

AMENDED IN SENATE JULY 20, 2017

AMENDED IN ASSEMBLY APRIL 20, 2017

AMENDED IN ASSEMBLY APRIL 4, 2017

CALIFORNIA LEGISLATURE—2017–18 REGULAR SESSION

ASSEMBLY BILL

No. 1606

Introduced by Assembly Member Cooper
(Principal coauthor: Senator Galgiani)

February 17, 2017

An act to ~~amend Section 26101 of the Business and Professions Code, relating to marijuana~~; *add Section 12012.81 to the Government Code, relating to tribal gaming, and declaring the urgency thereof, to take effect immediately.*

LEGISLATIVE COUNSEL'S DIGEST

AB 1606, as amended, Cooper. ~~Edible marijuana products. Tribal gaming: compact ratification.~~

Existing federal law, the Indian Gaming Regulatory Act of 1988, provides for the negotiation and execution of tribal-state gaming compacts for the purpose of authorizing certain types of gaming on Indian lands within a state. The California Constitution authorizes the Governor to negotiate and conclude tribal-state gaming compacts, subject to ratification by the Legislature. Existing law expressly ratifies a number of tribal-state gaming compacts, and amendments of tribal-state gaming compacts, between the State of California and specified Indian tribes.

The California Environmental Quality Act (CEQA) requires a lead agency to prepare, or cause to be prepared, and certify the completion of, an environmental impact report on a project, as defined, that it

proposes to carry out or approve that may have a significant effect on the environment, as defined, or to adopt a negative declaration if it finds that the project will not have that effect.

This bill would ratify the tribal-state gaming compact entered into between the State of California and the Wilton Rancheria, executed on July 19, 2017. The bill would provide that, in deference to tribal sovereignty, certain actions related to that compact are not projects for purposes of CEQA.

This bill would declare that it is to take effect immediately as an urgency statute.

~~Existing law, the Control, Regulate and Tax Adult Use of Marijuana Act (AUMA), enacted by the voters at the November 8, 2016, statewide general election, regulates the cultivation, distribution, and use of marijuana for nonmedical purposes by people 21 years of age and older. AUMA prohibits the sale of marijuana or marijuana products unless a representative sample of the marijuana or marijuana product has been tested by a certified testing service to determine specified facts, including whether the chemical profile of the sample conforms to the label and whether the presence of contaminants exceeds specified levels. Existing law requires destruction of harvested batches whose testing samples indicate noncompliance with health and safety standards promulgated by the State Department of Public Health, unless remedial measures can bring the marijuana or marijuana products into compliance.~~

~~This bill would additionally require the certified testing service to test for uniform disbursement of cannabinoids throughout the product and the accuracy of the labeled dosage.~~

~~AUMA authorizes the Legislature to amend, by a $\frac{2}{3}$ vote, certain provisions of the act, provided that the amendments are consistent with and further the purposes and intent of the act.~~

~~This bill would declare that its provisions further specified purposes and the intent of the act.~~

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

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

- 1 *SECTION 1. Section 12012.81 is added to the Government*
- 2 *Code, to read:*
- 3 *12012.81. (a) The tribal-state gaming compact entered into*
- 4 *in accordance with the federal Indian Gaming Regulatory Act of*

1 1988 (18 U.S.C. Secs. 1166 to 1168, inclusive, and 25 U.S.C. Sec.
2 2701 et seq.) between the State of California and the Wilton
3 Rancheria, executed on July 19, 2017, is hereby ratified.

4 (b) (1) In deference to tribal sovereignty, none of the following
5 shall be deemed a project for purposes of the California
6 Environmental Quality Act (Division 13 (commencing with Section
7 21000) of the Public Resources Code):

8 (A) The execution of an amendment to the tribal-state gaming
9 compact ratified by this section.

10 (B) The execution of the tribal-state gaming compact ratified
11 by this section.

12 (C) The execution of an intergovernmental agreement between
13 a tribe and a county or city government negotiated pursuant to
14 the express authority of, or as expressly referenced in, the
15 tribal-state gaming compact ratified by this section.

16 (D) The execution of an intergovernmental agreement between
17 a tribe and the Department of Transportation, or other state
18 agency, negotiated pursuant to the express authority of, or as
19 expressly referenced in, the tribal-state gaming compact ratified
20 by this section.

21 (E) The on-reservation impacts of compliance with the terms
22 of the tribal-state gaming compact ratified by this section.

23 (F) The sale of compact assets, as defined in subdivision (a) of
24 Section 63048.6, or the creation of the special purpose trust
25 established pursuant to Section 63048.65.

26 (2) Except as expressly provided in this section, this subdivision
27 does not exempt a city, county, or city and county, or the
28 Department of Transportation, or any state agency or local
29 jurisdiction, from the requirements of the California Environmental
30 Quality Act.

31 SEC. 2. This act is an urgency statute necessary for the
32 immediate preservation of the public peace, health, or safety within
33 the meaning of Article IV of the California Constitution and shall
34 go into immediate effect. The facts constituting the necessity are:

35 In order to enhance, at the earliest possible time, the economic
36 development, long-term stability, and self-sufficiency of the Wilton
37 Rancheria, and to protect the interests of the tribe and its members,
38 the surrounding community, and the California public, it is
39 necessary for this act to take effect immediately.

1 SECTION 1. ~~Section 26101 of the Business and Professions~~
2 ~~Code is amended to read:~~
3 ~~26101. (a) Except as otherwise provided by law, marijuana~~
4 ~~and marijuana products shall not be sold pursuant to a license~~
5 ~~provided for under this division unless a representative sample of~~
6 ~~the marijuana or marijuana product has been tested by a certified~~
7 ~~testing service to determine all of the following:~~
8 ~~(1) Whether the chemical profile of the sample conforms to the~~
9 ~~labeled content of compounds, including, but not limited to, all of~~
10 ~~the following:~~
11 ~~(A) Tetrahydrocannabinol (THC);~~
12 ~~(B) Tetrahydrocannabinolic Acid (THCA);~~
13 ~~(C) Cannabidiol (CBD);~~
14 ~~(D) Cannabidiolic Acid (CBDA);~~
15 ~~(E) The terpenes described in the most current version of the~~
16 ~~cannabis inflorescence monograph published by the American~~
17 ~~Herbal Pharmacopoeia;~~
18 ~~(F) Cannabigerol (CBG);~~
19 ~~(G) Cannabinol (CBN);~~
20 ~~(2) That the presence of contaminants does not exceed the levels~~
21 ~~in the most current version of the American Herbal Pharmacopoeia~~
22 ~~monograph. For purposes of this paragraph, contaminants include,~~
23 ~~but are not limited to, all of the following:~~
24 ~~(A) Residual solvent or processing chemicals, including~~
25 ~~explosive gases, such as butane, propane, O₂ or H₂, and poisons,~~
26 ~~toxins, or carcinogens, such as Methanol, Isopropyl Alcohol,~~
27 ~~Methylene Chloride, Acetone, Benzene, Toluene, and~~
28 ~~Tri-chloro-ethylene.~~
29 ~~(B) Foreign material, including, but not limited to, hair, insects,~~
30 ~~or similar or related adulterant.~~
31 ~~(C) Microbiological impurity, including total aerobic microbial~~
32 ~~count, total yeast mold count, P. aeruginosa, aspergillus spp., s.~~
33 ~~aureus, aflatoxin B1, B2, G1, or G2, or ochratoxin A.~~
34 ~~(3) Uniform disbursement of cannabinoids throughout a~~
35 ~~marijuana product.~~
36 ~~(4) Accuracy of the labeled dosage.~~
37 ~~(b) Residual levels of volatile organic compounds shall satisfy~~
38 ~~standards of the cannabis inflorescence monograph set by the~~
39 ~~United States Pharmacopoeia (U.S.P. Chapter 467).~~

1 ~~(e) The testing required by paragraph (a) shall be performed in~~
2 ~~a manner consistent with general requirements for the competence~~
3 ~~of testing and calibrations activities, including sampling, using~~
4 ~~standard methods established by the International Organization~~
5 ~~for Standardization, specifically ISO/IEC 17020 and ISO/IEC~~
6 ~~17025 to test marijuana and marijuana products that are approved~~
7 ~~by an accrediting body that is a signatory to the International~~
8 ~~Laboratory Accreditation Cooperation Mutual Recognition~~
9 ~~Agreement.~~

10 ~~(d) Any presale inspection, testing transfer, or transportation of~~
11 ~~marijuana products pursuant to this section shall conform to a~~
12 ~~specified chain of custody protocol and any other requirements~~
13 ~~imposed under this division.~~

14 ~~SEC. 2. The Legislature finds and declares that this act is~~
15 ~~consistent with, and furthers the purposes of, the Control, Regulate~~
16 ~~and Tax Adult Use of Marijuana Act.~~