

AMENDED IN ASSEMBLY SEPTEMBER 4, 2015

AMENDED IN ASSEMBLY SEPTEMBER 1, 2015

AMENDED IN ASSEMBLY AUGUST 18, 2015

AMENDED IN ASSEMBLY AUGUST 17, 2015

AMENDED IN SENATE JUNE 3, 2015

AMENDED IN SENATE MAY 6, 2015

AMENDED IN SENATE APRIL 6, 2015

SENATE BILL

No. 643

Introduced by Senator McGuire

February 27, 2015

An act amend Section 2220.05 of the Business and Professions Code, relating to medical marijuana.

LEGISLATIVE COUNSEL'S DIGEST

SB 643, as amended, McGuire. Medical marijuana.

Existing law, the Compassionate Use Act of 1996, an initiative measure enacted by the approval of Proposition 215 at the November 6, 1996, statewide general election, authorizes the use of marijuana for medical purposes. Existing law enacted by the Legislature requires the establishment of a program for the issuance of identification cards to qualified patients so that they may lawfully use marijuana for medical purposes, and requires the establishment of guidelines for the lawful cultivation of marijuana grown for medical use. Existing law provides for the licensure of various professions by the Department of Consumer Affairs. Existing law, the Sherman Food, Drug, and Cosmetic Law,

provides for the regulation of food, drugs, devices, and cosmetics, as specified. A violation of that law is a crime.

~~This bill would state the intent of the Legislature to enact a comprehensive regulatory framework for medical marijuana in the State of California. This bill would require that the Medical Board of California prioritize its investigative and prosecutorial resources to identify and discipline physicians and surgeons that have repeatedly recommended excessive cannabis to patients for medical purposes or repeatedly recommending cannabis to patients for medical purposes without a good faith examination, as specified.~~ The bill would become operative only if AB 266 of the 2015–16 Regular Session is enacted and takes effect on or before January 1, 2016.

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 2220.05 of the Business and Professions
- 2 Code is amended to read:
- 3 2220.05. (a) In order to ensure that its resources are maximized
- 4 for the protection of the public, the Medical Board of California
- 5 shall prioritize its investigative and prosecutorial resources to
- 6 ensure that physicians and surgeons representing the greatest threat
- 7 of harm are identified and disciplined expeditiously. Cases
- 8 involving any of the following allegations shall be handled on a
- 9 priority basis, as follows, with the highest priority being given to
- 10 cases in the first paragraph:
- 11 (1) Gross negligence, incompetence, or repeated negligent acts
- 12 that involve death or serious bodily injury to one or more patients,
- 13 such that the physician and surgeon represents a danger to the
- 14 public.
- 15 (2) Drug or alcohol abuse by a physician and surgeon involving
- 16 death or serious bodily injury to a patient.
- 17 (3) Repeated acts of clearly excessive prescribing, furnishing,
- 18 or administering of controlled substances, or repeated acts of
- 19 prescribing, dispensing, or furnishing of controlled substances
- 20 without a good faith prior examination of the patient and medical
- 21 reason therefor. However, in no event shall a physician and surgeon
- 22 prescribing, furnishing, or administering controlled substances for
- 23 intractable pain consistent with lawful prescribing, including, but

1 not limited to, Sections 725, 2241.5, and 2241.6 of this code and
2 Sections 11159.2 and 124961 of the Health and Safety Code, be
3 prosecuted for excessive prescribing and prompt review of the
4 applicability of these provisions shall be made in any complaint
5 that may implicate these provisions.

6 *(4) Repeated acts of clearly excessive recommending of cannabis*
7 *to patients for medical purposes, or repeated acts of recommending*
8 *cannabis to patients for medical purposes without a good faith*
9 *prior examination of the patient and a medical reason for the*
10 *recommendation.*

11 ~~(4)~~
12 (5) Sexual misconduct with one or more patients during a course
13 of treatment or an examination.

14 ~~(5)~~
15 (6) Practicing medicine while under the influence of drugs or
16 alcohol.

17 (b) The board may by regulation prioritize cases involving an
18 allegation of conduct that is not described in subdivision (a). Those
19 cases prioritized by regulation shall not be assigned a priority equal
20 to or higher than the priorities established in subdivision (a).

21 (c) The Medical Board of California shall indicate in its annual
22 report mandated by Section 2312 the number of temporary
23 restraining orders, interim suspension orders, and disciplinary
24 actions that are taken in each priority category specified in
25 subdivisions (a) and (b).

26 ~~SECTION 1. It is the intent of the Legislature to enact a~~
27 ~~comprehensive regulatory framework for medical marijuana in~~
28 ~~the State of California.~~

29 SEC. 2. This act shall become operative only if Assembly Bill
30 266 of the 2015–16 Session is enacted and takes effect on or before
31 January 1, 2016.