

AMENDED IN SENATE AUGUST 19, 2016
AMENDED IN ASSEMBLY APRIL 28, 2016
AMENDED IN ASSEMBLY MARCH 18, 2016
CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2300

Introduced by Assembly Member Wood

February 18, 2016

An act to amend Section 11362.79 of the Health and Safety Code, relating to medical marijuana.

LEGISLATIVE COUNSEL'S DIGEST

AB 2300, as amended, Wood. Medical marijuana.

Existing law, the Medical Marijuana Program, requires the State Department of Public Health to establish and maintain a voluntary program for the issuance of identification cards to qualified patients who satisfy specified requirements with respect to the use of medical marijuana. Existing law provides that the Medical Marijuana Program does not authorize a person with an identification card to smoke medical marijuana under specified circumstances, including in a location at which smoking is prohibited by law.

This bill would also state that the Medical Marijuana Program does not authorize the smoking of medical marijuana where smoking is prohibited by a landlord, as specified. *The bill would authorize a landlord to restrict the smoking or vaporization of medical marijuana within or adjacent to a dwelling unit or other building on the property, provided that the landlord does not impose conditions or prohibitions that effectively deny a patient the ability to vaporize medical marijuana,*

as recommended by a physician, if the patient is under the care of a parent, guardian, or primary caregiver, as defined.

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 11362.79 of the Health and Safety Code
2 is amended to read:
3 11362.79. This article does not authorize a qualified patient or
4 person with an identification card to engage in the smoking of
5 medical marijuana under any of the following circumstances:
6 (a) In any location at which smoking is prohibited by law or
7 ~~prohibited by a landlord pursuant to, and subject to the same~~
8 ~~restrictions set forth in, Section 1947.5 of the Civil Code. law.~~
9 (b) *In a location prohibited by the landlord of a residential*
10 *dwelling unit pursuant to, and subject to the same restrictions set*
11 *forth in, Section 1947.5 of the Civil Code. A landlord may restrict*
12 *the smoking or vaporization of medical marijuana within or*
13 *adjacent to a dwelling unit or other building on the property,*
14 *provided that the landlord does not impose conditions or*
15 *prohibitions that effectively deny a patient the ability to vaporize*
16 *medical marijuana, as recommended by a physician for medical*
17 *purposes, if the patient is under the care of a parent, guardian, or*
18 *primary caregiver as defined in paragraph (1) of subdivision (d)*
19 *of Section 11362.7.*
20 ~~(b)~~
21 (c) In or within 1,000 feet of the grounds of a school, recreation
22 center, or youth center, unless the medical use occurs within a
23 residence.
24 ~~(c)~~
25 (d) On a schoolbus.
26 ~~(d)~~
27 (e) While in a motor vehicle that is being operated.
28 ~~(e)~~
29 (f) While operating a boat.

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