

AMENDED IN ASSEMBLY APRIL 26, 2016

AMENDED IN ASSEMBLY MARCH 17, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2149

Introduced by Assembly Member Bonilla

February 17, 2016

An act to add ~~Part 13.5 (commencing with Section 31001) to Division 2 of the Revenue and Taxation and repeal Section 19318.1 of the Business and Professions Code~~, relating to medical marijuana.

LEGISLATIVE COUNSEL'S DIGEST

AB 2149, as amended, Bonilla. ~~State Board of Equalization: state agencies: Legislative Analyst's Office report: collection of cash payments: medical marijuana-related businesses.~~

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, allows the use of marijuana for medical purposes. The Medical Marijuana Regulation and Safety Act provides for the licensure and regulation of commercial medical marijuana activity by various state entities, as specified. ~~The Fee Collection Procedures Law, the violation of which is a crime, provides procedures for the collection of certain fees and surcharges.~~

This bill would ~~authorize the State Board of Equalization to collect cash payments from medical marijuana-related businesses for other state agencies, including the Department of Consumer Affairs and the Employment Development Department, if that state agency has entered into an agreement with the board. The bill would require the agreement to include specified provisions including that the board be reimbursed~~

~~for the administrative costs of the collection, as specified, from the fund for which collection was authorized, upon appropriation by the Legislature. require the Legislative Analyst’s Office, in consultation with the Department of Justice, to conduct a study and provide a report to the Legislature on the most efficient and cost-effective manner for state entities to collect payments from medical marijuana-related businesses.~~

~~The bill would require the board to administer and collect the payments in accordance with the Fee Collection Procedures Law. By expanding the application of the Fee Collection Procedures Law, the violation of which is a crime, this bill would impose a state-mandated local program.~~

~~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 no reimbursement is required by this act for a specified reason.~~

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

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

1 SECTION 1. Section 19318.1 is added to the Business and
2 Professions Code, to read:

3 19318.1. On or before January 1, 2018, the Legislative
4 Analyst’s Office, in consultation with the Department of Justice,
5 shall conduct a study and submit a report to the Legislature on
6 the most efficient and cost-effective manner for state entities to
7 collect payments from medical marijuana-related businesses.

8 SECTION 1. ~~Part 13.5 (commencing with Section 31001) is~~
9 ~~added to the Revenue and Taxation Code, to read:~~

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11 PART 13.5. MEDICAL MARIJUANA STATE PAYMENT
12 COLLECTION LAW

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14 31001. ~~This part shall be known, and may be cited, as the~~
15 ~~Medical Marijuana State Payment Collection Law.~~

16 31002. (a) For purposes of this part, the references in the Fee
17 Collection Procedures Law to “fee” shall include any fee, fine,
18 penalty, or other charge required to be paid by a person that is a

1 ~~medical marijuana-related business, and references to “feepayer”~~
2 ~~shall include a person required to pay those fees.~~

3 ~~(b) “State agency,” as used in this part, includes, but is not~~
4 ~~limited to, the following:~~

- 5 ~~(1) Department of Consumer Affairs.~~
- 6 ~~(2) Department of Food and Agriculture.~~
- 7 ~~(3) Department of Public Health.~~
- 8 ~~(4) Employment Development Department.~~
- 9 ~~(5) State Water Resources Control Board.~~
- 10 ~~(6) Franchise Tax Board.~~

11 ~~31003. (a) The board may enter into an agreement with a state~~
12 ~~agency to collect cash payments for any fee, fine, penalty, or other~~
13 ~~charge payable to the state agency by a person that is a medical~~
14 ~~marijuana-related business in accordance with provisions of this~~
15 ~~part.~~

16 ~~(b) The board shall collect fees, fines, penalties, and other~~
17 ~~charges if the board enters into an agreement with a state agency~~
18 ~~to make those collections. The agreement shall include the~~
19 ~~following:~~

20 ~~(1) A provision that the board be reimbursed for the~~
21 ~~administrative costs of the collection from the fund for which cash~~
22 ~~payments are collected, upon appropriation of the Legislature.~~

23 ~~(2) A provision that the board transmit the collected moneys to~~
24 ~~the Treasurer to be deposited in the State Treasury to the credit of~~
25 ~~the fund for which collection was authorized.~~

26 ~~(3) A provision that describes the administrative costs the board~~
27 ~~will incur in carrying out the collection and administration, which~~
28 ~~costs shall not exceed ten percent of the moneys collected.~~

29 ~~(4) A savings clause that provides the board the authority to~~
30 ~~collect and to make refunds after the sunset date if a sunset date~~
31 ~~exists.~~

32 ~~(5) A provision that sets forth the due date for payment of the~~
33 ~~fee, fine, penalty, or other charge and return by the feepayer.~~

34 ~~(e) The board shall administer and collect the payments~~
35 ~~authorized by an agreement made pursuant to this part pursuant~~
36 ~~to the Fee Collection Procedures Law (Part 30 (commencing with~~
37 ~~Section 55001)), except that Article 1.1 (commencing with Section~~
38 ~~55050) of Chapter 3 of that part shall not apply.~~

39 ~~SEC. 2. No reimbursement is required by this act pursuant to~~
40 ~~Section 6 of Article XIII B of the California Constitution because~~

1 ~~the only costs that may be incurred by a local agency or school~~
2 ~~district will be incurred because this act creates a new crime or~~
3 ~~infraction, eliminates a crime or infraction, or changes the penalty~~
4 ~~for a crime or infraction, within the meaning of Section 17556 of~~
5 ~~the Government Code, or changes the definition of a crime within~~
6 ~~the meaning of Section 6 of Article XIII B of the California~~
7 ~~Constitution.~~

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