

CONCURRENCE IN SENATE AMENDMENTS

AB 2215 (Kalra)

As Amended August 23, 2018

Majority vote

ASSEMBLY: 60-10 (May 29, 2018)

SENATE: 37-1 (August 29, 2018)

Original Committee Reference: **B. & P.**

SUMMARY: This bill would expand the intent of the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA) to control and regulate cannabis and cannabis products for medicinal use on pets. The bill would define "cannabis products" to include products intended for medicinal use on a pet. The bill would prohibit a licensed veterinarian from dispensing or administering cannabis or cannabis products and would prohibit the Veterinary Medical Board (Board) from disciplining, denying, revoking, or suspending the license of a licensed veterinarian for discussing the use of cannabis on an animal for medicinal purposes. The Board would have until July 1, 2019 to promulgate guidelines on this topic.

The Senate amendments:

- 1) Add that accepting, soliciting, or offering any form of remuneration to or from a cannabis licensee if the veterinarian or a family member has a financial interest with a cannabis licensee is an offense that may lead to suspension of veterinary license.
- 2) Allows a veterinarian to be disciplined by the Board as a result of negligence relative to the discussion of cannabis.

EXISTING LAW:

- 1) Establishes the Veterinary Medical Board (Board) under the Department of Consumer Affairs for the purpose of exercising licensing, regulatory, and disciplinary functions over the veterinary profession in California. (Business and Professions Code (BPC) Section 4800 *et seq.*)
- 2) Establishes the Bureau of Cannabis Control (Bureau), under the Department of Consumer Affairs (DCA), to establish a comprehensive system to control and regulate the cultivation, distribution, transport, storage, manufacturing, processing, and sale of cannabis products. (BPC Section 26000 *et seq.*)
- 3) Defines terms relevant to cannabis regulations and statute. (BPC Section 26001)

FISCAL EFFECT: According to the Assembly Committee on Appropriations: Minor costs to the Veterinary Medical Board to issue regulations (Veterinary Medical Board Contingent Fund), and minor costs to the Bureau of Cannabis Control to issue or amend regulations (Cannabis Control Fund).

COMMENTS:

Purpose. This bill is author sponsored. According to the author, "Today Californians have unprecedented access to cannabis, including products that are already available and marketed for

pet-use. It is critical for the protection of our beloved pets that veterinarians be allowed to discuss the safe-use and medicinal value of cannabis products already available to California consumers. Similar to how medical cannabis has evolved within the policy framework, the need to address its benefits within veterinary practices desperately needs our attention."

Background. This bill would provide greater flexibility to veterinarians to consult with clients about cannabis use and exposure for pets. Under current law a veterinarian could face disciplinary action for doing so. A veterinarian would not be able to recommend or dispense cannabis to a client.

History of Legal Cannabis in California. In 1996, California voters passed Proposition 215, legalizing the use of medical cannabis (MC) in the state. In October 2015, nearly 20 years after the authorization of the use of MC, Governor Jerry Brown signed into law a trio of bills [AB 243 (Wood), Chapter 688, Statutes of 2015, AB 266 (Bonta, Cooley, Jones-Sawyer, Lackey, and Wood), Chapter 689, Statutes of 2015, and SB 643 (McGuire), Chapter 719, Statutes of 2015] collectively known as the Medical Cannabis Regulation and Safety Act (MCRSA). MCRSA established the state's first comprehensive regulatory framework for MC.

In 2016, the voters of California passed Proposition 64, the Adult Use of Marijuana Act (AUMA) to legalize the recreational use of cannabis in the state by 2018. In June 2017, AUMA and MCRSA were combined via the budget process to form one system for the regulation of cannabis, MAUCRSA.

Applicants for Licensure. Current law prescribes 11 steps for licensure for cannabis-related businesses. Current law also permits the bureau to issue temporary licenses for the purpose of retailing at temporary cannabis events. These licensing requirements include transmission of fingerprints, submission to a background check, and submission of fees, as well as a requirement that applicants with more than 20 employees seeking licensure engage in cannabis related business must submit to the licensing authority a statement that the applicant will enter into or demonstrate that it has already entered into a labor peace agreement. Under current manufacturing regulations, licensees may only manufacture cannabis products for human use.

Cannabis efficacy. While there is substantial anecdotal evidence related to the medicinal benefits of cannabis for pets and humans, there is very little clinical research available on the topic. As a Schedule I drug on both the federal and state levels, cannabis is highly controlled in research settings with very small populations of researchers being granted access to a limited supply of government grown cannabis for research. Dosing of cannabis is an inexact science, impacted by height, weight, and other biological and environmental factors. As such, the University of California, Davis School of Veterinary Medicine launched a survey in November 2017 to learn more about cannabis use for pets in an effort to begin research at the most basic level.

Cannabis for pets. There are a number of companies offering cannabis products oriented around the pet market, including those that may not be legal under current regulations. Many of these contain Cannabidiol (CBD) oil, a cannabis extract generally thought to provide muscle relaxation and relief from body aches without the psychoactive effects of traditional cannabis products. While extraction from cannabis plants for anything other than human consumption is illegal under existing law, products oriented for pets often cite that they are derived from Hemp, a legal agricultural product with very low tetrahydrocannabinol (THC) content.

Consequences for veterinarians. Veterinarians do not have the authority to prescribe a Schedule I drug and doing so on a prescription pad tracked by the Federal Food and Drug Administration would constitute a federal crime. This distinction has led to the rise of medical practices in the human market oriented around "recommendations" rather than prescription. Though this bill would not allow a veterinarian to recommend cannabis to a client, it would allow them to discuss cases in which an animal may have ingested cannabis unintentionally or if it may be an option for medical use.

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