

Date of Hearing: April 3, 2017

ASSEMBLY COMMITTEE ON BUSINESS AND PROFESSIONS

Evan Low, Chair

AB 2799 (Jones-Sawyer) – As Introduced February 16, 2018

NOTE: This bill is double-referred, and if passed by this Committee, it will be referred to the Assembly Committee on Labor and Employment.

SUBJECT: Adult-use cannabis and medicinal cannabis: license application: OSHA training.

SUMMARY: Requires an applicant for a state license under the Medicinal and Adult Use Cannabis Regulation and Safety Act (MAUCRSA) to provide a statement that the applicant employs, or will employ within one year of receiving a license, an employee who has successfully completed an Occupational Safety and Health Administration (OSHA) 30-hour general industry course.

EXISTING LAW:

- 1) 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. (Business and Professions Code (BPC) Section 26000 *et seq.*)

THIS BILL:

- 1) Requires that applicants for a state license under MAUCRSA to provide a statement that the applicant employs, or will employ within one year of receiving a license, an employee who has successfully completed the OSHA 30-hour general industry course.

FISCAL EFFECT: Unknown. This bill has been keyed fiscal by Legislative Counsel.

COMMENTS:

Purpose. This bill is sponsored by the **United Food and Commercial Workers**. According to the author: “Since the passage of Prop 64 in 2016 by we have seen the birth of a new industry in California. This new industry will create thousands of new jobs and help revitalize communities that have been harmed by the war of drugs. As a new industry, these workers need to be protected, which includes knowing how to recognize and avoid common job safety hazards. Requiring licensees to train their workers in Cal-OSHA will ensure workplace safety in the cannabis industry.

Background. *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. These include transmission of fingerprints, submission to a background check, and fees as well as a requirement that applicants with more than 20 employees seeking licensure to engage in marijuana 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.

30 Hour General Industry OSHA Course. OSHA is an agency of the United States Department of Labor regulating safe and healthy work conditions by enforcing standards and providing training, education, and technical assistance to workers and employers. The OSHA 30-hour General Industry Outreach Training course is a comprehensive safety program designed for workers with safety responsibility. The course emphasizes hazard identification, avoidance, control, and prevention. Completion of the course includes a card for proof.

This bill requires that an applicant for cannabis related licensure under MAUCRSA employ an individual that has successfully completed an OSHA 30-hour general industry course, either at the time of application or within one year of employment.

Prior Related Legislation. AB 1700 (Cooper) of the current legislative session, would have required an applicant for a state license under the Medicinal and Adult Use Cannabis Regulation and Safety Act (MAUCRSA), to provide a statement that the applicant employs, or will employ within one year of receiving a license, an employee who has successfully completed an OSHA 30-hour general industry course. *STATUS: This bill was passed by the Assembly Committee on Business and Professions on April 26, 2017 and was held in the Assembly Committee on Appropriations.*

AB 64 (Bonta, Cooley, Jones-Sawyer, Lackey, Wood) of the current legislative session seeks to reconcile a number of differences between MCRSA and AUMA to provide clarity in regulation and enforcement of both medical and recreational cannabis. *STATUS: This bill was passed by the Assembly Committee on Business and Professions on April 18, 2017 and was held in the Assembly Committee on Appropriations.*

ARGUMENTS IN SUPPORT:

United Food and Commercial Workers Western States Council (UFCW), which represents over 160,000 members, is the sponsor this bill. UFCW states: “Requiring a cannabis business to have at least one employee and one supervisor complete a 30-hour course from the California Occupational Safety and Health Administration (CalOSHA) will ensure compliance with life and health-preserving job-related safety and health hazards.”

ARGUMENTS IN OPPOSITION:

None on file.

REGISTERED SUPPORT:

United Food and Commercial Workers Western States Council (UFCW) (Sponsor)

REGISTERED OPPOSITION:

None on file.

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