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AB-1305 The Medicinal and Adult-Use Cannabis Regulation and Safety Act: exemptions. (2021-2022)

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Assembly Bill No. 1305

CHAPTER 157

An act to amend Section 26002 of the Business and Professions Code, relating to cannabis.

[Approved by Governor August 31, 2021. Filed with Secretary of State August 31, 2021.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1305, Lackey. The Medicinal and Adult-Use Cannabis Regulation and Safety Act: exemptions.

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.

Existing federal law, the Controlled Substances Act, classifies controlled substances into 5 schedules and places the greatest restrictions and penalties on the use of those substances placed in Schedule I. The act generally prohibits commercial cannabis activity, but authorizes the cultivation and distribution of cannabis for research purposes, as specified, pursuant to a registration with the United States Drug Enforcement Administration (DEA), as specified.

This bill would exempt from MAUCRSA activity performed pursuant to that DEA registration if the person engaging in the activity provides the licensing authority valid documentation of their registration with DEA and the location where the activity will be performed prior to engaging in the activity.

Under existing law, MAUCRSA exempts from its regulation any product containing cannabidiols that is approved by the federal Food and Drug Administration, has either been placed on a schedule of the federal Controlled Substances Act other than Schedule I or is exempted from that act, and is intended for prescribed use for the treatment of a medical condition.

This bill would broaden that exemption to apply to any product containing cannabinoids that meets those requirements.

AUMA authorizes the Legislature to amend the act to further the purposes and intent of the act with a $\frac{2}{3}$ vote of the membership of both houses of the Legislature, except as provided.

This bill would declare that its provisions further the purposes and intent of the Control, Regulate and Tax Adult Use of Marijuana Act.

Vote: 2/3 Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 26002 of the Business and Professions Code is amended to read:

26002. (a) This division does not apply to any product containing cannabinoids that has been approved by the federal Food and Drug Administration that has either been placed on a schedule of the federal Controlled Substances Act other than Schedule I or has been exempted from one or more provisions of that act, and that is intended for prescribed use for the treatment of a medical condition.

(b) This division does not apply to activity performed pursuant to a registration with the United States Drug Enforcement Administration pursuant to Part 1318 (commencing with Section 1318.01) of Chapter 2 of Title 21 of the Code of Federal Regulations, as it read on January 19, 2021, provided that the person engaging in the activity provides the licensing authority valid documentation of their registration with the United States Drug Enforcement Administration and the location where the activity will be performed prior to engaging in the activity.

SEC. 2. The Legislature finds and declares that this act furthers the purposes and intent of the Control, Regulate and Tax Adult Use of Marijuana Act.