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April 17, 2014

Senator Ted Lieu  
Chair, Senate Committee on Business, Professions and Economic Development  
State Capitol – Room 2053  
Sacramento, CA 95814

**RE: SB 1262 (Correa) – Medical Marijuana  
Notice of Co-Sponsorship**

Dear Senator Lieu:

On behalf of the League of California Cities, I am pleased to announce our sponsorship of Senate Bill 1262 (Correa), in concert with the California Police Chiefs Association.

Since the passage of Proposition 215 in 1996, California has been unable to enact a regulatory structure that both ensures patient access to medical marijuana, while recognizing current provisions in law authorizing local regulation and addressing public safety concerns. We believe that SB 1262 adopts the balanced regulatory approach that is needed and that has been missing, in that it establishes a responsible, health-based regulatory model that is consistent with the parameters outlined above.

This legislation, in contrast to nearly all previous attempts, acknowledges local regulatory authority by establishing a state licensing scheme that defers to local land use powers; under SB 1262, it will not be possible for a prospective operator to obtain a state license to operate a dispensary or other facility until and unless that operator can produce evidence of local permitting approval. This protects jurisdictions that have enacted bans on such facilities.

SB 1262 squarely addresses the many public safety concerns that arise with a marijuana regulatory scheme by enacting minimum security requirements that must be observed at all dispensaries, as well as transport and inventorying procedures to minimize the possibility of diversion of marijuana for non-medical/recreational uses which could stimulate cartel activity. It further requires for the first time a doctor-patient relationship in association with medical marijuana recommendations, and requires dispensaries to verify that physicians making recommendations are licensed by the California Medical Board.


Finally, SB 1262 addresses the significant public health concerns triggered by medical marijuana, by requiring for the first time the development of uniform testing standards to identify and eliminate contaminants and toxins injurious to human health.

You will note that the proposed regulation of physicians has been significantly pared back by recent amendments, in response to concerns raised by the California Medical Board, the California Medical Association, and patient advocate organizations such as Americans for Safe Access. The regulatory provisions pertaining to doctors are necessary because notwithstanding Proposition 215, marijuana remains a Schedule 1 drug that has never been approved even for limited use by the federal Food and Drug Administration, and is totally prohibited under the federal Controlled Substances Act. As such, it is largely unregulated and under current law, is bound by absolutely no health and safety standards at the federal or state level. Against this backdrop, more rigorous state standards are needed until and unless there is a change in federal law.

Previous legislation in this area has sought to pre-empt or undermine local control, only partially addressed the significant public safety concerns raised by medical marijuana, and failed to address important health and safety issues that are inevitably triggered by a regulatory process for any medicine, but particularly with one that is largely unregulated. We believe that SB 1262 with its public safety, local control and health-based approach, therefore represents a welcome change.

This proposal, which has been carefully vetted with city attorneys and police chiefs, and has received significant input from counties and the medical profession, provides what California has lacked since the passage of Proposition 215 in 1996: a reasonable public safety and health-based approach to implementing a reasonable and responsible regulatory scheme for medical marijuana.

Sincerely,



Tim Cromartie  
Legislative Representative

cc: Members, Senate Committee on Business, Professions and Economic Development  
G.V. Ayers, Consultant, Senate Committee on Business, Professions and Economic Development  
Kayla Williams, Business, Professions and Economic Development Consultant, Senate  
Republican Caucus