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June 10, 2019

Karen L. Smith, MD, MPH
Director and State Public Health Officer
California Department of Public Health
1615 Capitol Avenue
PO Box 997377, MS 0500
Sacramento, California 95899-7377

Re: AB 1356 (Ting): Cannabis: local jurisdictions: retail commercial cannabis activity

Dear Dr. Smith:

The California Conference of Local Health Officers (CCLHO) voted at the CCLHO Board meeting on June 6, 2019 to take an Oppose recommendation on AB 1356 (Ting), a bill that the, if more than 50% of the electorate of a local jurisdiction voted in favor of the Adult Use of Marijuana Act (AUMA), would require a local jurisdiction to issue a minimum number of local licenses authorizing specified retail cannabis commercial activity within that jurisdiction that would be permitted by a retailer license issued under Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA). The bill would require the minimum number of those local licenses required to be issued in that jurisdiction to be 1/6 of the number of currently active on-sale general licenses for alcoholic beverage sales in that jurisdiction, as specified, unless the minimum number would result in a ratio greater than one local license for retail cannabis commercial activity for every 15,000 residents of the local jurisdiction, in which case the bill would require the minimum number to be determined by dividing the number of residents in the local jurisdiction by 15,000 and rounding down to the nearest whole number. The bill would authorize a local jurisdiction to impose a fee on licensees to cover the regulatory costs of issuing those local licenses. This bill did not receive a vote on the Assembly Floor and is considered dead for the year.

The League of California Cities (League) opposes the bill and states that "AB 1356 fundamentally erodes the local regulatory authority of cities and counties, which is explicitly provided for in Proposition 64. In seeking to remove, a local government's ability to either approve retail cannabis shops at a different concentration level or prohibit them within its jurisdiction, this bill completely subverts the intent of the voters who approved Proposition 64. In essence, attempting to require cities to establish a [1 to 6] ratio of local retail cannabis licenses to liquor licenses removes the ability for locals to decide what is appropriate for their communities. By obligating such a ratio, AB 1356 proposes an arbitrary land use standard for individual cities and counties based on the results of a statewide ballot measure. Ultimately, it is questionable at best as to whether, under Proposition 64, the state even has the unilateral authority to impose such a requirement without voter approval." CCLHO recommends an Oppose position on AB 1356.

CCLHO was established in statute in 1947 to advise the California Department of Health Services (now California Department of Public Health), other departments, boards, commissions, and officials of federal, state and local agencies, the Legislature and other organizations on all matters affecting health. CCLHO membership consists of all legally appointed physician health officers in California's 61 city and county jurisdictions.

Should you have any questions, please contact me by email at roidham@placer.ca.gov or by phone at (530) 745-3121. Thank you.

Sincerely,

Robert L. Oldham, MD, MSHA
President, California Conference of Local Health Officers