

AMENDED IN ASSEMBLY MARCH 18, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

## ASSEMBLY BILL

**No. 2545**

---

**Introduced by Assembly Member Bonta**

February 19, 2016

---

*An act to add Article 18 (commencing with Section 19370) to Chapter 3.5 of Division 8 of the Business and Professions Code, relating to medical cannabis.*

### LEGISLATIVE COUNSEL'S DIGEST

AB 2545, as amended, Bonta. Medical—~~cannabis~~. *cannabis: agreements with tribal governments.*

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~~ *allows* the use of marijuana for medical purposes. The Medical Marijuana Regulation and Safety Act, enacted by the Legislature, provides for the state licensure and regulation of certain commercial cannabis activities by the Department of Consumer Affairs, the Department of Food and Agriculture, or the State Department of Public Health, as specified. *The act establishes the Bureau of Medical Marijuana Regulation within the Department of Consumer Affairs, under the supervision and control of the Director of Consumer Affairs, and requires the director to administer and enforce the provisions of the act. Existing law requires the Governor to appoint a chief of the bureau, subject to confirmation by the Senate, to serve under the direction and supervision of the director and at the pleasure of the Governor.*

*Existing law, the doctrine of tribal immunity and the Indian Commerce Clause, precludes the state, with certain exceptions, from asserting*

*authority over the activities of federally recognized Indian tribes on their own lands.*

~~This bill would state the intent of the Legislature to enact legislation addressing the state regulation of medical cannabis grown on, but transported out of, tribal lands.~~ *authorize the Governor to enter into agreements concerning medical cannabis with federally recognized sovereign Indian tribes, as defined. The bill would authorize these agreements to include provisions regulating activities between licensees operating on and off the land of federally recognized sovereign Indian tribes. The bill would authorize the Governor to delegate to the chief of the bureau authority to negotiate these agreements.*

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. Article 18 (commencing with Section 19370) is  
2     added to Chapter 3.5 of Division 8 of the Business and Professions  
3     Code, to read:

4  
5             Article 18. Agreements with Tribal Governments  
6

7     19370. (a) The Governor may enter into agreements  
8     concerning medical cannabis with federally recognized sovereign  
9     Indian tribes. For purposes of this section, “federally recognized  
10    sovereign Indian tribe” is defined as any Indian tribe, band, nation,  
11    or community wholly or partially located within the geographical  
12    boundaries of the State of California that the Secretary of the  
13    Interior acknowledges to exist as an Indian tribe pursuant to the  
14    Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C.  
15    479a).

16    (b) Agreements made pursuant to subdivision (a) may include  
17    provisions regulating activities between licensees operating on  
18    and off the land of a federally recognized sovereign Indian tribe.

19    (c) The Governor may delegate to the chief of the bureau  
20    authority to negotiate agreements made pursuant to subdivision  
21    (a).

1     ~~SECTION 1.—It is the intent of the Legislature to enact~~  
2     ~~legislation addressing the state regulation of medical cannabis~~  
3     ~~grown on, but transported out of, tribal lands.~~

O