



AB 1448: Cannabis—Enhanced Local Enforcement

AB 1448 will enhance local enforcement mechanisms for unlicensed cannabis activities. It creates a streamlined local administrative penalty process, gives local jurisdictions incentives to pursue statutory penalties, and provides more penalty collection options.

The Problem

Since California voters made recreational cannabis legal in 2016 with Proposition 64, the Legislature, as well as state and local jurisdictions, have struggled to drive unlawful operators out of the cannabis market. Rural communities have been inundated with unlicensed and unregulated cannabis activity that is undermining the health and safety of residents and our regulated cannabis businesses. Illicit cannabis operators frequently engage in human trafficking, unlawful labor practices, water theft, illegal pesticide use, and environmental degradation as part of their operations. Local law enforcement agencies and code enforcement departments are on the front lines struggling to deal with the growth of illicit cannabis activities. Additional tools are needed at the local level to support streamlined enforcement measures and enhanced penalty options to combat unlicensed cannabis activities.

Current Law

Counties and cities are currently authorized to enforce local ordinances through several methods, including imposition of administrative penalties. However, the existing penalty statutes were primarily designed for ordinary zoning and building violations, and these processes are not always well suited to addressing large-scale illegal commercial cannabis operations. State law also authorizes local jurisdictions to impose penalties for commercial cannabis violations through judicial process, but any net recovery (after costs)

is not shared with the enforcing jurisdiction, making this mechanism unattractive for local governments.

The Solution

To strengthen enforcement mechanisms for local jurisdictions, AB 1448 proposes a local administrative penalty process specific to cannabis violations that (1) allows local jurisdictions additional flexibility regarding penalty process and amounts; (2) streamlines appeals and judicial review; (3) facilitates collection of final penalty amounts through judgment and lien mechanisms similar to those used for pesticide violations.

AB 1448 also provides an incentive to local jurisdictions to use the statutory penalties for unlicensed activities by revising Business and Professions Code 26038 to authorize the recovery of penalties through local administrative processes. In addition, AB 1448 allows a 50/50 state local split of the statutory penalties recovered in actions brought by local jurisdictions, as originally enacted by the Legislature in the Medical Cannabis Regulation and Safety Act (MCRSA). Revenues from these actions will provide a much-needed source of funds to reinvest in illicit cannabis enforcement.

Sponsor

Rural County Representatives of California (RCRC)

For More Information

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