

AMENDED IN SENATE SEPTEMBER 4, 2015  
AMENDED IN SENATE SEPTEMBER 1, 2015  
AMENDED IN SENATE AUGUST 17, 2015  
AMENDED IN SENATE JULY 13, 2015  
AMENDED IN SENATE JUNE 30, 2015  
AMENDED IN ASSEMBLY JUNE 2, 2015  
AMENDED IN ASSEMBLY MAY 11, 2015  
AMENDED IN ASSEMBLY MAY 5, 2015  
AMENDED IN ASSEMBLY APRIL 14, 2015  
CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 266**

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**Introduced by Assembly Members Bonta, Cooley, Jones-Sawyer,  
and Lackey  
(Coauthor: Assembly Member Chiu)**

February 10, 2015

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*An act relating to medical cannabis; to amend Section 2220.05 of the  
Business and Professions Code, relating to medical marijuana.*

LEGISLATIVE COUNSEL'S DIGEST

AB 266, as amended, Bonta. Medical *Board of California*: cannabis.  
Existing law, the Compassionate Use Act of 1996, an initiative  
measure enacted by the approval of Proposition 215 at the November  
6, 1996, statewide general election, authorizes the use of marijuana for  
medical purposes. Existing law enacted by the Legislature requires the

establishment of a program for the issuance of identification cards to qualified patients so that they may lawfully use marijuana for medical purposes, and requires the establishment of guidelines for the lawful cultivation of marijuana grown for medical use. Existing law provides for the licensure of various professions by the Department of Consumer Affairs. Existing law, the Sherman Food, Drug, and Cosmetic Law, provides for the regulation of food, drugs, devices, and cosmetics, as specified. A violation of that law is a crime. Existing law requires the Medical Board of California to prioritize its investigative and prosecutorial resources to ensure that the most harmful physicians and surgeons are identified and disciplined expeditiously, and provides a list of allegations that shall be prioritized.

*This bill would add repeatedly recommending excessive cannabis to patients for medical purposes, and repeatedly recommending cannabis to patients without a good faith examination and a medical reason, to the list of prioritized allegations.*

~~This bill, contingent on the enactment of SB 643, would state the intent of the Legislature to enact legislation that would enact a comprehensive regulatory framework for medical marijuana in the state. would become operative only if SB 643 of the 2015–16 Regular Session is enacted and becomes operative.~~

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

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

- 1     SECTION 1. Section 2220.05 of the Business and Professions
- 2     Code is amended to read:
- 3     2220.05. (a) In order to ensure that its resources are maximized
- 4     for the protection of the public, the Medical Board of California
- 5     shall prioritize its investigative and prosecutorial resources to
- 6     ensure that physicians and surgeons representing the greatest threat
- 7     of harm are identified and disciplined expeditiously. Cases
- 8     involving any of the following allegations shall be handled on a
- 9     priority basis, as follows, with the highest priority being given to
- 10    cases in the first paragraph:
- 11    (1) Gross negligence, incompetence, or repeated negligent acts
- 12    that involve death or serious bodily injury to one or more patients,
- 13    such that the physician and surgeon represents a danger to the
- 14    public.

1 (2) Drug or alcohol abuse by a physician and surgeon involving  
2 death or serious bodily injury to a patient.

3 (3) Repeated acts of clearly excessive prescribing, furnishing,  
4 or administering of controlled substances, or repeated acts of  
5 prescribing, dispensing, or furnishing of controlled substances  
6 without a good faith prior examination of the patient and medical  
7 reason therefor. However, in no event shall a physician and surgeon  
8 prescribing, furnishing, or administering controlled substances for  
9 intractable pain consistent with lawful prescribing, including, but  
10 not limited to, Sections 725, 2241.5, and 2241.6 of this code and  
11 Sections 11159.2 and 124961 of the Health and Safety Code, be  
12 prosecuted for excessive prescribing and prompt review of the  
13 applicability of these provisions shall be made in any complaint  
14 that may implicate these provisions.

15 (4) *Repeated acts of clearly excessive recommending of cannabis*  
16 *to patients for medical purposes, or repeated acts of recommending*  
17 *cannabis to patients for medical purposes without a good faith*  
18 *prior examination of the patient and a medical reason for the*  
19 *recommendation.*

20 (4)

21 (5) Sexual misconduct with one or more patients during a course  
22 of treatment or an examination.

23 (5)

24 (6) Practicing medicine while under the influence of drugs or  
25 alcohol.

26 (b) The board may by regulation prioritize cases involving an  
27 allegation of conduct that is not described in subdivision (a). Those  
28 cases prioritized by regulation shall not be assigned a priority equal  
29 to or higher than the priorities established in subdivision (a).

30 (c) The Medical Board of California shall indicate in its annual  
31 report mandated by Section 2312 the number of temporary  
32 restraining orders, interim suspension orders, and disciplinary  
33 actions that are taken in each priority category specified in  
34 subdivisions (a) and (b).

35 ~~SECTION 1. It is the intent of the Legislature to enact~~  
36 ~~legislation that would enact a comprehensive regulatory framework~~  
37 ~~for medical marijuana in the state.~~

1     SEC. 2. This measure shall become operative only if Senate  
2 Bill 643 of the 2015–16 Regular Session is enacted and becomes  
3 operative.

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