



CALIFORNIA CANNABIS INDUSTRY ASSOCIATION

California's Collective Voice for the Cannabis Industry

LEGISLATIVE UPDATE

By Nate Bradley and Amy O'Gorman Jenkins

Below is a summary of cannabis-related bills that have been introduced in the 2017-18 Legislative Session. A total of 2,495 bills (1,687 Assembly Bills and 808 Senate Bills) were introduced, before the February 17 bill introduction deadline. Of those, staff has identified 37 bills involving cannabis with additional bills anticipated.

Legislation, as of February 23, 2017

1. **AB 6 (Lackey) Driving under the influence: drug testing, as amended Feb. 22.** Sponsored by the California Police Chiefs Association, AB 6 previously authorized the use of an oral fluid screening test as an additional investigatory tool to establish reasonable cause to believe the person was driving under the influence of drugs.

AB 6 was gutted and amended on Feb. 22 to direct the CHP Commissioner to appoint a drugged driving task force to develop recommendations for best practices, protocols, proposed legislation, and other policies that will address the issue of driving under the influence of drugs, including prescription drugs. The task force will also examine the use of technology, including field testing technologies, to identify drivers under the influence of drugs, and may conduct pilot programs using those technologies. Policy recommendations from the task force will be submitted to the Legislature for review and consideration.

Task force members will include the Commissioner and at least one representative from the following: Office of Traffic Safety; National Highway Traffic Safety Administration; local law enforcement; district attorneys; local governments; relevant state and federal agencies; the California Marijuana Research Program; **the cannabis industry**; the pharmaceutical industry; the medical community; and an NGO with a focus on improving roadway safety.

Status: AB 6 has been referred to the Assembly Public Safety Committee and will be heard on Feb. 28.

2. **AB 62 (Wood) Public housing: smoke-free policy.** AB 62 requires all public housing agencies to implement a policy prohibiting the smoking of tobacco products, as defined, in all public housing living units, interior areas, and outdoor areas within 25 feet of public housing and administrative buildings, except in designated smoking areas, by July 30, 2018. The bill exempts dwelling units in a mixed-finance project from these provisions.

Staff comments: The bill specifies that smoking has the same meaning as defined in subdivision (c) of Section 22950.5 of the Business and Professions Code, which reads, as follows:

(c) “Smoking” means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, or pipe, or any other lighted or heated tobacco or **plant product** intended for inhalation, whether natural or synthetic, in any manner or in any form. “Smoking” includes the use of an electronic smoking device that creates an aerosol or vapor, in any manner or in any form, or the use of any oral smoking device for the purpose of circumventing the prohibition of smoking.

Last year, the author carried a similar bill, [AB 2300 \(Wood, 2016\)](#), which applied specifically to the smoking of cannabis. Under the bill, patients would have been permitted to maintain their right to access and use medical cannabis through other consumption methods such as edibles or oils, but would have been prohibited from smoking cannabis. AB 2300 narrowly passed the Senate Judiciary Committee, but was never voted on, on the Senate Floor.

Status: AB 62 was referred to Assembly Housing and Community Development Committee.

3. **[AB 64 \(Bonta, Cooley, Jones-Sawyer, Lackey and Wood\)](#) Cannabis: medical and nonmedical: regulation and advertising.** This is the vehicle intended to reconcile the regulatory structures under the MCRSA and Prop 64 frameworks. AB 64 currently does the following:

- Authorizes collectives and cooperatives to operate for profit or not for profit, but limits those protections to collectives and cooperatives that possess a valid seller’s permit from the State Board of Equalization and a valid local license, permit, or other authorization.
- Specifies that a dispensary, producing dispensary, or retailer license may be issued for storefront locations with direct physical access for the public or non-storefront locations without direct physical access for the public.
- Imposes restrictions and requirements prescribed in the AUMA to the MCRSA with modifications including a prohibition on advertising or marketing on a billboard or similar advertising device located on an interstate highway or state highway that crosses the border of any other state.
- Authorizes the use of specified classifications for trademarks related to medical cannabis and nonmedical cannabis goods and services that are lawfully in commerce under state law in the State of California.
- Advances \$3 million from the General Fund to the Department of the California Highway Patrol for use in the 2017–18 fiscal year for the purposes of establishing and adopting protocols to determine whether a driver is operating a vehicle while impaired and making grants to public and private research institutions to develop technology for determining when a driver is operating a vehicle while impaired, among others.

Staff comments: AB 64 will require a two-thirds vote of the Legislature to pass.

Status: AB 64 is pending referral.

4. **AB 76 (Chau) Adult-use marijuana: marketing.** AB 76 is authored-sponsored and is presently a “spot bill” that states legislative intent to prohibit the marketing of adult-use marijuana to children.

Staff comments: CCIA staff has reached out to the author’s office to explain the existing child safety provisions in the MCRSA and Prop 64, which include marketing restrictions and that the Department of Public Health is in the process of developing regulations.

Status: AB 76 is pending referral.

5. **AB 171 (Lackey) Medical Cannabis Regulation and Safety Act: licensure: reporting.** AB 171 would require each licensing entity to include in their annual reports, the number of conditional licenses issued. Under existing MCRSA requirements, each licensing authority is required to prepare and submit to the Legislature an annual report of their activities, and to post the report on the authority’s Internet Web site, including, among others, the number of state licenses issued by that authority.

Status: AB 171 is pending referral.

6. **AB 175 (Chau) Adult-use marijuana: marketing: packaging and labeling.** AB 175 requires a manufacturer, prior to introducing an edible marijuana product into commerce in California, to submit the packaging and labeling to the Bureau of Marijuana Control for approval. The bill further requires the bureau to determine whether the packaging and labeling follow the requirements of prescribed provisions in the AUMA, including the requirements that the packaging be child resistant and not attractive to children.

Staff comments: Staff reached out to the authors office to explain the existing child safety provision in the MCRSA and Prop 64 and that the Department of Public Health is in the process of developing regulations. Staff highlighted the following concerns with the bill:

- AB 175 is premature. The California Department of Public Health is in the process of developing regulations on packaging and labeling. Therefore, it is premature to be imposing additional requirements in advance of those regulations.
- AB 175 will slow down the implementation of the regulatory system. California has no real idea of the size or scope of what the packaging of the industry is going to look like. Requiring that the state create a system for approving all packaging on top of the work they are already having to do is not practical and premature.
- AB 175 creates possible liability for the state. Requiring that a state regulator be the deciding factor in determining what packaging is attractive to children and what isn't, opens the state up to potential liability.

CCIA position: Pending Board of Directors approval of Subcommittee recommendation to oppose.

Status: AB 175 is pending referral.

7. **[AB 238 \(Steinorth\)](#) Medical cannabis: distributors: employment.** AB 238 prevents a licensing entity from denying an application solely on the basis that it employs individuals who are not party to a collective bargaining agreement. This bill is targeted directly at the bureau and the Type 11 distributor license in the medical framework.

Staff comments: The author prepared an op-ed expressing support for cannabis operators' ability to self-distribute, as permitted in Prop 64. CCIA staff met with the author on Feb. 8 to discuss this bill and offered to work with the author on amendments that might better clarify intent.

Status: AB 238 is pending referral.

8. **[AB 350 \(Salas\)](#) Marijuana edibles: appealing to children.** AB 350 specifies that a cannabis product is deemed to be appealing to children or easily confused with commercially sold candy if it is in the shape of a person, animal, insect, fruit, or in another shape normally associated with candy, but would not prohibit a licensee from making an edible cannabis product in the shape of the licensee's logo.

Staff comments: This bill is being staffed by the Assembly Business & Professions Committee, which is chaired by the author. CCIA staff reached out to committee staff to see what, if any, other changes to the language are being contemplated.

Status: AB 350 is pending referral.

9. ***NEW* [AB 389 \(Salas/Caballero/Ridley-Thomas\)](#) Marijuana: consumer guide.** AB 389 requires the Bureau of Marijuana Control, by July 1, 2018, to establish and make available on its Internet Web site a consumer guide to educate the public on the regulation of medical and non-medical cannabis.

Status: AB 389 is pending referral.

10. **[AB 416 \(Mathis\)](#) Cannabis.** AB 416 is an author-sponsored bill. The language is currently in "spot" form, but states legislative intent to address CBD-enriched cannabis.

Staff comments: In early conversations with the author's office, CCIA staff believes the intent is to incentivize cannabis operators to grow more CBD-enriched cannabis.

Status: AB 416 is pending referral.

11. **[AB 420 \(Wood\)](#) Marijuana and medical cannabis: advertisements: license number disclosure.** AB 420 requires an advertisement for the sale of both medical and non-medical cannabis and cannabis products to identify the licensee responsible for its content by including, at a minimum, the license number of the licensee.

Status: AB 420 is pending referral.

12. ***NEW* [AB 729 \(Gray\)](#) Nonmedical marijuana: licensee regulation.** AB 729 does the following:

- Specifies that licensees that sell cannabis and cannabis products to persons under 21 shall be subject to license suspension or revocation for a third or subsequent offense within 36 months of the initial violation.
- Extends the 600-foot radius requirement to playgrounds, hospitals and churches.
- Extends the 1000-foot advertising restrictions to churches.
- Specifies that a window or transparent door of a licensee’s premises shall not have more than 33 percent of the square footage covered by advertisements or signs of any sort and shall be maintained in a manner that ensures that law enforcement personnel have a clear and unobstructed view of the interior of the premises, including the area in which any cash register is located, from the exterior public sidewalk or the entrance to the premises. Clarifies that these provisions do not apply to premises with no windows or premises with windows only located at a height that precludes a pedestrian’s view of the interior of the premises from the outside.
- Requires a licensee to post a sign, visible from each public entrance, and a similar sign inside the premises that reads “No Person Under 21 Allowed”, but also provides that retail establishments serving medical patients may also include “without identification authorizing the purchase of medical cannabis.”
- Requires the bureau to adopt and publish guidelines for persons under 21 who conduct inspections and specifies certain procedures when conducting those inspections.

Staff comments: CCIA staff is meeting with the author’s staff to discuss initial concerns with the bill. The author’s press release on this bill can be found [here](#).

Status: AB 729 is pending referral.

13. ***NEW* AB 844 (Burke) California Marijuana Tax Fund: funding for support system navigation services: minimum performance standards.** SB 844 requires applicants for grants to support system navigation services, as described in Prop 64, to meet specific minimum performance standards as a condition of grant eligibility, including, among other standards, operate 24 hours per day, 7 days a week, and 365 days a year.

Staff comments: Per the author’s staff, this bill will be gutted and amended to include subject matter unrelated to cannabis and will likely be removed from future legislative updates.

Status: This bill is pending referral.

14. ***NEW* AB 845 (Wood) Cannabidiol.** AB 845 provides that, if federal law authorizes the prescription of a controlled substance containing cannabidiol, a physician may prescribe that substance in accordance with federal law. The bill further provides that upon the enactment of federal law authorizing the prescription or the furnishing, transferring, possession, or use of a prescription for a controlled substance containing cannabidiol, notwithstanding any other state law, the prescription, furnishing, transferring, possession, or use of that controlled substance in

accordance with federal law is for a legitimate medical purpose and is authorized pursuant to state law.

Staff Comments: AB 845 is an urgency bill that requires a 2/3rds vote of the Legislature.

Status: AB 845 is pending referral.

15. ***NEW*** [AB 903 \(Cunningham\)](#) **California Marijuana Tax Fund: California Highway Patrol.** AB 903 authorizes the CHP to use its annual \$3 million appropriation pursuant to Prop 64 to study the viability of standards for cannabis impairment. Under existing law, these funds may be used to establish and adopt protocols to determine whether a driver is operating a vehicle while impaired and make grants to public and private research institutions to develop technology for determining when a driver is operating a vehicle while impaired, among others.

Staff comments: CCIA staff shared existing provisions in the medical and non-medical frameworks regarding sales to minors and violations for such offenses.

Status: AB 903 is pending referral.

16. ***NEW*** [AB 948 \(Bonta\)](#) **Marijuana.** AB 948 is a spot bill that declares legislative intent related to cannabis.

Status: AB 948 is pending referral.

17. ***NEW*** [AB 963 \(Gipson\)](#) **Taxation: marijuana.** Sponsored by Board of Equalization Member Jerome Horton, AB 963 does the following:

- Establishes the California Cannabis Enforcement Team within the Board of Equalization (BOE) to combat tax evasion. The team would include representatives from the Franchise Tax Board, the Department of Justice, and the Employment Development Department and operate as a pilot program until January 1, 2020.
- Provides for the suspension or revocation of sellers permits (permits), issued by the BOE.
- Authorizes the BOE to deny an application for a permit if the applicant had previously been issued a permit that was suspended or revoked, among other reasons, and sets forth a process for appealing permit suspensions, revocations, and application denials.
- Imposes specific criminal penalties, including fines and imprisonment, for violations relating to the cultivation and excise taxes on cannabis and cannabis products and requires funds derived from those fines to be deposited into the Marijuana Tax Fines and Penalties Account, established within the California Marijuana Tax Fund.
- Requires a distributor to collect prepayments of both cannabis excise tax and sales tax on the cannabis or cannabis products distributed, as specified.

- Requires the distributor to provide the retailer with evidence of the prepayment amounts collected and grants a retailer that retains that evidence and other documents to credits in the amount of the cannabis excise tax and sales tax prepayments against its cannabis excise tax or sales and use tax obligations, respectively, for the same period.
- Requires all distributors to obtain a permit from the BOE for the purposes of collecting the cannabis taxes
- Authorizes the BOE to prescribe a method and manner for prepayment of the cannabis excise tax that utilizes tax stamps or other markings, as specified.
- Authorizes the BOE to prescribe a method and manner for collection and remittance of the cultivation tax by distributors.
- Subjects a purchaser that furnishes a seller with a false or falsified identification card to specified fines.
- Requires the State Department of Health Care Services, on or before July 1, 2018, to develop a magnetic encoding or similar capability of storing data for identification cards issued under the Medical Marijuana Program. Requires identification cards issued by county health departments after that development to contain the encoding or similar capability of storing data, on or before January 1, 2019.
- Requires every seller to employ a sales tracking system through a card reader with the capability of reading that encoding or similar capability of storing data, as specified.

Status: AB 963 is pending referral.

18. ***NEW*** [AB 1002 \(Cooley\)](#) **Center for Cannabis Research.** AB 1002 renames the University of California’s “California Marijuana Research Program” to the “Center for Cannabis Research.” The bill further authorizes the program to cultivate cannabis for research purposes and contract with an outside entity to assist with cultivation efforts. It also expands the scope of the program to include the study of naturally occurring compounds in cannabis and synthetic compounds that have effects similar to naturally occurring cannabinoids. AB 1002 also authorizes the program to conduct controlled clinical trials to focus on examining testing methods for detecting harmful contaminants, including mold and bacteria. Lastly, the bill allows the university to appoint a multidisciplinary Scientific Advisory Council to provide policy guidance to the program.

Status: AB 1002 is pending referral.

19. ***NEW*** [AB 1096 \(Bonta\)](#) **Medical cannabis.** AB 1096 is a spot bill intended to address state regulation of medical cannabis grown on, but transported out of, tribal lands.

Status: AB 1096 is pending referral.

20. ***NEW*** [AB 1120 \(Cooper/Dahle\)](#) **Controlled substances: butane.** Sponsored by the California Professional Firefighters, AB 1120 imposes a 600-milliliter cap on the purchase of butane within a calendar month. The bill further adds butane to the list of specified substances in Section

11107.1 of the Health and Safety Code that requires the retailer to record the date of sale, cost of sale, product description, purchaser's identification, method of payment, quantity purchased, and description of how the substance is to be used; and retain for a minimum of 5 years and present upon demand by any law enforcement officer or authorized representative of the Attorney General. This bill further requires the purchaser of the substance to retain a record of purchase, the date of purchase, a description and quantities of the specific items and the cost; and retain for a minimum of 3 years and present upon demand by any law enforcement officer or authorized representative of the Attorney General. The bill provides that a failure to meet the above-mentioned requirements constitutes a misdemeanor for the first offense and imprisonment up to one year and/or a \$100,000 fine for subsequent violations. Lastly, the bill states legislative intent to create a mechanism for online retailers to track and report butane sales.

Status: AB 1120 is pending referral.

21. ***NEW* AB 1135 (Wood) California Marijuana Tax Fund.** AB 1135 requires the Department of Public Health and the Department of Education to establish a public stakeholder process to seek input from stakeholders to determine a disbursement formula for the funds provided to the Department of Health Care Services from the California Marijuana Tax Fund and requires the findings of the stakeholder meetings to be given to the Department of Health Care Services for consideration. Under existing law, after specified allocations, 60 percent of remaining tax funds shall be dispersed to youth programs, including drug education, prevention, and treatment. Existing law further provides that those funds shall be allocated to counties based on demonstrated need, including the prevalence of substance abuse disorders among adults.

Status: AB 1135 is pending referral.

22. ***NEW* AB 1244 (Voepel) Marijuana: production of concentrated cannabis.** AB 1244 is a spot bill intended to address the production of concentrated cannabis using butane.

Status: AB 1244 is pending referral.

23. ***NEW* AB 1410 (Wood) marijuana cultivation tax.** AB 1410 requires a licensed distributor, at the time of completion of all quality assurance, inspection, and testing, to collect the cultivation tax under Prop 64 from the licensee and give to the licensee a receipt in the manner and form prescribed by the BOE. The bill further provides that the tax required to be collected by the distributor, and any amount unreturned to the licensee which is not a tax but was collected from the licensee by a distributor, constitute debts owed to the state by the person required to be licensed as a distributor. Lastly, the bill requires the distributor to file the tax return instead of the licensee, except as specified.

Status: AB 1410 is pending referral.

24. ***NEW* AB 1527 (Cooley/Lackey) State and local marijuana regulatory agencies: employees.** AB 1527 prohibits a former employee of the following public agencies who had specified regulatory or licensing responsibilities from being employed by a person or entity, or represent a person or entity, licensed under the medical and non-medical frameworks for one year from the last date of employment:

- Bureau of Marijuana Control;
- California Department of Food and Agriculture;
- California Department of Public Health
- Marijuana Control Appeals Panel; or a
- Local jurisdiction that had commercial medical and non-medical cannabis regulatory or licensing responsibilities.

AB 1527 provides that violations of these provisions may result in suspension or revocation of the licensee’s license.

Staff comments: AB 1527 is a 2/3rds vote bill.

Status: AB 1527 is pending referral.

25. ***NEW* [AB 1578 \(Jones-Sawyer\)](#) Marijuana and cannabis programs: cooperation with federal authorities.** AB 1578 prohibits a state or local agency, as defined, from taking certain actions without a court order signed by a judge, including using agency money, facilities, property, equipment, or personnel to assist a federal agency to investigate, detain, detect, report, or arrest a person for commercial or noncommercial cannabis or medical cannabis activity that is authorized by law in the State of California and transferring an individual to federal law enforcement authorities for purposes of marijuana enforcement. The bill defines a state or local agency as:

- A law enforcement agency, including, but not limited to, police, sheriffs, university police, and other campus police agencies;
- The state licensing entities;
- Any other state or local agency with information that identifies licensees under the medical and non-medical frameworks; or
- A city, county, city and county, or state agency with information regarding individuals who have obtained medical cannabis program cards pursuant to Article 2.5 commencing with Section 11362.7 of the Health and Safety Code.

Staff comments: News stories about this bill can be accessed below:

- [Mendocino Voice](#), Feb. 18
- [Canna Law Blog](#), Feb. 23

Status: AB 1578 is pending referral.

26. ***NEW* [AB 1606 \(Cooper\)](#) Edible marijuana products.** AB 1606 is a spot bill to establish quality standards for edible marijuana products.

Status: AB 1606 is pending referral.

27. ***NEW* [AB 1627 \(Cooley\)](#) Adult Use Marijuana Act: testing laboratories.** AB 1627 is a “reconciliation” bill that transfers the regulation of testing laboratories under the non-medical framework in Prop 64 from the Department of Public Health to the Bureau of Marijuana Control.

Status: AB 1627 is pending referral.

28. **SB 65 (Hill/Low) Vehicles: alcohol and marijuana: penalties.** Sponsored by the Santa Clara County District Attorney, SB 65 addresses what the authors consider is a loop-hole in Prop 64. SB 65 would clarify that a driver or passenger is prohibited from smoking or consuming cannabis while driving or operating vessels like a boat or aircraft. The bill further raises the penalties for violations for both cannabis and alcohol, so that the offense would be a wobbler, punishable as an infraction (which is current law) or a misdemeanor.

Status: SB 65 has been referred to the Senate Transportation & Housing and Public Safety committees.

29. **SB 148 (Weiner/Atkins) State Board of Equalization: counties: state agencies: collection of cash payments: cannabis-related businesses.** SB 148 establishes the Cannabis Safe Payment Act to make it safer and simpler for cannabis business owners to pay state fees and taxes, encouraging compliance with state laws and providing support for business owners. Specifically, the bill authorizes the BOE and counties to enter into agreements with state agencies to accept cash from cannabis business applicants and licensees on behalf of those agencies. Cash payments could be collected for any fee, fine, penalty, or other charge payable to the state agency.

Staff comments: SB 148 is co-sponsored by CCIA and Board of Equalization Chair Fiona Ma. This bill is modeled after [AB 2149 \(Bonilla, 2016\)](#). Senator Weiner's press release on SB 148 can be found [here](#).

Status: SB 148 has been referred to the Senate Governance and Finance Committee.

30. **SB 175 (McGuire) Marijuana: county of origin: marketing.** SB 175 adds language to the provisions in statute pertaining to cannabis marketing to further clarify that it is unlawful for a cannabis operators to use the name of a California county, including any similar sounding name that is likely to mislead consumers as to the origin of the product, in the labeling, marketing, or packaging of medical cannabis products unless the product was grown in that county.

Status: SB 175 has been referred to the Senate Business, Professions & Economic Development Committee.

31. **SB 311 (Pan) In-house cannabis laboratories to provided third party testing.** SB 311 clarifies that licensed cannabis operators may perform onsite testing of cannabis and cannabis products for purposes of quality assurance and formulation to third party cannabis cultivators and manufacturers, but does not eliminate to requirement that final product must be tested by a Type 8 testing laboratory for pre-sale quality assurance testing.

Staff comments: [SB 837 \(Budget\)](#) of 2016 clarified that onsite testing could be performed by licensees for the purposes of quality assurance of the product in conjunction with "reasonable business operations", but did not specify whether onsite testing could be performed on third-party cannabis and cannabis products. This bill seeks to clarify that third-party testing may be performed.

Status: SB 311 has been referred to the Senate Business, Professions & Economic Development Committee.

32. ***NEW* SB 609 (Vidak) Elections: local initiative and referendum measures.** SB 609 aims to protect local citizen initiatives from being blocked by local governments. Existing law requires local agencies, when presented with a certified initiative, to either pass it into law themselves or place it on the next regular election ballot. Despite existing law, however, hostile local agencies often withhold certified initiatives from the ballot and sue the initiative proponents for “declaratory relief,” a type of lawsuit that is guaranteed to last years. Using this strategy, officials can kill any initiative they don’t like, just by tying it up in litigation until the measure becomes obsolete or its proponents run out of money, even if the initiative is perfectly valid. AB 609 simply says that, once an initiative receives its certification, the Registrar of Voters or applicable elections official must place it on the ballot and not remove it unless ordered to do so by a court.

Staff comments. Per the bill’s sponsors, the Howard Jarvis Taxpayers Association and the State Planning and Conservation League, SB 609 will ultimately prevent local municipalities from using “legal loopholes” to usurp the will of the public. This tactic has been used by numerous local governments, including the cities of Riverside and Upland, to prevent their constituents from voting on local cannabis regulation initiatives, as well as other initiative efforts. Under this bill, the Registrar of Voters or applicable elections official would be required to place it on the ballot. If the local municipalities truly feel that the initiative is something voters are not allowed to vote on, it must ask a court, using the expedited writ procedure provided in the Elections Code, to remove it from the ballot.

Status: SB 609 is pending referral.

33. ***NEW* SB 663 (Nielsen) Packages and labels of marijuana or marijuana products: children.** SB 663 specifies that a package or label of cannabis or cannabis products is deemed to be attractive to children if it:
- Displays the contents of the package through transparent material;
 - Resembles any candy, snack food, baked good, or beverage commercially sold without cannabis;
 - Displays any statement, artwork, or design that could reasonably mislead a person under 21 to believe that the package contains anything other than cannabis or cannabis products.
 - Displays any cartoon, logo, color scheme, image, graphic, or design feature that would reasonably make the package or label attractive to a natural person under 21.
 - Displays a name or slogan that would reasonably make the package or label attractive to a person under 21.

Staff comments: Per the author, SB 663 builds on the intent of current AUMA requirements by further clarifying – in a way that is consistent with marijuana packaging laws in other states – what violates the provision prohibiting packaging that is attractive to children.

Status: SB 663 is pending referral.

34. ***NEW* SB 698 (Hill) Driving under the influence: alcohol and marijuana.** SB 698 makes it a crime for a person who has between 0.04 percent and 0.07 percent, by weight, of alcohol in his or her blood and whose blood contains any controlled substance or 5 ng/ml or more of delta-9-

tetrahydrocannabinol to drive a vehicle. The bill further specifies that it's a rebuttable presumption if the test is conducted within three hours after the time of driving and confirms the specified blood alcohol, controlled substance and/or delta-9-tetrahydrocannabinol thresholds. SB 698 provides that penalties for the first violation is punishable as an infraction and requires the court to order the person to participate in and successfully complete a 3-month driving-under-the-influence program, as specified, and to install an ignition interlock device (IID) for 6 months. The bill further requires the Department of Motor Vehicles to immediately suspend a person's driver's license upon receipt of a conviction and authorizes the department to issue a restricted license to a person who, among other requirements, shows proof of enrollment in a 3-month driving-under-the-influence program, and verification that an IID has been installed in each vehicle that the person operates. Lastly, the SB 698 provides that a failure to install an ignition interlock device is a misdemeanor offense punishable by imprisonment in a county jail and/or a fine up to \$5,000.

Staff Comments: [SB 611](#) also by Senator Jerry Hill requires persons convicted of driving under the combined influence of alcohol and any drug, or certain passenger-for-hire drivers convicted of driving under the influence to install an IID, as specified.

Status: SB 698 is pending referral.

35. **[SJR 5 \(Stone\)](#) Federal rescheduling of marijuana from a Schedule I drug.** Senate Joint Resolution (SRJ) 5 requests that the U.S. Congress pass a law to reschedule cannabis and its derivatives from a Schedule I drug to an alternative schedule and that the President of the United States sign such legislation.

Staff comments: This measure is a bi-partisan resolution authored by Senator Mark Stone (D-Riverside) and co-authored by Senators Scott Wiener (D-San Francisco) and John Moorlach (R-Costa Mesa).

Status: SJR 5 is pending referral.

36. **[AB 96 \(Ting\)](#) Budget Act of 2017.** AB 96 makes appropriations for the support of state government for the 2017–18 fiscal year, including appropriations to the state licensing entities charged with implementing the MCRSA and Prop 64.
37. **[SB 72 \(Mitchell\)](#) Budget Act of 2017.** SB 72 makes appropriations for the support of state government for the 2017–18 fiscal year, including appropriations to the state licensing entities charged with implementing the MCRSA and Prop 64.