

Calif. seeks to rein in medical pot industry

By Lisa Leff, AP

SAN FRANCISCO – The likelihood that California voters will be asked to legalize recreational marijuana next year is prompting lawmakers to make a serious run at reining in the state's vast medical marijuana industry – a job they have deferred for nearly two decades.

A pair of bills pending in the California Legislature would create the first statewide regulations for medical marijuana growers, manufacturers of pot-infused products, and distributors such as storefront dispensaries and delivery services.

California authorized marijuana use for health purposes with a 1996 ballot measure that allows doctors to recommend the drug for any ailment, deliberately leaving the specifics for how it should be produced and sold for another day.

With advocates now working to qualify recreational-use initiatives for the November 2016 ballot, that day finally may have arrived.

The state Assembly last month approved a comprehensive licensing and oversight scheme on a bipartisan 62-8 vote. A compromise measure to create the Governor's Office of Medical Cannabis Regulation, AB 266, is endorsed by both the California Cannabis Industry Association and the California Police Chiefs Association.

"The legalization discussion has definitely changed the tone of the conversation," said Natasha Minsker, who directs the ACLU of California's advocacy office in Sacramento. "There is real potential a legalization initiative will set the tone for

regulation and taxation, and if the Legislature wants to be involved, now is the time.”

The eleventh-hour effort offers a preview of issues that are likely to surface during a legalization campaign, from concerns over water use and drugged driving to questions around consumer protections and who will be allowed to apply for business licenses.

The bill by Assemblyman Rob Bonta, D-Oakland, requires numerous state agencies to flesh out and enforce a regulatory framework by 2018.

The California Highway Patrol would develop a way to determine when someone is too high to drive, while the Department of Public Health would come up with rules for testing pot products for potency and toxic chemicals and set limits on when individuals with felony convictions or newly arrived in California would be eligible for a license to grow, process, transport or sell medical marijuana.

The bill also would create training standards and labor rights for industry workers – a nod to unions – and preserve the right of local governments to ban cannabis businesses, which is key to maintaining support from the League of California Cities and police chiefs.

“This is something that is greatly needed and long overdue,” said Chula Vista Police Chief David Bejarano, the police association’s president. “We are aware there will be an initiative on the ballot and if it is approved, we will have a good foundation, something to prevent some of the issues we have had with medical marijuana.”

Gov. Jerry Brown, a Democrat who has expressed skepticism about the wisdom of legalizing recreational marijuana use, has not indicated if he would sign the medical marijuana legislation if it reaches his desk.

Sen. Mike McGuire, a first-term Democrat whose 370-mile long coastal district encompasses Northern California's prime pot-growing regions, blames the Legislature's years of inaction on continuing skepticism over marijuana's medical value, law enforcement resistance and industry doubts.

Noting there is no guarantee that California voters will go for full legalization, McGuire introduced his own medical marijuana bill. SB643 would establish an office within the state Business, Consumer Affairs and Housing Agency to license medical marijuana businesses and to develop regulations for how they should operate.

It would also require the California Medical Board to crack down on doctors who issue medical marijuana recommendations without a proper patient exam or valid medical reason for doing so.

"My beef is this: California's approach to medical marijuana regulation has been impotent and when you allow an industry to grow unregulated for as long as we have with cannabis, we are going to pay the price," McGuire said. "We are inundated with the impacts of this multi-billion dollar industry and we cannot sacrifice our communities, the environment and patient safety any longer."