

SIERRA COUNTY

Board of Supervisors
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18 April 2019

Hon. Brian Dahle
California State Assembly
State Capitol, Room 3104
Sacramento, CA 94249

Subject: Opposition to AB 1356 (Commercial retail cannabis activities)

Dear Assemblyman Dahle:

This letter is to express our strong opposition to Assembly Bill 1356, authored by Assembly Member Phil Ting, on the subject of commercial retail cannabis activities.

Present public policy allows for strong local control over the siting of cannabis retail facilities and the Sierra County Board of Supervisors responded by an informational vote countywide on the subject of commercial activities. Sierra County's voters responded with a preference not to have storefront retail businesses located within unincorporated Sierra County. For the convenience and access of the public, the Board of Supervisors did allow for mobile delivery but banned all storefront activities countywide.

We are disappointed that any legislator would propose a land-use standard based on the results of a statewide ballot measure that's primary purpose was to sanction adult use of cannabis (the Legislature created a regulatory framework for medical cannabis over a year before Proposition 64 was enacted). Current public policy allows for citizens to referendum any action taken locally. We believe this public policy allows each entity to form a standard that best serves its communities locally, and not a one-size-fits-all statewide standard.

We appreciate your consideration of this matter.

Sincerely,

SIERRA COUNTY
BOARD OF SUPERVISORS

By:
PAUL ROEN
Chair

Cc: The Honorable Phil Ting, Member of the State Assembly
Members of the Assembly Business & Professions Committee

AB 1356

Introduced by Assembly Member Ting

February 22, 2019

An act to amend Section 26190 of the Business and Professions Code, relating to cannabis. An act to amend Section 26200 of, and to add Section 26200.1 to, the Business and Professions Code, relating to cannabis.

LEGISLATIVE COUNSEL'S DIGEST

AB 1356, as amended, Ting. Cannabis: licensing authorities: annual reports. Cannabis: local jurisdictions: retail commercial cannabis activity.

The Control, Regulate and Tax Adult Use of Marijuana Act of 2016 (AUMA), an initiative measure approved as Proposition 64 at the November 8, 2016, statewide general election, authorizes a person who obtains a state license under AUMA to engage in commercial adult-use cannabis activity pursuant to that license and applicable local ordinances. The Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA), among other things, consolidates the licensure and regulation of commercial medicinal and adult-use cannabis activities, including retail commercial cannabis activity. MAUCRSA gives the Bureau of Cannabis Control in the Department of Consumer Affairs the power, duty, purpose, responsibility, and jurisdiction to regulate commercial cannabis activity in the state as provided by the act. MAUCRSA does not supersede or limit the authority of a local jurisdiction to adopt and enforce local ordinances to regulate commercial cannabis businesses within that local jurisdiction.

This bill, if more than 50% of the electorate of a local jurisdiction voted in favor of AUMA, would require a local jurisdiction to issue a minimum number of local licenses authorizing adult-use or medicinal retail cannabis commercial activity within that jurisdiction that would be permitted by a retailer license issued under MAUCRSA. The bill would require the minimum number of those local licenses required to be issued in that jurisdiction to be 25% of the number of currently active on-sale general licenses for alcoholic beverage sales in that jurisdiction, as specified, unless the minimum number would result in a ratio greater than one local license for retail cannabis commercial activity for every 10,000 residents of the local jurisdiction, in which case the bill would require the minimum number to be determined by dividing the number of residents in the local jurisdiction by 10,000 and rounding down to the nearest whole number. The bill would authorize a local jurisdiction to impose a fee on licensees to cover the regulatory costs of issuing those local licenses.

This bill would allow any local jurisdiction subject to the requirements of this bill that wants to establish a lower amount of these local licenses to submit an ordinance or other law, that clearly specifies the level of participation in the retail commercial cannabis market it would allow, to the electorate of that local jurisdiction at the next regularly scheduled local election following the operative date of this bill. The bill would provide that the local ordinance or other local law becomes effective if approved by more than 50% of its electorate. The bill would require the local jurisdiction to issue those licenses as otherwise required by this bill within a specified period of time if a local jurisdiction subject to the requirements of this bill does not submit a local ordinance or other local law regarding the lower amount of licenses to the electorate, or that local ordinance or other local law fails to receive more than 50% of the approval of the electorate voting on the issue. By imposing additional requirements on local jurisdictions the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement. This bill would provide that no reimbursement is required by this act for a specified reason. AUMA authorizes the Legislature to amend its provisions with a 2/3 vote of both houses to further its purposes and intent.