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Governor Signs Bill Lifting Deadline for Marijuana Cultivation Ordinances Imposed on Local Governments

Gov. Jerry Brown [today signed](#) AB 21 (Wood), eliminating from state law the unintended March 1, 2016 deadline for cultivation ordinances imposed on local governments by last year's Medical Marijuana Regulation and Safety Act.

One of the three bills that comprised the Act, AB 243 by Assembly Member Jim Wood (D-Healdsburg), contained an inadvertent drafting error that required locals to either have cultivation ordinances in effect as of March 1 or face state pre-emption and cede their regulatory authority to the California Department of Food and Agriculture. This accelerated date was significantly out of step with the timeline to establish the overall state regulatory structure that is not scheduled to be in place until Jan. 1, 2018.

Many communities had to take necessary precautions of preparing ordinances should clean-up legislation, which required an urgency clause and a legislative two-thirds vote, get bogged down or leveraged with additional conditions and not be in place prior to March 1. While various amendments were proposed in the Senate, ultimately consensus was reached on additional clarifying language related to local authority to address medical marijuana delivery issues.

"We applaud Assembly Member Wood and his colleagues for taking prompt action to eliminate the March deadline from statute," said Chris McKenzie, League of California Cities executive director. "This resolves the difficult position many local agencies found themselves in when faced with a deadline early in the year. They had no time for the careful analysis and robust community dialogue to develop well thought out cultivation ordinances. Consequently, a number of cities were put in the position of having to enact bans often as placeholders simply to preserve their regulatory authority."

With the lifting of the deadline, local governments will now have time for the research, thoughtful deliberation, community and stakeholder input, and vetting by city attorneys that medical marijuana cultivation ordinances require. This process will be informed as well over the next two years as the state regulatory structures take shape.