

AMENDED IN ASSEMBLY MARCH 23, 2018

CALIFORNIA LEGISLATURE—2017–18 REGULAR SESSION

ASSEMBLY BILL

No. 2215

Introduced by Assembly Member Kalra

February 12, 2018

~~An act relating to veterinarians.~~ *An act to amend Sections 26000 and 26001 of, and to add Sections 4884 and 26001.5 to, the Business and Professions Code, relating to cannabis.*

LEGISLATIVE COUNSEL'S DIGEST

AB 2215, as amended, Kalra. ~~Medical advice: use of cannabis. Cannabis: veterinarians: animals.~~

The Control, Regulate and Tax Adult Use of Marijuana Act of 2016 (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 and states that it is the intent of MAUCRSA to control and regulate the cultivation, distribution, transport, storage, manufacturing, processing, and sale of both medicinal cannabis and medicinal cannabis products for patients with a valid physician recommendation and adult-use cannabis and adult-use cannabis products for adults 21 years of age and over. MAUCRSA defines "cannabis products" for these purposes.

This bill would state that it is additionally the intent of MAUCRSA to control and regulate the cultivation, distribution, transport, storage,

manufacturing, processing, and sale of cannabis and cannabis products for medicinal use on an animal owned by an adult 21 years of age and over and would authorize an adult 21 years of age and over to use, for medicinal purposes, cannabis and cannabis products on an animal owned by that adult. The bill would define “cannabis products” to include products intended for medicinal use on an animal and would limit the sale of those products to M-licensees. The bill would also make other conforming changes.

The California Uniform Controlled Substances Act classifies controlled substances into 5 designated schedules, and places cannabis and cannabis products under Schedule I. The act prohibits prescribing, administering, dispensing, or furnishing a controlled substance to or for any person or animal, unless otherwise specified.

The Veterinary Medicine Practice Act provides for the licensure and regulation of veterinarians and the practice of veterinary medicine by the Veterinary Medical Board, which is within the Department of Consumer Affairs. The act authorizes the board to revoke or suspend the license of a person to practice veterinary medicine, or to assess a fine, for specified causes, including violating a statute related to controlled substances. The act also makes a violation of its provisions a misdemeanor.

This bill would prohibit a licensed veterinarian from dispensing or administering cannabis or cannabis products to an animal patient. Because a violation of the Veterinary Medicine Practice Act’s provisions is a crime, the bill would expand the scope of that crime, thereby imposing a state-mandated local program.

The bill would also prohibit the Veterinary Medical Board from disciplining, or denying, revoking, or suspending the license of, a licensed veterinarian for discussing the use of cannabis on an animal for medicinal purposes. The bill would require the board to develop guidelines for these specified discussions on or before July 1, 2019, and would require the board to post those guidelines on its Internet Web site.

AUMA authorizes legislative amendment of its provisions with a ²/₃ vote of both houses, without submission to the voters, to further its purposes and intent.

This bill would declare that its provisions further the purposes and intent of AUMA.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state.

Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

~~The Veterinary Medicine Practice Act provides for the licensure and regulation of veterinarians and the practice of veterinary medicine by the Veterinary Medical Board, which is within the Department of Consumer Affairs. That act authorizes the board to revoke or suspend the license of a person to practice veterinary medicine for specified causes and authorizes the board to assess a fine for specified causes, including, but not limited to, unprofessional conduct.~~

~~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 states that it is the intent of MAUCRSA to control and regulate the cultivation, distribution, transport, storage, manufacturing, processing, and sale of both medicinal cannabis and medicinal cannabis products for patients with a valid physician recommendation and adult-use cannabis and adult-use cannabis products for adults 21 years of age and over.~~

~~This bill would state the intent of the Legislature to enact legislation to require the Veterinary Medical Board to establish guidelines for licensed veterinarians to discuss the use of cannabis on animal patient clients and to protect state-licensed veterinarians from disciplinary action for discussing the use of cannabis on animal patient clients.~~

~~Vote: majority ²/₃. Appropriation: no. Fiscal committee: no-yes. State-mandated local program: no-yes.~~

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 4884 is added to the Business and
- 2 Professions Code, to read:
- 3 4884. (a) A licensee shall not dispense or administer cannabis
- 4 or cannabis products to an animal patient.
- 5 (b) Notwithstanding any other law, a veterinarian licensed under
- 6 this chapter shall not be disciplined by the board or have his or
- 7 her license denied, revoked, or suspended for discussing the use
- 8 of cannabis on an animal for medicinal purposes.
- 9 (c) On or before July 1, 2019, the board shall adopt guidelines
- 10 for veterinarians to follow in discussing cannabis within the

1 *veterinarian-client relationship. These guidelines shall be posted*
2 *on the board's Internet Web site.*

3 *SEC. 2. Section 26000 of the Business and Professions Code*
4 *is amended to read:*

5 26000. (a) This division shall be known, and may be cited, as
6 the Medicinal and ~~Adult-Use~~ *Adult Use Cannabis Regulation and*
7 *Safety Act.*

8 (b) The purpose and intent of this division is to establish a
9 comprehensive system to control and regulate the cultivation,
10 distribution, transport, storage, manufacturing, processing, and
11 sale of ~~both~~ *all* of the following:

12 (1) Medicinal cannabis and medicinal cannabis products for
13 patients with valid physician's recommendations.

14 (2) Adult-use cannabis and adult-use cannabis products for
15 adults 21 years of age and over.

16 (3) *Cannabis and cannabis products for medicinal use on an*
17 *animal owned by an adult 21 years of age and over.*

18 (c) In the furtherance of subdivision (b), this division sets forth
19 the power and duties of the state agencies responsible for
20 controlling and regulating the commercial medicinal and adult-use
21 cannabis industry.

22 (d) The Legislature may, by majority vote, enact laws to
23 implement this division, provided those laws are consistent with
24 the purposes and intent of the Control, Regulate and Tax Adult
25 Use of Marijuana Act.

26 *SEC. 3. Section 26001 of the Business and Professions Code*
27 *is amended to read:*

28 26001. For purposes of this division, the following definitions
29 shall apply:

30 (a) "A-license" means a state license issued under this division
31 for cannabis or cannabis products that are intended for adults who
32 are 21 years of age and older and who do not possess a physician's
33 recommendation.

34 (b) "A-licensee" means any person holding a license under this
35 division for cannabis or cannabis products that are intended for
36 adults who are 21 years of age and older and who do not possess
37 a physician's recommendation.

38 (c) "Applicant" means an owner applying for a state license
39 pursuant to this division.

1 (d) “Batch” means a specific quantity of homogeneous cannabis
2 or cannabis product that is one of the following types:

3 (1) Harvest batch. “Harvest batch” means a specifically
4 identified quantity of dried flower or trim, leaves, and other
5 cannabis plant matter that is uniform in strain, harvested at the
6 same time, and, if applicable, cultivated using the same pesticides
7 and other agricultural chemicals, and harvested at the same time.

8 (2) Manufactured cannabis batch. “Manufactured cannabis
9 batch” means either of the following:

10 (A) An amount of cannabis concentrate or extract that is
11 produced in one production cycle using the same extraction
12 methods and standard operating procedures.

13 (B) An amount of a type of manufactured cannabis produced
14 in one production cycle using the same formulation and standard
15 operating procedures.

16 (e) “Bureau” means the Bureau of Cannabis Control within the
17 Department of Consumer Affairs, formerly named the Bureau of
18 Marijuana Control, the Bureau of Medical Cannabis Regulation,
19 and the Bureau of Medical Marijuana Regulation.

20 (f) “Cannabis” means all parts of the plant *Cannabis sativa*
21 *Linnaeus*, *Cannabis indica*, or *Cannabis ruderalis*, whether growing
22 or not; the seeds thereof; the resin, whether crude or purified,
23 extracted from any part of the plant; and every compound,
24 manufacture, salt, derivative, mixture, or preparation of the plant,
25 its seeds, or resin. “Cannabis” also means the separated resin,
26 whether crude or purified, obtained from cannabis. “Cannabis”
27 does not include the mature stalks of the plant, fiber produced from
28 the stalks, oil or cake made from the seeds of the plant, any other
29 compound, manufacture, salt, derivative, mixture, or preparation
30 of the mature stalks (except the resin extracted therefrom), fiber,
31 oil, or cake, or the sterilized seed of the plant which is incapable
32 of germination. For the purpose of this division, “cannabis” does
33 not mean “industrial hemp” as defined by Section 11018.5 of the
34 Health and Safety Code.

35 (g) “Cannabis accessories” has the same meaning as in Section
36 11018.2 of the Health and Safety Code.

37 (h) “Cannabis concentrate” means cannabis that has undergone
38 a process to concentrate one or more active cannabinoids, thereby
39 increasing the product’s potency. Resin from granular trichomes
40 from a cannabis plant is a concentrate for purposes of this division.

1 A cannabis concentrate is not considered food, as defined by
2 Section 109935 of the Health and Safety Code, or a drug, as defined
3 by Section 109925 of the Health and Safety Code.

4 (i) “Cannabis products” has the same meaning as in Section
5 11018.1 of the Health and Safety Code. *“Cannabis products”*
6 *includes cannabis products, as defined in Section 11018.1 of the*
7 *Health and Safety Code, intended for medicinal use on an animal.*

8 (j) “Child resistant” means designed or constructed to be
9 significantly difficult for children under five years of age to open,
10 and not difficult for normal adults to use properly.

11 (k) “Commercial cannabis activity” includes the cultivation,
12 possession, manufacture, distribution, processing, storing,
13 laboratory testing, packaging, labeling, transportation, delivery or
14 sale of cannabis and cannabis products as provided for in this
15 division.

16 (l) “Cultivation” means any activity involving the planting,
17 growing, harvesting, drying, curing, grading, or trimming of
18 cannabis.

19 (m) “Cultivation site” means a location where cannabis is
20 planted, grown, harvested, dried, cured, graded, or trimmed, or a
21 location where any combination of those activities occurs.

22 (n) “Customer” means a natural person 21 years of age or older
23 or a natural person 18 years of age or older who possesses a
24 physician’s recommendation, or a primary caregiver.

25 (o) “Day care center” has the same meaning as in Section
26 1596.76 of the Health and Safety Code.

27 (p) “Delivery” means the commercial transfer of cannabis or
28 cannabis products to a customer. “Delivery” also includes the use
29 by a retailer of any technology platform.

30 (q) “Director” means the Director of Consumer Affairs.

31 (r) “Distribution” means the procurement, sale, and transport
32 of cannabis and cannabis products between licensees.

33 (s) “Dried flower” means all dead cannabis that has been
34 harvested, dried, cured, or otherwise processed, excluding leaves
35 and stems.

36 (t) “Edible cannabis product” means cannabis product that is
37 intended to be used, in whole or in part, for human *or animal*
38 consumption, including, but not limited to, chewing gum, but
39 excluding products set forth in Division 15 (commencing with
40 Section 32501) of the Food and Agricultural Code. An edible

1 cannabis product is not considered food, as defined by Section
2 109935 of the Health and Safety Code, or a drug, as defined by
3 Section 109925 of the Health and Safety Code.

4 (u) “Fund” means the Cannabis Control Fund established
5 pursuant to Section 26210.

6 (v) “Kind” means applicable type or designation regarding a
7 particular cannabis variant or cannabis product type, including,
8 but not limited to, strain name or other grower trademark, or
9 growing area designation.

10 (w) “Labeling” means any label or other written, printed, or
11 graphic matter upon a cannabis product, upon its container or
12 wrapper, or that accompanies any cannabis product.

13 (x) “Labor peace agreement” means an agreement between a
14 licensee and any bona fide labor organization that, at a minimum,
15 protects the state’s proprietary interests by prohibiting labor
16 organizations and members from engaging in picketing, work
17 stoppages, boycotts, and any other economic interference with the
18 applicant’s business. This agreement means that the applicant has
19 agreed not to disrupt efforts by the bona fide labor organization
20 to communicate with, and attempt to organize and represent, the
21 applicant’s employees. The agreement shall provide a bona fide
22 labor organization access at reasonable times to areas in which the
23 applicant’s employees work, for the purpose of meeting with
24 employees to discuss their right to representation, employment
25 rights under state law, and terms and conditions of employment.
26 This type of agreement shall not mandate a particular method of
27 election or certification of the bona fide labor organization.

28 (y) “License” means a state license issued under this division,
29 and includes both an A-license and an M-license, as well as a
30 testing laboratory license.

31 (z) “Licensee” means any person holding a license under this
32 division, regardless of whether the license held is an A-license or
33 an M-license, and includes the holder of a testing laboratory
34 license.

35 (aa) “Licensing authority” means the state agency responsible
36 for the issuance, renewal, or reinstatement of the license, or the
37 state agency authorized to take disciplinary action against the
38 licensee.

39 (ab) “Live plants” means living cannabis flowers and plants,
40 including seeds, immature plants, and vegetative stage plants.

- 1 (ac) “Local jurisdiction” means a city, county, or city and
2 county.
- 3 (ad) “Lot” means a batch or a specifically identified portion of
4 a batch.
- 5 (ae) “M-license” means a state license issued under this division
6 for commercial cannabis activity involving medicinal cannabis.
- 7 (af) “M-licensee” means any person holding a license under
8 this division for commercial cannabis activity involving medicinal
9 cannabis.
- 10 (ag) “Manufacture” means to compound, blend, extract, infuse,
11 or otherwise make or prepare a cannabis product.
- 12 (ah) “Manufacturer” means a licensee that conducts the
13 production, preparation, propagation, or compounding of cannabis
14 or cannabis products either directly or indirectly or by extraction
15 methods, or independently by means of chemical synthesis, or by
16 a combination of extraction and chemical synthesis at a fixed
17 location that packages or repackages cannabis or cannabis products
18 or labels or relabels its container.
- 19 (ai) “Medicinal cannabis” or “medicinal cannabis product”
20 means cannabis or a cannabis product, respectively, intended to
21 be sold for use pursuant to the Compassionate Use Act of 1996
22 (Proposition 215), found at Section 11362.5 of the Health and
23 Safety Code, by a medicinal cannabis patient in California who
24 possesses a physician’s recommendation.
- 25 (aj) “Nursery” means a licensee that produces only clones,
26 immature plants, seeds, and other agricultural products used
27 specifically for the propagation and cultivation of cannabis.
- 28 (ak) “Operation” means any act for which licensure is required
29 under the provisions of this division, or any commercial transfer
30 of cannabis or cannabis products.
- 31 (al) “Owner” means any of the following:
- 32 (1) A person with an aggregate ownership interest of 20 percent
33 or more in the person applying for a license or a licensee, unless
34 the interest is solely a security, lien, or encumbrance.
- 35 (2) The chief executive officer of a nonprofit or other entity.
- 36 (3) A member of the board of directors of a nonprofit.
- 37 (4) An individual who will be participating in the direction,
38 control, or management of the person applying for a license.
- 39 (am) “Package” means any container or receptacle used for
40 holding cannabis or cannabis products.

1 (an) “Person” includes any individual, firm, partnership, joint
2 venture, association, corporation, limited liability company, estate,
3 trust, business trust, receiver, syndicate, or any other group or
4 combination acting as a unit, and the plural as well as the singular.

5 (ao) “Physician’s recommendation” means a recommendation
6 by a physician and surgeon that a patient use cannabis provided
7 in accordance with the Compassionate Use Act of 1996
8 (Proposition 215), found at Section 11362.5 of the Health and
9 Safety Code.

10 (ap) “Premises” means the designated structure or structures
11 and land specified in the application that is owned, leased, or
12 otherwise held under the control of the applicant or licensee where
13 the commercial cannabis activity will be or is conducted. The
14 premises shall be a contiguous area and shall only be occupied by
15 one licensee.

16 (aq) “Primary caregiver” has the same meaning as in Section
17 11362.7 of the Health and Safety Code.

18 (ar) “Purchaser” means the customer who is engaged in a
19 transaction with a licensee for purposes of obtaining cannabis or
20 cannabis products.

21 (as) “Sell,” “sale,” and “to sell” include any transaction whereby,
22 for any consideration, title to cannabis or cannabis products is
23 transferred from one person to another, and includes the delivery
24 of cannabis or cannabis products pursuant to an order placed for
25 the purchase of the same and soliciting or receiving an order for
26 the same, but does not include the return of cannabis or cannabis
27 products by a licensee to the licensee from whom the cannabis or
28 cannabis product was purchased.

29 (at) “Testing laboratory” means a laboratory, facility, or entity
30 in the state that offers or performs tests of cannabis or cannabis
31 products and that is both of the following:

32 (1) Accredited by an accrediting body that is independent from
33 all other persons involved in commercial cannabis activity in the
34 state.

35 (2) Licensed by the bureau.

36 (au) “Unique identifier” means an alphanumeric code or
37 designation used for reference to a specific plant on a licensed
38 premises and any cannabis or cannabis product derived or
39 manufactured from that plant.

1 (av) “Youth center” has the same meaning as in Section 11353.1
2 of the Health and Safety Code.

3 *SEC. 4. Section 26001.5 is added to the Business and*
4 *Professions Code, to read:*

5 *26001.5. (a) An adult 21 years of age or over may use, for*
6 *medicinal purposes, cannabis and cannabis products on an animal*
7 *owned by that adult.*

8 *(b) Notwithstanding any other law, cannabis products, as*
9 *defined in Section 11018.1 of the Health and Safety Code, intended*
10 *for medicinal use on an animal may only be sold by an M-licensee.*

11 *SEC. 5. The Legislature finds and declares that this act furthers*
12 *the purposes and intent of the Control, Regulate and Tax Adult*
13 *Use of Marijuana Act of 2016.*

14 *SEC. 6. No reimbursement is required by this act pursuant to*
15 *Section 6 of Article XIII B of the California Constitution because*
16 *the only costs that may be incurred by a local agency or school*
17 *district will be incurred because this act creates a new crime or*
18 *infraction, eliminates a crime or infraction, or changes the penalty*
19 *for a crime or infraction, within the meaning of Section 17556 of*
20 *the Government Code, or changes the definition of a crime within*
21 *the meaning of Section 6 of Article XIII B of the California*
22 *Constitution.*

23 ~~SECTION 1. (a) It is the intent of the Legislature to enact~~
24 ~~legislation to require the Veterinary Medical Board to establish~~
25 ~~guidelines for licensed veterinarians to discuss the use of cannabis~~
26 ~~on animal patient clients.~~

27 ~~(b) It is the intent of the Legislature to enact legislation to protect~~
28 ~~state-licensed veterinarians from disciplinary action for discussing~~
29 ~~the use of cannabis on animal patient clients.~~