

AMENDED IN ASSEMBLY APRIL 26, 2016

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: 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, 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 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 require these agreements to include a provision requiring individuals conducting medical cannabis business activity on tribal land to meet the state and local licensure requirements that are required of licensees operating in the jurisdiction of the local government in which the tribal land is located.* 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: 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 concerning
8 medical cannabis with federally recognized sovereign Indian tribes.
9 For purposes of this section, “federally recognized sovereign Indian
10 tribe” is defined as any Indian tribe, band, nation, or community
11 wholly or partially located within the geographical boundaries of
12 the State of California that the Secretary of the Interior
13 acknowledges to exist as an Indian tribe pursuant to the Federally
14 Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a).

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

18 (c) *Agreements made pursuant to subdivision (a) shall include*
19 *a provision requiring individuals conducting medical cannabis*
20 *business activity on the land of the federally recognized sovereign*

1 *Indian tribe to meet the applicable state and local licensure*
2 *requirements prescribed by this chapter that are required of*
3 *licensees operating within the jurisdiction of the local government*
4 *in which the tribal land is located.*

5 ~~(e)~~

6 (d) The Governor may delegate to the chief of the bureau
7 authority to negotiate agreements made pursuant to subdivision

8 (a).

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