



Legislation Text

File #: 23-0805, Version: 1

Supervisor Parlin, in response to a request by Rural County Representatives of California (RCRC), recommending the Board consider the following regarding proposed State legislation on cannabis enforcement:

- 1) Approve and authorize the Chair to sign a letter of support for Senate Bill (SB) 820 (Alvarado-Gil) regarding Cannabis Enforcement, Seizure of Property;
- 2) Approve and authorize the Chair to sign a letter of support for SB 753 (Caballero) regarding Illegal cannabis cultivation water theft and pollution crimes; and
- 3) Approve and authorize the Chair to sign a letter of support for Assembly Bill (AB) 1448 (Wallis) regarding Cannabis: Enforcement by Local Jurisdictions.

FUNDING: N/A

DISCUSSION / BACKGROUND

In April 2022, RCRC formed an Ad Hoc Advisory Committee on Cannabis of which Supervisor Parlin was a member. The purpose was to provide feedback to inform cannabis legislative, regulatory, and budget priorities, identify potential strategies for the next iteration of the Strategic Plan, review the cannabis policy principles for updates, and be a venue for related conversations with State and Federal agencies and Legislative representatives. In January 2023, RCRC approved the Ad Hoc committee's recommended changes to the cannabis section of the policy principles.

Except from RCRC 2023-24 Policy Principles:

CANNABIS

Cannabis Activities on Tribal Lands. RCRC supports the involvement of counties in the process to establish compacts allowing tribal entities to enter into an agreement with the State for licensing of cannabis activities, thereby providing a mechanism for tribal participation in the legal market. RCRC supports a compact process that encourages compliance with local land use regulations and includes consultation with local government.

State Cannabis Regulation. RCRC supports the State's implementation of the Medicinal and Adult Use Cannabis Regulation and Safety Act (MAUCRSA) and will continue to advocate maintaining local government's flexibility and authority to address individual community needs through local control measures. RCRC supports solutions that address the needs and challenges of cannabis operations in rural counties. RCRC supports the use of state provisional licenses allowing cannabis applicants to complete local permitting/licensing requirements and ancillary state required environmental permitting prior to annual licensure. RCRC supports streamlined CEQA processes and CEQA exemptions for appropriate cannabis activities. RCRC supports workforce training funding for displaced cannabis businesses/workers that are unable to transition to the new commercial industry.

Federal Legalization. RCRC supports de-scheduling cannabis as a Schedule I Controlled

Substance. RCRC supports expanding federal banking laws to allow legally sanctioned cannabis-related businesses to access financial services. RCRC supports federal pathways for interstate commerce. RCRC supports federal initiatives to either repeal or modify the federal prohibition of cannabis and encourages federal recognition of state laws regulating cannabis, including provisions preserving local government land-use authority.

Enforcement. RCRC supports funding targeted to local governments and state agencies for illegal cannabis activity enforcement efforts. RCRC supports more aggressive penalty structures or outcomes that would disincentivize illicit cannabis operations and market activity. RCRC supports efforts to address environmental damage to the public's health and safety from unregulated cannabis activity by a variety of State agencies including traditional state law enforcement agencies. RCRC supports a requirement that State environmental agencies coordinate with local government and tribal governments to ensure uniform application in enforcement efforts.

Taxation. RCRC supports flexible state cannabis tax administration prioritizing cannabis business owners and local economic development efforts. RCRC supports cannabis taxation at levels that would support long-term sustainable funding allocations to the Environmental Restoration and Protection Account and State and Local Government Law Enforcement Account. RCRC supports maintaining the authority for counties and cities to establish a local tax on commercial cannabis businesses.

RCRC supports local, regional, and statewide agreements that enable effective data sharing to support legal cannabis activities and combat illicit activities. These three pieces of proposed legislation were brought to our attention by RCRC and their Cannabis Ad Hoc which Supervisor Parlin is a member.

Excerpt from attachment B; "SB 820 adapts the same asset forfeiture provisions currently applicable to unlicensed manufacturing of alcoholic beverages (i.e., moonshining), to cover unlicensed commercial cannabis activities."

Excerpt from attachment D; "SB 753 clarifies existing state law to explicitly penalize illegal cannabis growers who pollute ground water with caustic, illegal chemicals who illegally "take" water."

Excerpt from attachment E; "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."

ALTERNATIVES

The Board could choose to wait and take positions on these bills later, or to take no position at all.

PRIOR BOARD ACTION

N/A

OTHER DEPARTMENT / AGENCY INVOLVEMENT

N/A

FINANCIAL IMPACT

N/A

CLERK OF THE BOARD FOLLOW UP ACTIONS

Obtain the Chair's signature on the three (3) letters and return to Supervisor Parlin for distribution.

STRATEGIC PLAN COMPONENT

Public Safety

CONTACT

Lori Parlin, County Supervisor