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SB-1109 Cannabis: demographic information of license applicants. (2023-2024)

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Senate Bill No. 1109

CHAPTER 878

An act to add Section 26012.6 to the Business and Professions Code, relating to cannabis.

[Approved by Governor September 28, 2024. Filed with Secretary of State September 28, 2024.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1109, Bradford. Cannabis: demographic information of license applicants.

Existing law, the Control, Regulate and Tax Adult Use of Marijuana Act (AUMA), an initiative measure approved by the voters, 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. Existing law, 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, and requires the Department of Cannabis Control to administer its provisions, except as specified. Existing law requires the department to provide on its internet website information regarding the status of every license issued by the department, as described.

This bill would require the department to collect and consolidate the demographic information, as defined, about every license applicant. The bill would require the department to publish the aggregate demographic data that it collects on its internet website. The bill would require the department to maintain the confidentiality of the information it receives, as specified, and to only release the information in an aggregate form that cannot be used to identify an individual. The bill would specify that a licensee or applicant is not required to provide the demographic information, as described above, as a condition of licensure or license renewal, and is not subject to discipline for not providing the demographic information. The bill would make its provisions operative only if the department unifies its licensing system under MAUCRSA.

Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

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

SECTION 1. Section 26012.6 is added to the Business and Professions Code, to read:

26012.6. (a) For purposes of this section, "demographic data" includes, but is not limited to, race, ethnicity, gender, sexual orientation, income level, education level, prior convictions, and veteran status.

(b) (1) The department shall collect demographic data about every person applying for a license.

(2) The demographic data may be requested when an initial license is issued or at the time of license renewal.

(c) The department shall consolidate the demographic data received as described in subdivision (b) and shall publish the aggregate demographic data that it collects on its internet website.

(d) The department shall maintain the confidentiality of the information it receives from an applicant or licensee under this section and shall only release the information in an aggregate form that cannot be used to identify an individual.

(e) A licensee or applicant shall not be required to provide the information specified in subdivision (b) as a condition of licensure or license renewal, and a licensee shall not be subject to discipline for not providing the information specified in subdivision (b).

SEC. 2. This act shall become operative only if the Department of Cannabis Control unifies its licensing system for commercial cannabis activity under the Medicinal and Adult-Use Cannabis Regulation and Safety Act (Division 10 (commencing with Section 26000) of the Business and Professions Code).

SEC. 3. The Legislature finds and declares that Section 1 of this act, which adds Section 26012.6 to the Business and Professions Code, imposes a limitation on the public's right of access to the meetings of public bodies or the writings of public officials and agencies within the meaning of Section 3 of Article I of the California Constitution. Pursuant to that constitutional provision, the Legislature makes the following findings to demonstrate the interest protected by this limitation and the need for protecting that interest:

In order to protect the privacy of cannabis license applicants, while also gathering and publicizing useful demographic data, it is necessary that personal identifying information remain confidential.