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14th Senate District

SB 753 – Illegal cannabis cultivation water theft and pollution crimes

SUMMARY

SB 753 clarifies existing state law to explicitly penalize illegal cannabis growers who pollute ground water with caustic, illegal chemicals who illegally “take” water.

BACKGROUND

Proposition 64, The Adult Use of Marijuana Act (2016) established that individuals found guilty of intentionally or with gross negligence, causing substantial harm to public lands or other public resources while illegally planting, cultivating, harvesting, drying, or processing cannabis may be punished by imprisonment.

California’s mediterranean climate has two notable seasons – wet and dry. Climate change is exacerbating California’s dry season, and as a result, the state is experiencing more frequent and longer lasting periods of severe, extreme, and exceptional drought. Lack of rain during the wet season has resulted in shrinking fresh water supply, straining all parts of California’s economy.

PROBLEM

Illegal cannabis farms are a serious, growing threat in rural areas of California. Illicit cannabis cultivators frequently engage in human trafficking, water theft, and environmental pollution as part of their operations. Because some sites go undetected for years, the potential environmental damage could last generations.

California state law currently does not have penalties strong enough to deter criminals from engaging in widespread illegal cannabis farming, nor does it recognize the danger illegal grows pose to water supply and groundwater pollution. Illegal cannabis farmers frequently break water pipes and infrastructure to steal water or dig unpermitted,

illegal wells to tap groundwater. CalMatters recently reported these actions have resulted in completely disrupting or jeopardizing water sources for many areas throughout the state.¹

The widespread use of dangerous and deadly pesticides at illegal cannabis farms, like carbofuran, can be lethal to both humans and wildlife, posing immediate and long-term risks to those working in and near these sites. Moreover, the extensive use of pesticides can pollute limited groundwater supplies, rendering the water unfit for drinking.

Because wildlife can damage cannabis plants, cultivators often use a variety of pesticides, including anticoagulant rodenticides, in order to protect their crops. Many of the remote forests of California where cannabis is cultivated is home to imperiled wildlife and fish species. These species interact with soil and water environments on multiple levels. The cultivation of cannabis on these remote forested landscapes and the associated use of chemicals on soil, cannabis plants, and nearby native vegetation, directly and imperil and impact wildlife and fish

SOLUTION

SB 753 amends Section 11358 of the Health and Safety Code to include groundwater as a public resource, and establishes that the theft of groundwater, unauthorized tapping into a water conveyance or storage infrastructure, or digging an unpermitted, illegal well may also be punished by imprisonment.

SUPPORT

Rural County Representatives of California (RCRC) Sponsor

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¹ <https://calmatters.org/environment/2021/07/illegal-marijuana-growers-steal-california-water/>