. This bill would require state agencies to address environmental impacts of medical marijuana cultivation and coordinate with cities and counties and their law enforcement agencies in enforcement efforts.

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 to address discharges of waste resulting from medical marijuana cultivation and associated activities.

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 11362.769 is added to the Health and  
2 Safety Code, to read:

3 11362.769. Indoor and outdoor medical marijuana cultivation  
4 shall be conducted in accordance with state and local laws and  
5 best practices related to land conversion, grading, electricity usage,  
6 water usage, agricultural discharges, and similar matters. State  
7 agencies, including, but not limited to, the State Board of Forestry  
8 and Fire Protection, the Department of Fish and Wildlife, the State  
9 Water Resources Control Board, the California regional water  
10 quality control boards, and traditional state law enforcement  
11 agencies shall address environmental impacts of medical marijuana  
12 cultivation and shall coordinate with cities and counties and their  
13 law enforcement agencies in enforcement efforts.

14 SEC. 2. Section 13276 is added to the Water Code, to read:

15 13276. Each regional board shall address discharges of waste  
16 resulting from medical marijuana cultivation and associated  
17 activities, including by taking action pursuant to Section 13269.  
18 In addressing these discharges, each regional board shall include  
19 conditions to address items that include, but are not limited to, all  
20 of the following:

- 21 (a) Site development and maintenance, erosion control, and  
22 drainage features.
- 23 (b) Stream crossing installation and maintenance.
- 24 (c) Riparian and wetland protection and management.
- 25 (d) Soil disposal.
- 26 (e) Water storage and use.
- 27 (f) Irrigation runoff.
- 28 (g) Fertilizers and soil.
- 29 (h) Pesticides and herbicides.
- 30 (i) Petroleum products and other chemicals.
- 31 (j) Cultivation-related waste.
- 32 (k) Refuse and human waste.

- 1 (l) Cleanup, restoration, and mitigation.

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