

**REPORT OF THE
CHIEF LEGISLATIVE ANALYST**

DATE: June 18, 2018

TO: Honorable Members of the Rules, Elections, and Intergovernmental Relations Committee

FROM: Sharon M. Tso 
Chief Legislative Analyst

Council File No.: 18-0002-S70
Assignment No.: 18-06-0568

SUBJECT: Resolution (Wesson – Koretz) in opposition to SB 1302 (Lara – Bradford, et al.)

CLA RECOMMENDATION: Adopt Resolution (Wesson – Koretz) to include in the City’s 2017-2018 State Legislative Program opposition to SB 1302 (Lara – Bradford, et al.), which would prohibit a local government from banning the delivery of cannabis within its jurisdiction.

SUMMARY

SB 1302 (Lara – Bradford, et al.) would prohibit a local government from adopting and enforcing any ordinance that bans firms licensed to engage in commercial cannabis business from delivering cannabis within or outside of its jurisdiction. While the City has legalized delivery within its jurisdiction, SB 1302 would eliminate the City’s ability to ban delivery in the future. It is unclear whether SB 1302 would prevent the City from imposing any licensing regulations on cannabis delivery if the licensed firm was located outside of the City’s jurisdiction.

According to Resolution (Wesson – Koretz), introduced on June 5, 2018, SB 1302 would weaken cities’ ability to regulate the delivery of cannabis within their jurisdictions. Further, the resolution argues that SB 1302 would contradict the spirit of Proposition 64, the Control, Regulate and Tax Adult Use of Marijuana Act of 2016 (AUMA), which gave regulatory authority over the commercialization of cannabis to local government. The Resolution seeks an official position of the City to oppose SB 1302.

BACKGROUND

On November 8, 2016 in a statewide ballot, voters approved AUMA, which authorized persons to engage in commercial adult-use cannabis activity pursuant to a State license and local ordinances regulating the commercialization of cannabis. The Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA), passed in 2017, consolidated the licensure and regulation of commercial medicinal and adult-use cannabis and allowed the delivery of cannabis products on public roads; however, under MAUCRSA, local jurisdictions are authorized to adopt and enforce ordinances regulating cannabis delivery.

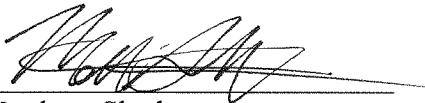
Supporters of SB 1302 include Americans for Safe Access, Board of Equalization Member Fiona Ma, C.A.R.E., California Asian Chamber of Commerce, the Drug Policy Alliance, the International Cannabis Farmers Association, the Los Angeles Delivery Alliance, and the Southern California Coalition. Those in support of the bill argue that banning the delivery of

cannabis aids the black market of cannabis delivery and prevents patients who are unable to travel from accessing their needed medication.

Those in opposition to SB 1302 include the California Police Chiefs Association, the California State Association of Counties, the League of California Cities, the United Cannabis Business Association, and the Urban Counties of California. The League of California Cities argues that SB 1302 would “remove a critical part of the local enforcement model of cannabis legalization and open up all communities to having cannabis delivered to their front doors. This is contrary to the framework understood by the voters when approving Prop. 64.”

BILL STATUS

2/16/18	Read first time. To Com. on RLS. for assignment.
3/01/18	Referred to Com. on GOV. & F.
4/09/18	Amended. Re-referred to Com. on B. & P.
4/26/18	Amended. Re-referred to Com. on B. & P.
5/02/18	Passed Com. on GOV. & F. (4-1).
5/10/18	Ordered to inactive file on request of Senator Lara.
5/25/18	From inactive file on motion of Senator Lara.
5/31/18	Ordered to inactive file on request of Senator Lara.



Matthew Shade
Analyst

Attachments: 1. Resolution (Wesson – Koretz)

RESOLUTION

WHEREAS, any official position of the City of Los Angeles with respect to legislation, rules, regulations or policies proposed to or pending before a local, state or federal governmental body or agency must have first been adopted in the form of a Resolution by the City Council with the concurrence of the Mayor; and

WHEREAS, voters approved Proposition 64, the Control, Regulate and Tax Adult Use of Marijuana Act of 2016 (AUMA), which authorized the state licensure for persons to engage in commercial adult-use cannabis activity; and

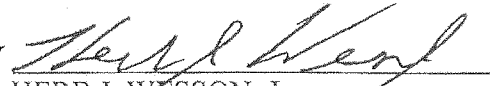
WHEREAS, AUMA gave significant regulatory authority to local government over commercial cannabis activity within their jurisdictions including the authority to ban the delivery of either medical or recreational cannabis; and

WHEREAS, currently pending in the State Legislature is a bill, SB 1302 (Lara - Bradford, et al.), which would prevent local governments from adopting or enforcing ordinances that prohibit a firm licensed to engage in commercial cannabis business from delivering cannabis within or outside of their jurisdictions; and

WHEREAS, SB 1302 would weaken cities' ability to regulate the delivery of cannabis within their jurisdictions and contradict the spirit of AUMA, which gave regulatory authority over the selling of cannabis to local government;

NOW, THEREFORE, BE IT RESOLVED, with the concurrence of the Mayor, that by the adoption of this Resolution, the City of Los Angeles hereby includes in its 2017-2018 State Legislative Program opposition to SB 1302 (Lara - Bradford, et al.), which would prohibit a local government from banning the delivery of cannabis within its jurisdiction.

PRESENTED BY


HERB J. WESSON, Jr.
Councilmember, 10th District

SECONDED BY



JUN 05 2018

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