

AMENDED IN ASSEMBLY APRIL 5, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2672

Introduced by Assembly Member Bonilla

February 19, 2016

~~An act to amend Section 8001 of the Health and Safety Code, relating to public health.~~ *An act to amend Sections 27, 101, 144, 205.1, 19300, 19300.5, 19302, 19302.1, 19306, 19332.5, 19335, 19350, 19351, and 19352 of, to amend the heading of Article 5 (commencing with Section 19326) of Chapter 3.5 of Division 8 of, and to amend the heading of Chapter 3.5 (commencing with Section 19300) of Division 8 of, the Business and Professions Code, to amend Section 12029 of the Fish and Game Code, to amend Section 9147.7 of the Government Code, to amend Sections 11362.769, 11362.775, and 11362.777 of the Health and Safety Code, to amend Section 31020 of the Revenue and Taxation Code, and to amend Section 13276 of the Water Code, relating to medical cannabis.*

LEGISLATIVE COUNSEL'S DIGEST

AB 2672, as amended, Bonilla. ~~Human remains: disinterment and removal.~~ *Medical cannabis.*

Existing law, the Medical Marijuana Regulation and Safety Act, establishes the licensure of persons engaged in specified activities relating to medical cannabis and other regulatory provisions. That act establishes within the Department of Consumer Affairs the Bureau of Medical Marijuana Regulation. That act also requires a licensing authority to deposit all licensing fees to be deposited into accounts established in the Medical Marijuana Regulation and Safety Act Fund, a fund established in the State Treasury. Existing law imposes certain

finest and civil penalties for specified violations of the act and requires moneys collected as a result of these fines and civil penalties to be deposited into the Medical Marijuana Fines and Penalties Account, established within that fund.

This bill would rename, on January 1, 2017, the act as the Medical Cannabis Regulation and Safety Act and the bureau as the Bureau of Medical Cannabis Regulation. This bill would rename, on January 1, 2017, the fund as the Medical Cannabis Regulation and Safety Act Fund and the account as the Medical Cannabis Fines and Penalties Account. The bill would make conforming changes to the act and would replace, where appropriate, the term “marijuana” with the term “cannabis.”

This bill would also make other conforming and similar changes to other related areas of law.

~~Existing law authorizes the remains of a deceased person to be removed from a cemetery upon written order of the health department having jurisdiction or the superior court of the county in which the cemetery is situated. Existing law authorizes the remains of a deceased person to be removed from a plot in a cemetery with the consent of the cemetery authority and the written consent of a surviving family member, as specified. Under specified circumstances, existing law also authorizes the board of supervisors of a county that owns a cemetery authority to order the disinterment and removal of all human remains interred in the cemetery, subject to specified procedures. Existing law requires the publication of the notice of declaration of intended abandonment and removal by the county at least 60 days prior to removal of human remains.~~

~~This bill would instead require that publication of notice to occur at least 70 days prior to removal of human remains.~~

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 27 of the Business and Professions Code*
- 2 *is amended to read:*
- 3 27. (a) Each entity specified in subdivisions (c), (d), and (e)
- 4 shall provide on the Internet information regarding the status of
- 5 every license issued by that entity in accordance with the California
- 6 Public Records Act (Chapter 3.5 (commencing with Section 6250)
- 7 of Division 7 of Title 1 of the Government Code) and the

1 Information Practices Act of 1977 (Chapter 1 (commencing with
2 Section 1798) of Title 1.8 of Part 4 of Division 3 of the Civil Code).
3 The public information to be provided on the Internet shall include
4 information on suspensions and revocations of licenses issued by
5 the entity and other related enforcement action, including
6 accusations filed pursuant to the Administrative Procedure Act
7 (Chapter 3.5 (commencing with Section 11340) of Part 1 of
8 Division 3 of Title 2 of the Government Code) taken by the entity
9 relative to persons, businesses, or facilities subject to licensure or
10 regulation by the entity. The information may not include personal
11 information, including home telephone number, date of birth, or
12 social security number. Each entity shall disclose a licensee's
13 address of record. However, each entity shall allow a licensee to
14 provide a post office box number or other alternate address, instead
15 of his or her home address, as the address of record. This section
16 shall not preclude an entity from also requiring a licensee, who
17 has provided a post office box number or other alternative mailing
18 address as his or her address of record, to provide a physical
19 business address or residence address only for the entity's internal
20 administrative use and not for disclosure as the licensee's address
21 of record or disclosure on the Internet.

22 (b) In providing information on the Internet, each entity specified
23 in subdivisions (c) and (d) shall comply with the Department of
24 Consumer Affairs' guidelines for access to public records.

25 (c) Each of the following entities within the Department of
26 Consumer Affairs shall comply with the requirements of this
27 section:

28 (1) The Board for Professional Engineers, Land Surveyors, and
29 Geologists shall disclose information on its registrants and
30 licensees.

31 (2) The Bureau of Automotive Repair shall disclose information
32 on its licensees, including auto repair dealers, smog stations, lamp
33 and brake stations, smog check technicians, and smog inspection
34 certification stations.

35 (3) The Bureau of Electronic and Appliance Repair, Home
36 Furnishings, and Thermal Insulation shall disclose information on
37 its licensees and registrants, including major appliance repair
38 dealers, combination dealers (electronic and appliance), electronic
39 repair dealers, service contract sellers, and service contract
40 administrators.

1 (4) The Cemetery and Funeral Bureau shall disclose information
2 on its licensees, including cemetery brokers, cemetery salespersons,
3 cemetery managers, crematory managers, cemetery authorities,
4 crematories, cremated remains disposers, embalmers, funeral
5 establishments, and funeral directors.

6 (5) The Professional Fiduciaries Bureau shall disclose
7 information on its licensees.

8 (6) The Contractors' State License Board shall disclose
9 information on its licensees and registrants in accordance with
10 Chapter 9 (commencing with Section 7000) of Division 3. In
11 addition to information related to licenses as specified in
12 subdivision (a), the board shall also disclose information provided
13 to the board by the Labor Commissioner pursuant to Section 98.9
14 of the Labor Code.

15 (7) The Bureau for Private Postsecondary Education shall
16 disclose information on private postsecondary institutions under
17 its jurisdiction, including disclosure of notices to comply issued
18 pursuant to Section 94935 of the Education Code.

19 (8) The California Board of Accountancy shall disclose
20 information on its licensees and registrants.

21 (9) The California Architects Board shall disclose information
22 on its licensees, including architects and landscape architects.

23 (10) The State Athletic Commission shall disclose information
24 on its licensees and registrants.

25 (11) The State Board of Barbering and Cosmetology shall
26 disclose information on its licensees.

27 (12) The State Board of Guide Dogs for the Blind shall disclose
28 information on its licensees and registrants.

29 (13) The Acupuncture Board shall disclose information on its
30 licensees.

31 (14) The Board of Behavioral Sciences shall disclose
32 information on its licensees, including licensed marriage and family
33 therapists, licensed clinical social workers, licensed educational
34 psychologists, and licensed professional clinical counselors.

35 (15) The Dental Board of California shall disclose information
36 on its licensees.

37 (16) The State Board of Optometry shall disclose information
38 regarding certificates of registration to practice optometry,
39 statements of licensure, optometric corporation registrations, branch
40 office licenses, and fictitious name permits of its licensees.

1 (17) The Board of Psychology shall disclose information on its
2 licensees, including psychologists, psychological assistants, and
3 registered psychologists.

4 (d) The State Board of Chiropractic Examiners shall disclose
5 information on its licensees.

6 (e) The Structural Pest Control Board shall disclose information
7 on its licensees, including applicators, field representatives, and
8 operators in the areas of fumigation, general pest and wood
9 destroying pests and organisms, and wood roof cleaning and
10 treatment.

11 (f) The Bureau of Medical ~~Marijuana~~ *Cannabis* Regulation shall
12 disclose information on its licensees.

13 (g) “Internet” for the purposes of this section has the meaning
14 set forth in paragraph (6) of subdivision (f) of Section 17538.

15 *SEC. 2. Section 101 of the Business and Professions Code is*
16 *amended to read:*

17 101. The department is comprised of the following:

18 (a) The Dental Board of California.

19 (b) The Medical Board of California.

20 (c) The State Board of Optometry.

21 (d) The California State Board of Pharmacy.

22 (e) The Veterinary Medical Board.

23 (f) The California Board of Accountancy.

24 (g) The California Architects Board.

25 (h) The Bureau of Barbering and Cosmetology.

26 (i) The Board for Professional Engineers and Land Surveyors.

27 (j) The Contractors’ State License Board.

28 (k) The Bureau for Private Postsecondary Education.

29 (l) The Bureau of Electronic and Appliance Repair, Home
30 Furnishings, and Thermal Insulation.

31 (m) The Board of Registered Nursing.

32 (n) The Board of Behavioral Sciences.

33 (o) The State Athletic Commission.

34 (p) The Cemetery and Funeral Bureau.

35 (q) The State Board of Guide Dogs for the Blind.

36 (r) The Bureau of Security and Investigative Services.

37 (s) The Court Reporters Board of California.

38 (t) The Board of Vocational Nursing and Psychiatric
39 Technicians.

40 (u) The Landscape Architects Technical Committee.

- 1 (v) The Division of Investigation.
- 2 (w) The Bureau of Automotive Repair.
- 3 (x) The Respiratory Care Board of California.
- 4 (y) The Acupuncture Board.
- 5 (z) The Board of Psychology.
- 6 (aa) The California Board of Podiatric Medicine.
- 7 (ab) The Physical Therapy Board of California.
- 8 (ac) The Arbitration Review Program.
- 9 (ad) The Physician Assistant Committee.
- 10 (ae) The Speech-Language Pathology and Audiology Board.
- 11 (af) The California Board of Occupational Therapy.
- 12 (ag) The Osteopathic Medical Board of California.
- 13 (ah) The Naturopathic Medicine Committee.
- 14 (ai) The Dental Hygiene Committee of California.
- 15 (aj) The Professional Fiduciaries Bureau.
- 16 (ak) The State Board of Chiropractic Examiners.
- 17 (al) The Bureau of Real Estate.
- 18 (am) The Bureau of Real Estate Appraisers.
- 19 (an) The Structural Pest Control Board.
- 20 (ao) The Bureau of Medical ~~Marijuana~~ *Cannabis* Regulation.
- 21 (ap) Any other boards, offices, or officers subject to its
- 22 jurisdiction by law.

23 *SEC. 3. Section 144 of the Business and Professions Code is*
 24 *amended to read:*

25 144. (a) Notwithstanding any other provision of law, an agency
 26 designated in subdivision (b) shall require an applicant to furnish
 27 to the agency a full set of fingerprints for purposes of conducting
 28 criminal history record checks. Any agency designated in
 29 subdivision (b) may obtain and receive, at its discretion, criminal
 30 history information from the Department of Justice and the United
 31 States Federal Bureau of Investigation.

- 32 (b) Subdivision (a) applies to the following:
- 33 (1) California Board of Accountancy.
- 34 (2) State Athletic Commission.
- 35 (3) Board of Behavioral Sciences.
- 36 (4) Court Reporters Board of California.
- 37 (5) State Board of Guide Dogs for the Blind.
- 38 (6) California State Board of Pharmacy.
- 39 (7) Board of Registered Nursing.
- 40 (8) Veterinary Medical Board.

- 1 (9) Board of Vocational Nursing and Psychiatric Technicians.
- 2 (10) Respiratory Care Board of California.
- 3 (11) Physical Therapy Board of California.
- 4 (12) Physician Assistant Committee of the Medical Board of
- 5 California.
- 6 (13) Speech-Language Pathology and Audiology and Hearing
- 7 Aid Dispenser Board.
- 8 (14) Medical Board of California.
- 9 (15) State Board of Optometry.
- 10 (16) Acupuncture Board.
- 11 (17) Cemetery and Funeral Bureau.
- 12 (18) Bureau of Security and Investigative Services.
- 13 (19) Division of Investigation.
- 14 (20) Board of Psychology.
- 15 (21) California Board of Occupational Therapy.
- 16 (22) Structural Pest Control Board.
- 17 (23) Contractors’ State License Board.
- 18 (24) Naturopathic Medicine Committee.
- 19 (25) Professional Fiduciaries Bureau.
- 20 (26) Board for Professional Engineers, Land Surveyors, and
- 21 Geologists.

22 (27) Bureau of Medical ~~Marijuana~~ Cannabis Regulation.
 23 (c) For purposes of paragraph (26) of subdivision (b), the term
 24 “applicant” shall be limited to an initial applicant who has never
 25 been registered or licensed by the board or to an applicant for a
 26 new licensure or registration category.

27 *SEC. 4. Section 205.1 of the Business and Professions Code*
 28 *is amended to read:*

29 205.1. Notwithstanding subdivision (a) of Section 205, the
 30 Medical ~~Marijuana~~ Cannabis Regulation and Safety Act Fund is
 31 a special fund within the Professions and Vocations Fund, and is
 32 subject to subdivision (b) of Section 205.

33 *SEC. 5. The heading of Chapter 3.5 (commencing with Section*
 34 *19300) of Division 8 of the Business and Professions Code is*
 35 *amended to read:*

36
 37 CHAPTER 3.5. MEDICAL ~~MARIJUANA~~ CANNABIS REGULATION
 38 AND SAFETY ~~ACT~~ ACT
 39

1 *SEC. 6. Section 19300 of the Business and Professions Code*
2 *is amended to read:*

3 19300. This act shall be known and may be cited as the Medical
4 Marijuana Regulation and Safety Act. *Commencing January 1,*
5 *2017, this act is hereby renamed, and shall thereafter be known*
6 *as the Medical Cannabis Regulation and Safety Act. On and after*
7 *that date, any references in law to the Medical Marijuana*
8 *Regulation and Safety Act shall instead be deemed to refer to the*
9 *Medical Cannabis Regulation and Safety Act.*

10 *SEC. 7. Section 19300.5 of the Business and Professions Code*
11 *is amended to read:*

12 19300.5. For purposes of this chapter, the following definitions
13 shall apply:

14 (a) “Accrediting body” means a nonprofit organization that
15 requires conformance to ISO/IEC 17025 requirements and is a
16 signatory to the International Laboratory Accreditation Cooperation
17 Mutual Recognition Arrangement for Testing.

18 (b) “Applicant,” for purposes of Article 4 (commencing with
19 Section 19319), means the following:

20 (1) Owner or owners of a proposed facility, including all persons
21 or entities having ownership interest other than a security interest,
22 lien, or encumbrance on property that will be used by the facility.

23 (2) If the owner is an entity, “owner” includes within the entity
24 each person participating in the direction, control, or management
25 of, or having a financial interest in, the proposed facility.

26 (3) If the applicant is a publicly traded company, “owner” means
27 the chief executive officer or any person or entity with an aggregate
28 ownership interest of 5 percent or more.

29 (c) “Batch” means a specific quantity of medical cannabis or
30 medical cannabis products that is intended to have uniform
31 character and quality, within specified limits, and is produced
32 according to a single manufacturing order during the same cycle
33 of manufacture.

34 (d) “Bureau” means the Bureau of ~~Medical Marijuana~~ *Cannabis*
35 Regulation within the Department of Consumer Affairs.

36 (e) “Cannabinoid” or “phytocannabinoid” means a chemical
37 compound that is unique to and derived from cannabis.

38 (f) “Cannabis” means all parts of the plant *Cannabis sativa*
39 *Linnaeus, Cannabis indica, or Cannabis ruderalis*, whether growing
40 or not; the seeds thereof; the resin, whether crude or purified,

1 extracted from any part of the plant; and every compound,
2 manufacture, salt, derivative, mixture, or preparation of the plant,
3 its seeds, or resin. “Cannabis” also means the separated resin,
4 whether crude or purified, obtained from ~~marijuana~~: *cannabis*.
5 “Cannabis” also means marijuana as defined by Section 11018 of
6 the Health and Safety Code as enacted by Chapter 1407 of the
7 Statutes of 1972. “Cannabis” does not include the mature stalks
8 of the plant, fiber produced from the stalks, oil or cake made from
9 the seeds of the plant, any other compound, manufacture, salt,
10 derivative, mixture, or preparation of the mature stalks (except the
11 resin extracted therefrom), fiber, oil, or cake, or the sterilized seed
12 of the plant which is incapable of germination. For the purpose of
13 this chapter, “cannabis” does not mean “industrial hemp” as defined
14 by Section 81000 of the Food and Agricultural Code or Section
15 11018.5 of the Health and Safety Code.

16 (g) “Cannabis concentrate” means manufactured cannabis that
17 has undergone a process to concentrate the cannabinoid active
18 ingredient, thereby increasing the product’s potency. An edible
19 medical cannabis product is not considered food, as defined by
20 Section 109935 of the Health and Safety Code, or a drug, as defined
21 by Section 109925 of the Health and Safety Code.

22 (h) “Caregiver” or “primary caregiver” has the same meaning
23 as that term is defined in Section 11362.7 of the Health and Safety
24 Code.

25 (i) “Certificate of accreditation” means a certificate issued by
26 an accrediting body to a licensed testing laboratory, entity, or site
27 to be registered in the state.

28 (j) “Chief” means Chief of the Bureau of Medical ~~Marijuana~~
29 *Cannabis* Regulation within the Department of Consumer Affairs.

30 (k) “Commercial cannabis activity” includes cultivation,
31 possession, manufacture, processing, storing, laboratory testing,
32 labeling, transporting, distribution, or sale of medical cannabis or
33 a medical cannabis product, except as set forth in Section 19319,
34 related to qualifying patients and primary caregivers.

35 (l) “Cultivation” means any activity involving the planting,
36 growing, harvesting, drying, curing, grading, or trimming of
37 cannabis.

38 (m) “Delivery” means the commercial transfer of medical
39 cannabis or medical cannabis products from a dispensary, up to
40 an amount determined by the bureau to a primary caregiver or

1 qualified patient as defined in Section 11362.7 of the Health and
2 Safety Code, or a testing laboratory. “Delivery” also includes the
3 use by a dispensary of any technology platform owned and
4 controlled by the dispensary, or independently licensed under this
5 chapter, that enables qualified patients or primary caregivers to
6 arrange for or facilitate the commercial transfer by a licensed
7 dispensary of medical cannabis or medical cannabis products.

8 (n) “Dispensary” means a facility where medical cannabis,
9 medical cannabis products, or devices for the use of medical
10 cannabis or medical cannabis products are offered, either
11 individually or in any combination, for retail sale, including an
12 establishment that delivers, pursuant to express authorization by
13 local ordinance, medical cannabis and medical cannabis products
14 as part of a retail sale.

15 (o) “Dispensing” means any activity involving the retail sale of
16 medical cannabis or medical cannabis products from a dispensary.

17 (p) “Distribution” means the procurement, sale, and transport
18 of medical cannabis and medical cannabis products between entities
19 licensed pursuant to this chapter.

20 (q) “Distributor” means a person licensed under this chapter to
21 engage in the business of purchasing medical cannabis from a
22 licensed cultivator, or medical cannabis products from a licensed
23 manufacturer, for sale to a licensed dispensary.

24 (r) “Dried flower” means all dead medical cannabis that has
25 been harvested, dried, cured, or otherwise processed, excluding
26 leaves and stems.

27 (s) “Edible cannabis product” means manufactured cannabis
28 that is intended to be used, in whole or in part, for human
29 consumption, including, but not limited to, chewing gum. An edible
30 medical cannabis product is not considered food as defined by
31 Section 109935 of the Health and Safety Code or a drug as defined
32 by Section 109925 of the Health and Safety Code.

33 (t) “Fund” means the ~~Medical Marijuana~~ *Cannabis* Regulation
34 and Safety Act Fund established pursuant to Section 19351.

35 (u) “Identification program” means the universal identification
36 certificate program for commercial medical cannabis activity
37 authorized by this chapter.

38 (v) “Labor peace agreement” means an agreement between a
39 licensee and a bona fide labor organization that, at a minimum,
40 protects the state’s proprietary interests by prohibiting labor

1 organizations and members from engaging in picketing, work
2 stoppages, boycotts, and any other economic interference with the
3 applicant’s business. This agreement means that the applicant has
4 agreed not to disrupt efforts by the bona fide labor organization
5 to communicate with, and attempt to organize and represent, the
6 applicant’s employees. The agreement shall provide a bona fide
7 labor organization access at reasonable times to areas in which the
8 applicant’s employees work, for the purpose of meeting with
9 employees to discuss their right to representation, employment
10 rights under state law, and terms and conditions of employment.
11 This type of agreement shall not mandate a particular method of
12 election or certification of the bona fide labor organization.

13 (w) “Licensing authority” means the state agency responsible
14 for the issuance, renewal, or reinstatement of the license, or the
15 state agency authorized to take disciplinary action against the
16 license.

17 (x) “Cultivation site” means a facility where medical cannabis
18 is planted, grown, harvested, dried, cured, graded, or trimmed, or
19 that does all or any combination of those activities, that holds a
20 valid state license pursuant to this chapter, and that holds a valid
21 local license or permit.

22 (y) “Manufacturer” means a person that conducts the production,
23 preparation, propagation, or compounding of manufactured medical
24 cannabis, as described in subdivision (ae), or medical cannabis
25 products either directly or indirectly or by extraction methods, or
26 independently by means of chemical synthesis or by a combination
27 of extraction and chemical synthesis at a fixed location that
28 packages or repackages medical cannabis or medical cannabis
29 products or labels or relabels its container, that holds a valid state
30 license pursuant to this chapter, and that holds a valid local license
31 or permit.

32 (z) “Testing laboratory” means a facility, entity, or site in the
33 state that offers or performs tests of medical cannabis or medical
34 cannabis products and that is both of the following:

35 (1) Accredited by an accrediting body that is independent from
36 all other persons involved in the medical cannabis industry in the
37 state.

38 (2) Registered with the State Department of Public Health.

39 (aa) “Transporter” means a person issued a state license by the
40 bureau to transport medical cannabis or medical cannabis products

1 in an amount above a threshold determined by the bureau between
2 facilities that have been issued a state license pursuant to this
3 chapter.

4 (ab) “Licensee” means a person issued a state license under this
5 chapter to engage in commercial cannabis activity.

6 (ac) “Live plants” means living medical cannabis flowers and
7 plants, including seeds, immature plants, and vegetative stage
8 plants.

9 (ad) “Lot” means a batch, or a specifically identified portion of
10 a batch, having uniform character and quality within specified
11 limits. In the case of medical cannabis or a medical cannabis
12 product produced by a continuous process, “lot” means a
13 specifically identified amount produced in a unit of time or a
14 quantity in a manner that ensures its having uniform character and
15 quality within specified limits.

16 (ae) “Manufactured cannabis” means raw cannabis that has
17 undergone a process whereby the raw agricultural product has
18 been transformed into a concentrate, an edible product, or a topical
19 product.

20 (af) “Manufacturing site” means a location that produces,
21 prepares, propagates, or compounds manufactured medical
22 cannabis or medical cannabis products, directly or indirectly, by
23 extraction methods, independently by means of chemical synthesis,
24 or by a combination of extraction and chemical synthesis, and is
25 owned and operated by a licensee for these activities.

26 (ag) “Medical cannabis,” “medical cannabis product,” or
27 “cannabis product” means a product containing cannabis, including,
28 but not limited to, concentrates and extractions, intended to be sold
29 for use by medical cannabis patients in California pursuant to the
30 Compassionate Use Act of 1996 (Proposition 215), found at Section
31 11362.5 of the Health and Safety Code. For the purposes of this
32 chapter, “medical cannabis” does not include “industrial hemp”
33 as defined by Section 81000 of the Food and Agricultural Code
34 or Section 11018.5 of the Health and Safety Code.

35 (ah) “Nursery” means a licensee that produces only clones,
36 immature plants, seeds, and other agricultural products used
37 specifically for the planting, propagation, and cultivation of medical
38 cannabis.

39 (ai) “Permit,” “local license,” or “local permit” means an official
40 document granted by a local jurisdiction that specifically authorizes

1 a person to conduct commercial cannabis activity in the local
2 jurisdiction.

3 (aj) “Person” means an individual, firm, partnership, joint
4 venture, association, corporation, limited liability company, estate,
5 trust, business trust, receiver, syndicate, or any other group or
6 combination acting as a unit and includes the plural as well as the
7 singular number.

8 (ak) “State license,” “license,” or “registration” means a state
9 license issued pursuant to this chapter.

10 (al) “Topical cannabis” means a product intended for external
11 use. A topical cannabis product is not considered a drug as defined
12 by Section 109925 of the Health and Safety Code.

13 (am) “Transport” means the transfer of medical cannabis or
14 medical cannabis products from the permitted business location
15 of one licensee to the permitted business location of another
16 licensee, for the purposes of conducting commercial cannabis
17 activity authorized pursuant to this chapter.

18 *SEC. 8. Section 19302 of the Business and Professions Code*
19 *is amended to read:*

20 19302. There is in the Department of Consumer Affairs the
21 Bureau of Medical Marijuana Regulation, under the supervision
22 and control of the director. The director shall administer and
23 enforce the provisions of this chapter. *Commencing January 1,*
24 *2017, the bureau is hereby renamed and shall thereafter be known*
25 *as the Bureau of Medical Cannabis Regulation. On and after that*
26 *date, any references in law to the Bureau of Medical Marijuana*
27 *Regulation shall instead be deemed to refer to the Bureau of*
28 *Medical Cannabis Regulation.*

29 *SEC. 9. Section 19302.1 of the Business and Professions Code*
30 *is amended to read:*

31 19302.1. (a) The Governor shall appoint a chief of the bureau,
32 subject to confirmation by the Senate, at a salary to be fixed and
33 determined by the director with the approval of the Director of
34 Finance. The chief shall serve under the direction and supervision
35 of the director and at the pleasure of the Governor.

36 (b) Every power granted to or duty imposed upon the director
37 under this chapter may be exercised or performed in the name of
38 the director by a deputy or assistant director or by the chief, subject
39 to conditions and limitations that the director may prescribe. In
40 addition to every power granted or duty imposed with this chapter,

1 the director shall have all other powers and duties generally
 2 applicable in relation to bureaus that are part of the Department
 3 of Consumer Affairs.

4 (c) The director may employ and appoint all employees
 5 necessary to properly administer the work of the bureau, in
 6 accordance with civil service laws and regulations.

7 (d) The Department of Consumer Affairs shall have the sole
 8 authority to create, issue, renew, discipline, suspend, or revoke
 9 licenses for the transportation, storage unrelated to manufacturing
 10 activities, distribution, and sale of medical ~~marijuana~~ *cannabis*
 11 within the state and to collect fees in connection with activities
 12 the bureau regulates. The bureau may create licenses in addition
 13 to those identified in this chapter that the bureau deems necessary
 14 to effectuate its duties under this chapter.

15 (e) The Department of Food and Agriculture shall administer
 16 the provisions of this chapter related to and associated with the
 17 cultivation of medical cannabis. The Department of Food and
 18 Agriculture shall have the authority to create, issue, and suspend
 19 or revoke cultivation licenses for violations of this chapter. The
 20 State Department of Public Health shall administer the provisions
 21 of this chapter related to and associated with the manufacturing
 22 and testing of medical cannabis.

23 *SEC. 10. Section 19306 of the Business and Professions Code*
 24 *is amended to read:*

25 19306. (a) The bureau may convene an advisory committee
 26 to advise the bureau and licensing authorities on the development
 27 of standards and regulations pursuant to this chapter, including
 28 best practices and guidelines to ensure qualified patients have
 29 adequate access to medical cannabis and medical cannabis
 30 products. The advisory committee members shall be determined
 31 by the chief.

32 (b) The advisory committee members may include, but not be
 33 limited to, representatives of the medical ~~marijuana~~ *cannabis*
 34 industry, representatives of medical ~~marijuana~~ *cannabis* cultivators,
 35 appropriate local and state agencies, appropriate local and state
 36 law enforcement, physicians, environmental and public health
 37 experts, and medical ~~marijuana~~ *cannabis* patient advocates.

38 *SEC. 11. The heading of Article 5 (commencing with Section*
 39 *19326) of Chapter 3.5 of Division 8 of the Business and Professions*
 40 *Code is amended to read:*

1 Article 5. Medical-Marijuana Cannabis Regulation

2
3 *SEC. 12. Section 19332.5 of the Business and Professions Code*
4 *is amended to read:*

5 19332.5. (a) Not later than January 1, 2020, the Department
6 of Food and Agriculture in conjunction with the bureau, shall make
7 available a certified organic designation and organic certification
8 program for medical-marijuana, cannabis, if permitted under
9 federal law and the National Organic Program (Section 6517 of
10 the federal Organic Foods Production Act of 1990 (7 U.S.C. Sec.
11 6501 et seq.)), and Article 7 (commencing with Section 110810)
12 of Chapter 5 of Part 5 of Division 104 of the Health and Safety
13 Code.

14 (b) The bureau may establish appellations of origin for marijuana
15 cannabis grown in California.

16 (c) It is unlawful for medical-marijuana cannabis to be marketed,
17 labeled, or sold as grown in a California county when the medical
18 marijuana cannabis was not grown in that county.

19 (d) It is unlawful to use the name of a California county in the
20 labeling, marketing, or packaging of medical-marijuana cannabis
21 products unless the product was grown in that county.

22 *SEC. 13. Section 19335 of the Business and Professions Code*
23 *is amended to read:*

24 19335. (a) The Department of Food and Agriculture, in
25 consultation with the bureau, shall establish a track and trace
26 program for reporting the movement of medical-marijuana cannabis
27 items throughout the distribution chain that utilizes a unique
28 identifier pursuant to Section 11362.777 of the Health and Safety
29 Code and secure packaging and is capable of providing information
30 that captures, at a minimum, all of the following:

31 (1) The licensee receiving the product.

32 (2) The transaction date.

33 (3) The cultivator from which the product originates, including
34 the associated unique identifier, pursuant to Section 11362.777 of
35 the Health and Safety Code.

36 (b) (1) The Department of Food and Agriculture shall create
37 an electronic database containing the electronic shipping manifests
38 which shall include, but not be limited to, the following
39 information:

40 (A) The quantity, or weight, and variety of products shipped.

- 1 (B) The estimated times of departure and arrival.
2 (C) The quantity, or weight, and variety of products received.
3 (D) The actual time of departure and arrival.
4 (E) A categorization of the product.
5 (F) The license number and the unique identifier pursuant to
6 Section 11362.777 of the Health and Safety Code issued by the
7 licensing authority for all licensees involved in the shipping
8 process, including cultivators, transporters, distributors, and
9 dispensaries.

10 (2) (A) The database shall be designed to flag irregularities for
11 all licensing authorities in this chapter to investigate. All licensing
12 authorities pursuant to this chapter may access the database and
13 share information related to licensees under this chapter, including
14 social security and individual taxpayer identifications
15 notwithstanding Section 30.

16 (B) The Department of Food and Agriculture shall immediately
17 inform the bureau upon the finding of an irregularity or suspicious
18 finding related to a licensee, applicant, or commercial cannabis
19 activity for investigatory purposes.

20 (3) Licensing authorities and state and local agencies may, at
21 any time, inspect shipments and request documentation for current
22 inventory.

23 (4) The bureau shall have 24-hour access to the electronic
24 database administered by the Department of Food and Agriculture.

25 (5) The Department of Food and Agriculture shall be authorized
26 to enter into memoranda of understandings with licensing
27 authorities for data sharing purposes, as deemed necessary by the
28 Department of Food and Agriculture.

29 (6) Information received and contained in records kept by the
30 Department of Food and Agriculture or licensing authorities for
31 the purposes of administering this section are confidential and
32 shall not be disclosed pursuant to the California Public Records
33 Act (Chapter 3.5 (commencing with Section 6250) of Division 7
34 of Title 1 of the Government Code), except as necessary for
35 authorized employees of the State of California or any city, county,
36 or city and county to perform official duties pursuant to this chapter
37 or a local ordinance.

38 (7) Upon the request of a state or local law enforcement agency,
39 licensing authorities shall allow access to or provide information

1 contained within the database to assist law enforcement in their
2 duties and responsibilities pursuant to this chapter.

3 *SEC. 14. Section 19350 of the Business and Professions Code*
4 *is amended to read:*

5 19350. Each licensing authority shall establish a scale of
6 application, licensing, and renewal fees, based upon the cost of
7 enforcing this chapter, as follows:

8 (a) Each licensing authority shall charge each licensee a
9 licensure and renewal fee, as applicable. The licensure and renewal
10 fee shall be calculated to cover the costs of administering this
11 chapter. The licensure fee may vary depending upon the varying
12 costs associated with administering the various regulatory
13 requirements of this chapter as they relate to the nature and scope
14 of the different licensure activities, including, but not limited to,
15 the track and trace program required pursuant to Section 19335,
16 but shall not exceed the reasonable regulatory costs to the licensing
17 authority.

18 (b) The total fees assessed pursuant to this chapter shall be set
19 at an amount that will fairly and proportionately generate sufficient
20 total revenue to fully cover the total costs of administering this
21 chapter.

22 (c) All license fees shall be set on a scaled basis by the licensing
23 authority, dependent on the size of the business.

24 (d) The licensing authority shall deposit all fees collected in a
25 fee account specific to that licensing authority, to be established
26 in the ~~Medical Marijuana~~ *Cannabis* Regulation and Safety Act
27 Fund. Moneys in the licensing authority fee accounts shall be used,
28 upon appropriation of the Legislature, by the designated licensing
29 authority for the administration of this chapter.

30 *SEC. 15. Section 19351 of the Business and Professions Code*
31 *is amended to read:*

32 19351. (a) The Medical Marijuana Regulation and Safety Act
33 Fund is hereby established within the State Treasury. Moneys in
34 the fund shall be available upon appropriation by the Legislature.
35 Notwithstanding Section 16305.7 of the Government Code, the
36 fund shall include any interest and dividends earned on the moneys
37 in the fund. *Commencing January 1, 2017, the fund is hereby*
38 *renamed and shall thereafter be known as the Medical Cannabis*
39 *Regulation and Safety Act Fund. On and after that date, any*
40 *references in law to the Medical Marijuana Regulation and Safety*

1 *Act Fund, as created by this section, shall instead be deemed to*
2 *refer to the Medical Cannabis Regulation and Safety Act Fund.*

3 (b) (1) Funds for the establishment and support of the regulatory
4 activities pursuant to this chapter shall be advanced as a General
5 Fund or special fund loan, and shall be repaid by the initial
6 proceeds from fees collected pursuant to this chapter or any rule
7 or regulation adopted pursuant to this chapter, by January 1, 2022.
8 Should the initial proceeds from fees not be sufficient to repay the
9 loan, moneys from the Medical Cannabis Fines and Penalties
10 Account shall be made available to the bureau, by appropriation
11 of the Legislature, to repay the loan.

12 (2) Funds advanced pursuant to this subdivision shall be
13 appropriated to the bureau, which shall distribute the moneys to
14 the appropriate licensing authorities, as necessary to implement
15 the provisions of this chapter.

16 (3) The Director of Finance may provide an initial operating
17 loan from the General Fund to the ~~Medical Marijuana~~ *Medical Cannabis*
18 *Regulation and Safety Act Fund* that does not exceed ten million
19 dollars (\$10,000,000).

20 (c) Except as otherwise provided, all moneys collected pursuant
21 to this chapter as a result of fines or penalties imposed under this
22 chapter shall be deposited directly into the Medical Marijuana
23 Fines and Penalties Account, which is hereby established within
24 the fund, and shall be available, upon appropriation by the
25 Legislature to the bureau, for the purposes of funding the
26 enforcement grant program pursuant to subdivision (d).
27 *Commencing January 1, 2017, the account is hereby renamed and*
28 *shall thereafter be known as the Medical Cannabis Fines and*
29 *Penalties Account. On and after that date, any references in law*
30 *to the Medical Marijuana Fines and Penalties Account shall*
31 *instead be deemed to refer to the Medical Cannabis Fines and*
32 *Penalties Account.*

33 (d) (1) The bureau shall establish a grant program to allocate
34 moneys from the Medical Cannabis Fines and Penalties Account
35 to state and local entities for the following purposes:

36 (A) To assist with medical cannabis regulation and the
37 enforcement of this chapter and other state and local laws
38 applicable to cannabis activities.

1 (B) For allocation to state and local agencies and law
2 enforcement to remedy the environmental impacts of cannabis
3 cultivation.

4 (2) The costs of the grant program under this subdivision shall,
5 upon appropriation by the Legislature, be paid for with moneys in
6 the Medical Cannabis Fines and Penalties Account.

7 (3) The grant program established by this subdivision shall only
8 be implemented after the loan specified in this section is repaid.

9 *SEC. 16. Section 19352 of the Business and Professions Code*
10 *is amended to read:*

11 19352. The sum of ten million dollars (\$10,000,000) is hereby
12 appropriated from the Medical ~~Marijuana~~ Cannabis Regulation
13 and Safety Act Fund to the Department of Consumer Affairs to
14 begin the activities of the Bureau of Medical ~~Marijuana~~ Cannabis
15 Regulation. Funds appropriated pursuant to this section shall not
16 include moneys received from fines or penalties.

17 *SEC. 17. Section 12029 of the Fish and Game Code is amended*
18 *to read:*

19 12029. (a) The Legislature finds and declares all of the
20 following:

21 (1) The environmental impacts associated with ~~marijuana~~
22 cannabis cultivation have increased, and unlawful water diversions
23 for ~~marijuana~~ cannabis irrigation have a detrimental effect on fish
24 and wildlife and their habitat, which are held in trust by the state
25 for the benefit of the people of the state.

26 (2) The remediation of existing ~~marijuana~~ cannabis cultivation
27 sites is often complex and the permitting of these sites requires
28 greater department staff time and personnel expenditures. The
29 potential for ~~marijuana~~ cannabis cultivation sites to significantly
30 impact the state's fish and wildlife resources requires immediate
31 action on the part of the department's lake and streambed alteration
32 permitting staff.

33 (b) In order to address unlawful water diversions and other
34 violations of the Fish and Game Code associated with ~~marijuana~~
35 cannabis cultivation, the department shall establish the watershed
36 enforcement program to facilitate the investigation, enforcement,
37 and prosecution of these offenses.

38 (c) The department, in coordination with the State Water
39 Resources Control Board, shall establish a permanent multiagency
40 task force to address the environmental impacts of ~~marijuana~~

1 *cannabis* cultivation. The multiagency task force, to the extent
 2 feasible and subject to available ~~Resources~~, *resources*, shall expand
 3 its enforcement efforts on a statewide level to ensure the reduction
 4 of adverse impacts of ~~marijuana~~ *cannabis* cultivation on fish and
 5 wildlife and their habitats throughout the state.

6 (d) In order to facilitate the remediation and permitting of
 7 ~~marijuana~~ *cannabis* cultivation sites, the department shall adopt
 8 regulations to enhance the fees on any entity subject to Section
 9 1602 for ~~marijuana~~ *cannabis* cultivation sites that require
 10 remediation. The fee schedule established pursuant to this
 11 subdivision shall not exceed the fee limits in Section 1609.

12 *SEC. 18. Section 9147.7 of the Government Code is amended*
 13 *to read:*

14 9147.7. (a) For the purpose of this section, “eligible agency”
 15 means any agency, authority, board, bureau, commission,
 16 conservancy, council, department, division, or office of state
 17 government, however denominated, excluding an agency that is
 18 constitutionally created or an agency related to postsecondary
 19 education, for which a date for repeal has been established by
 20 statute on or after January 1, 2011.

21 (b) The Joint Sunset Review Committee is hereby created to
 22 identify and eliminate waste, duplication, and inefficiency in
 23 government agencies. The purpose of the committee is to conduct
 24 a comprehensive analysis over 15 years, and on a periodic basis
 25 thereafter, of every eligible agency to determine if the agency is
 26 still necessary and cost effective.

27 (c) Each eligible agency scheduled for repeal shall submit to
 28 the committee, on or before December 1 prior to the year it is set
 29 to be repealed, a complete agency report covering the entire period
 30 since last reviewed, including, but not limited to, the following:

- 31 (1) The purpose and necessity of the agency.
- 32 (2) A description of the agency budget, priorities, and job
- 33 descriptions of employees of the agency.
- 34 (3) Any programs and projects under the direction of the agency.
- 35 (4) Measures of the success or failures of the agency and
- 36 justifications for the metrics used to evaluate successes and failures.
- 37 (5) Any recommendations of the agency for changes or
- 38 reorganization in order to better fulfill its purpose.

39 (d) The committee shall take public testimony and evaluate the
 40 eligible agency prior to the date the agency is scheduled to be

1 repealed. An eligible agency shall be eliminated unless the
2 Legislature enacts a law to extend, consolidate, or reorganize the
3 eligible agency. No eligible agency shall be extended in perpetuity
4 unless specifically exempted from the provisions of this section.
5 The committee may recommend that the Legislature extend the
6 statutory sunset date for no more than one year to allow the
7 committee more time to evaluate the eligible agency.

8 (e) The committee shall be comprised of 10 members of the
9 Legislature. The Senate Committee on Rules shall appoint five
10 members of the Senate to the committee, not more than three of
11 whom shall be members of the same political party. The Speaker
12 of the Assembly shall appoint five members of the Assembly to
13 the committee, not more than three of whom shall be members of
14 the same political party. Members shall be appointed within 15
15 days after the commencement of the regular session. Each member
16 of the committee who is appointed by the Senate Committee on
17 Rules or the Speaker of the Assembly shall serve during that
18 committee member's term of office or until that committee member
19 no longer is a Member of the Senate or the Assembly, whichever
20 is applicable. A vacancy on the committee shall be filled in the
21 same manner as the original appointment. Three Assembly
22 Members and three Senators who are members of the committee
23 shall constitute a quorum for the conduct of committee business.
24 Members of the committee shall receive no compensation for their
25 work with the committee.

26 (f) The committee shall meet not later than 30 days after the
27 first day of the regular session to choose a chairperson and to
28 establish the schedule for eligible agency review provided for in
29 the statutes governing the eligible agencies. The chairperson of
30 the committee shall alternate every two years between a Member
31 of the Senate and a Member of the Assembly, and the vice
32 chairperson of the committee shall be a member of the opposite
33 house as the chairperson.

34 (g) This section shall not be construed to change the existing
35 jurisdiction of the budget or policy committees of the Legislature.

36 (h) This section shall not apply to the Bureau of Medical
37 ~~Marijuana~~ Cannabis Regulation.

38 *SEC. 19. Section 11362.769 of the Health and Safety Code is*
39 *amended to read:*

1 11362.769. Indoor and outdoor medical ~~marijuana~~ *cannabis*
2 cultivation shall be conducted in accordance with state and local
3 laws related to land conversion, grading, electricity usage, water
4 usage, water quality, woodland and riparian habitat protection,
5 agricultural discharges, and similar matters. State agencies,
6 including, but not limited to, the State Board of Forestry and Fire
7 Protection, the Department of Fish and Wildlife, the State Water
8 Resources Control Board, the California regional water quality
9 control boards, and traditional state law enforcement agencies shall
10 address environmental impacts of medical ~~marijuana~~ *cannabis*
11 cultivation and shall coordinate, when appropriate, with cities and
12 counties and their law enforcement agencies in enforcement efforts.

13 *SEC. 20. Section 11362.775 of the Health and Safety Code is*
14 *amended to read:*

15 11362.775. (a) Subject to subdivision (b), qualified patients,
16 persons with valid identification cards, and the designated primary
17 caregivers of qualified patients and persons with identification
18 cards, who associate within the State of California in order
19 collectively or cooperatively to cultivate cannabis for medical
20 purposes, shall not solely on the basis of that fact be subject to
21 state criminal sanctions under Section 11357, 11358, 11359, 11360,
22 11366, 11366.5, or 11570.

23 (b) This section shall remain in effect only until one year after
24 the Bureau of Medical ~~Marijuana~~ *Cannabis* Regulation posts a
25 notice on its Internet Web site that the licensing authorities have
26 commenced issuing licenses pursuant to the Medical ~~Marijuana~~
27 *Cannabis* Regulation and Safety Act (Chapter 3.5 (commencing
28 with Section 19300) of Division 8 of the Business and Professions
29 Code), and is repealed upon issuance of licenses.

30 *SEC. 21. Section 11362.777 of the Health and Safety Code, as*
31 *amended by Section 1 of Chapter 1 of the Statutes of 2016, is*
32 *amended to read:*

33 11362.777. (a) The Department of Food and Agriculture shall
34 establish a Medical Cannabis Cultivation Program to be
35 administered by the secretary and, except as specified in
36 subdivision (c), shall administer this section as it pertains to the
37 cultivation of medical ~~marijuana~~ *cannabis*. For purposes of this
38 section and Chapter 3.5 (commencing with Section 19300) of
39 Division 8 of the Business and Professions Code, medical cannabis
40 is an agricultural product.

1 (b) (1) A person or entity shall not cultivate medical-~~marijuana~~
2 *cannabis* without first obtaining both of the following:

3 (A) A license, permit, or other entitlement, specifically
4 permitting cultivation pursuant to these provisions, from the city,
5 county, or city and county in which the cultivation will occur.

6 (B) A state license issued by the department pursuant to this
7 section.

8 (2) A person or entity shall not submit an application for a state
9 license issued by the department pursuant to this section unless
10 that person or entity has received a license, permit, or other
11 entitlement, specifically permitting cultivation pursuant to these
12 provisions, from the city, county, or city and county in which the
13 cultivation will occur.

14 (3) A person or entity shall not submit an application for a state
15 license issued by the department pursuant to this section if the
16 proposed cultivation of ~~marijuana~~ *cannabis* will violate the
17 provisions of any local ordinance or regulation, or if medical
18 ~~marijuana~~ *cannabis* is prohibited by the city, county, or city and
19 county in which the cultivation is proposed to occur, either
20 expressly or otherwise under principles of permissive zoning.

21 (c) (1) Except as otherwise specified in this subdivision, and
22 without limiting any other local regulation, a city, county, or city
23 and county, through its current or future land use regulations or
24 ordinance, may issue or deny a permit to cultivate medical
25 ~~marijuana~~ *cannabis* pursuant to this section. A city, county, or city
26 and county may inspect the intended cultivation site for suitability
27 before issuing a permit. After the city, county, or city and county
28 has approved a permit, the applicant shall apply for a state medical
29 ~~marijuana~~ *cannabis* cultivation license from the department. A
30 locally issued cultivation permit shall only become active upon
31 licensing by the department and receiving final local approval. A
32 person shall not cultivate medical-~~marijuana~~ *cannabis* before
33 obtaining both a permit from the city, county, or city and county
34 and a state medical-~~marijuana~~ *cannabis* cultivation license from
35 the department.

36 (2) A city, county, or city and county that issues or denies
37 conditional licenses to cultivate medical-~~marijuana~~ *cannabis*
38 pursuant to this section shall notify the department in a manner
39 prescribed by the secretary.

1 (3) A city, county, or city and county’s locally issued conditional
 2 permit requirements must be at least as stringent as the
 3 department’s state licensing requirements.

4 (d) (1) The secretary may prescribe, adopt, and enforce
 5 regulations relating to the implementation, administration, and
 6 enforcement of this part, including, but not limited to, applicant
 7 requirements, collections, reporting, refunds, and appeals.

8 (2) The secretary may prescribe, adopt, and enforce any
 9 emergency regulations as necessary to implement this part. Any
 10 emergency regulation prescribed, adopted, or enforced pursuant
 11 to this section shall be adopted in accordance with Chapter 3.5
 12 (commencing with Section 11340) of Part 1 of Division 3 of Title
 13 2 of the Government Code, and, for purposes of that chapter,
 14 including Section 11349.6 of the Government Code, the adoption
 15 of the regulation is an emergency and shall be considered by the
 16 Office of Administrative Law as necessary for the immediate
 17 preservation of the public peace, health and safety, and general
 18 welfare.

19 (3) The secretary may enter into a cooperative agreement with
 20 a county agricultural commissioner to carry out the provisions of
 21 this chapter, including, but not limited to, administration,
 22 investigations, inspections, licensing and assistance pertaining to
 23 the cultivation of medical-~~marijuana~~: *cannabis*. Compensation
 24 under the cooperative agreement shall be paid from assessments
 25 and fees collected and deposited pursuant to this chapter and shall
 26 provide reimbursement to the county agricultural commissioner
 27 for associated costs.

28 (e) (1) The department, in consultation with, but not limited
 29 to, the Bureau of Medical-~~Marijuana~~ *Cannabis* Regulation, the
 30 State Water Resources Control Board, and the Department of Fish
 31 and Wildlife, shall implement a unique identification program for
 32 medical-~~marijuana~~: *cannabis*. In implementing the program, the
 33 department shall consider issues, including, but not limited to,
 34 water use and environmental impacts. In implementing the
 35 program, the department shall ensure that:

36 (A) Individual and cumulative effects of water diversion and
 37 discharge associated with cultivation do not affect the instream
 38 flows needed for fish spawning, migration, and rearing, and the
 39 flows needed to maintain natural flow variability.

1 (B) Cultivation will not negatively impact springs, riparian
2 wetlands, and aquatic habitats.

3 (2) The department shall establish a program for the
4 identification of permitted medical-~~marijuana~~ *cannabis* plants at
5 a cultivation site during the cultivation period. The unique identifier
6 shall be attached at the base of each plant. A unique identifier,
7 such as, but not limited to, a zip tie, shall be issued for each medical
8 ~~marijuana~~ *cannabis* plant.

9 (A) Unique identifiers will only be issued to those persons
10 appropriately licensed by this section.

11 (B) Information associated with the assigned unique identifier
12 and licensee shall be included in the trace and track program
13 specified in Section 19335 of the Business and Professions Code.

14 (C) The department may charge a fee to cover the reasonable
15 costs of issuing the unique identifier and monitoring, tracking, and
16 inspecting each medical-~~marijuana~~ *cannabis* plant.

17 (D) The department may promulgate regulations to implement
18 this section.

19 (3) The department shall take adequate steps to establish
20 protections against fraudulent unique identifiers and limit illegal
21 diversion of unique identifiers to unlicensed persons.

22 (f) (1) A city, county, or city and county that issues or denies
23 licenses to cultivate medical-~~marijuana~~ *cannabis* pursuant to this
24 section shall notify the department in a manner prescribed by the
25 secretary.

26 (2) Unique identifiers and associated identifying information
27 administered by a city or county shall adhere to the requirements
28 set by the department and be the equivalent to those administered
29 by the department.

30 (g) This section does not apply to a qualified patient cultivating
31 ~~marijuana~~ *cannabis* pursuant to Section 11362.5 if the area he or
32 she uses to cultivate ~~marijuana~~ *cannabis* does not exceed 100
33 square feet and he or she cultivates ~~marijuana~~ *cannabis* for his or
34 her personal medical use and does not sell, distribute, donate, or
35 provide ~~marijuana~~ *cannabis* to any other person or entity. This
36 section does not apply to a primary caregiver cultivating ~~marijuana~~
37 *cannabis* pursuant to Section 11362.5 if the area he or she uses to
38 cultivate ~~marijuana~~ *cannabis* does not exceed 500 square feet and
39 he or she cultivates ~~marijuana~~ *cannabis* exclusively for the personal
40 medical use of no more than five specified qualified patients for

1 whom he or she is the primary caregiver within the meaning of
2 Section 11362.7 and does not receive remuneration for these
3 activities, except for compensation provided in full compliance
4 with subdivision (c) of Section 11362.765. For purposes of this
5 section, the area used to cultivate ~~marijuana~~ *cannabis* shall be
6 measured by the aggregate area of vegetative growth of live
7 ~~marijuana~~ *cannabis* plants on the premises. Exemption from the
8 requirements of this section does not limit or prevent a city, county,
9 or city and county from exercising its police authority under
10 Section 7 of Article XI of the California Constitution.

11 *SEC. 22. Section 31020 of the Revenue and Taxation Code is*
12 *amended to read:*

13 31020. The board, in consultation with the Department of Food
14 and Agriculture, shall adopt a system for reporting the movement
15 of commercial cannabis and cannabis products throughout the
16 distribution chain. The system shall not be duplicative of the
17 electronic database administered by the Department of Food and
18 Agriculture specified in Section 19335 of the Business and
19 Professions Code. The system shall also employ secure packaging
20 and be capable of providing information to the board. This system
21 shall capture, at a minimum, all of the following:

- 22 (a) The amount of tax due by the designated entity.
- 23 (b) The name, address, and license number of the designated
24 entity that remitted the tax.
- 25 (c) The name, address, and license number of the succeeding
26 entity receiving the product.
- 27 (d) The transaction date.
- 28 (e) Any other information deemed necessary by the board for
29 the taxation and regulation of ~~marijuana~~ *cannabis* and ~~marijuana~~
30 *cannabis* products.

31 *SEC. 23. Section 13276 of the Water Code is amended to read:*

32 13276. (a) The multiagency task force, the Department of Fish
33 and Wildlife and State Water Resources Control Board pilot project
34 to address the Environmental Impacts of Cannabis Cultivation,
35 assigned to respond to the damages caused by ~~marijuana~~ *cannabis*
36 cultivation on public and private lands in California, shall continue
37 its enforcement efforts on a permanent basis and expand them to
38 a statewide level to ensure the reduction of adverse impacts of
39 ~~marijuana~~ *cannabis* cultivation on water quality and on fish and
40 wildlife throughout the state.

1 (b) Each regional board shall, and the State Water Resources
2 Control Board may, address discharges of waste resulting from
3 medical-marijuana *cannabis* cultivation and associated activities,
4 including by adopting a general permit, establishing waste
5 discharge requirements, or taking action pursuant to Section 13269.
6 In addressing these discharges, each regional board shall include
7 conditions to address items that include, but are not limited to, all
8 of the following:

- 9 (1) Site development and maintenance, erosion control, and
10 drainage features.
- 11 (2) Stream crossing installation and maintenance.
- 12 (3) Riparian and wetland protection and management.
- 13 (4) Soil disposal.
- 14 (5) Water storage and use.
- 15 (6) Irrigation runoff.
- 16 (7) Fertilizers and soil.
- 17 (8) Pesticides and herbicides.
- 18 (9) Petroleum products and other chemicals.
- 19 (10) Cultivation-related waste.
- 20 (11) Refuse and human waste.
- 21 (12) Cleanup, restoration, and mitigation.

22 ~~SECTION 1. Section 8001 of the Health and Safety Code is~~
23 ~~amended to read:~~

24 ~~8001. Any resolution or declaration for abandonment adopted~~
25 ~~and made under this article shall specify and declare that at any~~
26 ~~time after the expiration of 70 days after the first publication of~~
27 ~~the notice of declaration of intended abandonment and removal,~~
28 ~~the human remains then remaining in the cemetery shall be~~
29 ~~removed by the county owning the cemetery. Notice of the~~
30 ~~declaration of intended abandonment of the cemetery and proposed~~
31 ~~removal of the human remains interred in the cemetery shall be~~
32 ~~given to all interested persons by publication in the newspaper of~~
33 ~~general circulation published in the county determined by the board~~
34 ~~of supervisors most likely to give notice to the parties concerned.~~
35 ~~Publication shall be made once a week for four consecutive times.~~
36 ~~The notice shall be entitled "Notice of Declaration of Abandonment~~
37 ~~of Lands for Cemetery Purposes and of Intention to Remove~~
38 ~~Human Bodies Interred Therein," and shall specify a date not less~~
39 ~~than 70 days after the first publication of the notice when the~~
40 ~~county controlling the cemetery lands and causing the notice to~~

- 1 ~~be published will proceed to remove the human remains then~~
- 2 ~~remaining in that cemetery. Notice shall also be mailed to any~~
- 3 ~~known living heir-at-law of any person whose remains are interred~~
- 4 ~~in the cemetery when the address of the heir is known.~~

O