

Priority Bills – OPPOSE

AB 1356 (Ting) Cannabis. Local Jurisdictions: Retail Commercial Cannabis Activity

This measure requires cities, whose majority voter electorate voted in favor of Prop 64, to adopt a local licensing structure for retail commercial cannabis activity. It further requires these cities to issue a minimum of one retail cannabis license for every four liquor licenses. The measure exempts only those jurisdictions that pass a local ballot measure to set a lower ratio or retail ban.

Key Points

- We oppose AB 1356 because it abolishes a city's local control to regulate cannabis activity. It completely subverts the intent of the voters who approved Proposition 64 by attempting to remove a local government's ability to approve retail cannabis shops at a different concentration level or prohibit them within its jurisdiction.
- AB 1356 is arbitrary and bad public policy. Attempting to require cities to establish a 1-4 ratio of local retail cannabis licenses to liquor licenses, removes the ability for locals to decide what is appropriate for their communities. Moreover, there is no suggestion in the AUMA that the state has unilateral authority to impose such a requirement.
- This heavy-handed approach is similar to the recent regulatory effort to force cannabis deliveries anywhere in the state, despite any local limiting ordinance or prohibition that would otherwise restrict this commercial activity. That provision is being litigated and will likely soon be overturned as a violation of Prop. 64.
- This kind of proposal justifies the skepticism that many jurisdictions have had with the ability of the state to resist the lobbying efforts of the influential cannabis industry and administer Prop 64 consistent with the intent of the voters.

AB 392 (Weber) Peace Officers. Deadly Force.

This measure would establish an entirely new and subjective legal standard, based on hindsight, for evaluating and holding officers criminally liable for using force when responding to life-or-death situations. The measure would also introduce for officers, the notion of criminal negligence without a definition.

Key Points

- The subjective legal standard AB 392 seeks to implement will have a chilling effect on the men and women in uniform by undermining their ability to respond to life-or-death situations – creating new challenges that would threaten the safety of families, communities and officers themselves. Moreover, the bill does not provide any additional funding for training, nor does it put in place any proactive measures to reduce the use of force.
- We believe, however, SB 230 (Caballero) represents a better approach to the issue. In brief, SB 230 would: 1) refine the circumstances by which an officer could discharge their weapon in alignment with U.S. Supreme Court decisions, 2) require all law enforcement agencies to establish a comprehensive policy on Use of Force, 3) require this written policy to be made accessible to the public, and 4) emphasize officer training and education through coursework prepared by the well-established Commission on POST.

Priority Bills - SUPPORT

SB 230 (Caballero) Peace Officers. Deadly Force

Summary and Purpose: SB 230 takes a comprehensive approach toward reducing the need for public safety officers to use deadly force as they perform their duties. The measure ensures robust officer training and education, reaffirms a commitment to protecting the sanctity of life, and sets a clear legal standard for the use of force.

- Updates and refines California's requirements for employing deadly force when confronting a fleeing felon to meet the standards set by U.S. Supreme Court case law.
- Requires all law enforcement agencies in the state to maintain a policy on Use of Force
- Requires the use of force policy to include provisions that provide comprehensive and clear guidelines on topics including, but not limited to utilizing de-escalation tactics, alternatives to deadly force, rendering medical aid, an officer's duty to intercede when observing excessive use of force by another officer and interacting with vulnerable populations.
- Requires all law enforcement agencies to make their Use of Force policy accessible to the public.
- Standardizes California law enforcement's use of force training and education through coursework developed by the Commission on POST to ensure coverage of critical topics, including but not limited to de-escalation, rendering medical aid and dealing with vulnerable populations.

AB 1417 (Rubio) Cannabis Advertisement and Marketing: Unfair Business Practice: Public Nuisance.

Summary & Purpose: AB 1417 seeks to discourage the advertisement of unlicensed and illegal cannabis operations by subjecting violators to civil penalties.

- Provides that an advertisement of cannabis goods that does not contain an active state license number is an unfair business practice and subject to a civil action by any person.
- Allows for the imposition of a civil penalty of up to \$2,500 per day on any person who violates the above-stated requirement.
- Authorizes the Attorney General, a district attorney, a city attorney or prosecutor, or a person in the public interest to bring a civil action for the civil penalty.
- Requires digital advertising platforms specializing in cannabis to publish a notice regarding the risks of purchasing cannabis products from unlicensed entities

SB 658 (Bradford) Cannabis Retail Business Emblem: Track and Trace.

Summary & Purpose: SB 658 seeks to distinguish between licensed and unlicensed retail cannabis operations as a tool to assist local enforcement efforts against illicit operators.

- Requires the Bureau of Cannabis Control (BCC) to establish a cannabis retail business emblem, and to begin issuing said emblem to each retail licensee beginning on January 1, 2020.
- Requires retail licensees to post the emblem in a location that is clearly visible to both the general public and patrons entering the facility.
- Requires employees of authorized delivery operators to carry the emblem when delivering cannabis or cannabis products