

Introduced by Senator Skinner
(Principal coauthor: Assembly Member Ting)
(Coauthors: Senators Bradford and Wiener)

February 11, 2021

An act to add Section 26203 to the Business and Professions Code, relating to cannabis.

LEGISLATIVE COUNSEL'S DIGEST

SB 398, as introduced, Skinner. Cannabis: model local ordinance.

The Control, Regulate and Tax Adult Use of Marijuana Act (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, and 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. MAUCRSA reserves to a local jurisdiction, defined as a city, city and county, or county, specified powers regarding commercial cannabis activity, including adopting and enforcing local ordinances regulating commercial cannabis activity or prohibiting that activity.

This bill would proclaim that a local jurisdiction may rely entirely on the state’s comprehensive licensing system to authorize commercial cannabis activity in their jurisdictions and are not required to adopt a local ordinance regulating or licensing commercial cannabis, or create a local licensing system.

AUMA authorizes the Legislature to amend by majority vote certain provisions of the act to implement specified substantive provisions, provided that the amendments are consistent with, and further the purposes and intent of, AUMA.

This bill would declare that its provisions implement specified substantive provisions of AUMA and are consistent with, and further the purposes and intent of, AUMA.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 26203 is added to the Business and
- 2 Professions Code, to read:
- 3 26203. A local jurisdiction may rely entirely on the state’s
- 4 comprehensive licensing system to authorize commercial cannabis
- 5 activity in their jurisdiction and is not required, by this division,
- 6 to adopt a local ordinance regulating or licensing commercial
- 7 cannabis, or create a separate local licensing system if not desired.
- 8 SEC. 2. The Legislature finds and declares that Section 1 of
- 9 this act, adding Section 26203 to the Business and Professions
- 10 Code, implements Section 6.1 of the Control, Regulate and Tax
- 11 Adult Use of Marijuana Act of 2016 and is consistent with, and
- 12 furthers the purposes and intent of, that act as stated in Section 3
- 13 of that act.