



May 25, 2017

Honorable Edmund G. Brown Jr.
Governor, State of California
State Capitol, First Floor
Sacramento, CA 95814

**RE: Prop. 64 Trailer Bill Implementing the Adult Use of Marijuana Act
Notice of Opposition**

Dear Governor Brown:

On behalf of the City of Azusa, I am writing to express our strong opposition to the proposed Trailer Bill implementing Proposition 64, the Adult Use of Marijuana Act.

The Trailer Bill purports to “reconcile” Prop. 64 with the Medical Cannabis Regulation and Safety Act (MCRSA), which the League of California Cities supported, together with the California Police Chiefs Association. However, the truth is that the Trailer Bill reconciles nothing. It proposes to delete the MCRSA from the Trailer Bill altogether, and a number of the local control, public health and public safety provisions that the MCRSA contains are currently not carried over into the Trailer Bill.

Here are just a few examples of local control and local enforcement provisions that were in the MCRSA, but the Trailer Bill now repeals, deletes or fails to address:

- Definition of “volatile solvent” – Section 11362.3(d) – p. 3: *Repealing this definition will undermine local regulation and enforcement vis-a-vis manufacturing operations.*
- State Medical Marijuana ID Card program – Section 11362.712 – p. 5 *Repealing this program will result in locals taking a hit in sales tax revenue.*
- Fire Safety Standards - Section 26064 – p. 37 *Repealing this language will set cities up for litigation when they try to enforce the Fire Code. This language should be left intact and amended to expressly authorize cities to enforce the Fire Code.*
- Allow non-storefront retail operations – Section 26070(a) (1)(a) – p. 41 *Failure to allow non-storefront businesses goes against the advice of local law enforcement in some cities.*
- Codify local agency right of inspection – Section 26160(c) – pp. 52-53 *Failure to codify this could set cities up for unnecessary litigation when they undertake routine regulatory duties.*

Letter to Governor Brown

May 25, 2017

Page 2

- Provision re: state agency response time (amended) – Section 26200(c) – p. 56 ***This gives locals assurance that state agencies will at least begin an investigation by a date certain once a local permit has been revoked. The trailer bill proposed to delete it. It should instead be amended to give the State more time to respond.***
- Clarify local government ability to apply for grants – Section 34019(f)(2)(C) – p. 68 ***This addresses a question many cities have asked: Can we have clearer rules on what can and cannot be banned, and still allow a city to retain eligibility for grant monies?***
- Effect of revocation of local permit – Business & Professions Code Section 19320(b) – not included in initial draft of Trailer Bill. ***Local permits, once revoked should suspend a state license pending a resolution of the defect that led to the local revocation.***

The City opposes any measure regulating cannabis that does not sufficiently protect local control, including the local ability to regulate these businesses. Moreover, any proposal that threatens fiscal harm to cities, as does the Trailer Bill's proposed elimination of the State medical marijuana ID card program is unacceptable. If consumers simply need a doctor's prescription, which is easy to obtain, to purchase medical marijuana to avoid paying sales tax on recreational use, the recreational market, which cities can tax, will shrink and the medical market, which they cannot, will greatly expand. This is not what the voters who supported Proposition 64 approved and is nothing short of administrative overreach by State regulators who are responsible for preparing the regulatory scheme for which the law is to be based.

Finally, we have seen media reports that because Proposition 64 was approved by voters by a comfortable margin, it should trump any act of the Legislature. Ironically, the text of Proposition 64 references the Medical Cannabis Regulation and Safety Act, which the Trailer Bill now proposes to repeal, several times. The Trailer Bill should not preempt the will of the people who voted for one thing and may now by legislative fiat end up with something completely different.

Please respect the will of the people and help protect local control and revenues by rejecting this measure.

Sincerely,



Joseph Romero Rocha
Mayor

cc: Azusa City Council
Honorable Ed Hernandez, O.D, State Senator
Honorable Blanca Rubio, Assembly Member
Joe A. Gonsalves & Son
Jennifer Quan, League of California Cities