

MCLPA

MCLE Course Materials: Authorities and Resources

November 29, 2018

Topic: Marijuana/Recreational Marijuana: The Law, Ethics, & What You Need to Know

I. California's Cannabis Laws

A. MAUCRSA (SB 94):

https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180SB94

B. Regulations

1. Bureau of Cannabis Control (Retailers, Distributors, Micro-Operators)

- BCC Website: <https://bcc.ca.gov/>

- BCC Non-Emergency Regulations (Pending Adoption):

https://bcc.ca.gov/law_regs/cannabis_text.pdf

2. CalCannabis/CDFA (Cultivators, Nurseries, Processors)

- CalCannabis Website: <http://cannabis.cdfa.ca.gov/>

- CalCannabis Proposed Permanent Regulations (Pending Adoption):

https://static.cdfa.ca.gov/MCCP/document/7.13.18%20CDFA%20Regulation%20Text_FINAL.PDF

3. Manufactured Cannabis Safety Branch (MCSB)/DPH (Manufacturers, Testing Labs)

- MCSB Website: <https://www.cdph.ca.gov/Programs/CEH/DFDCS/MCSB/Pages/MCSB.aspx>

- MCSB Re-adopted Emergency Regulations:

<https://www.cdph.ca.gov/Programs/CEH/DFDCS/MCSB/CDPH%20Document%20Library/ReadoptTextFINAL.pdf>

C. Local Laws

1. County of Marin: <https://www.marincounty.org/main/medicalcannabis>

2. <https://www.cityofsanrafael.org/cannabis/>

II. Conflict with Federal Law

A. Controlled Substances Act: <https://www.deadiversion.usdoj.gov/21cfr/21usc/index.html>

B. US v. McIntosh: <https://cdn.ca9.uscourts.gov/datastore/opinions/2016/08/16/15-10117.pdf>

C. Hemp Farming Act of 2018: <https://www.govtrack.us/congress/bills/115/s2667/summary>

- CA Hemp Bill (SB 1409):

https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180SB1409

D. STATES Act: <https://www.congress.gov/bill/115th-congress/senate-bill/3032/text>

III. Ethical Considerations in Representing Cannabis Industry Clients

A. CA Rules of Prof. Responsibility Rule 1.2.1. <http://src.bna.com/Ch0>

B. LA County Bar Association: <http://www.lacba.org/docs/default-source/ethics-opinions/archived-ethics-opinions/ethics-opinion-527-rev.pdf>

C. Attorney Client Privilege:

Evidence Code Section 956(b):

https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=EVID§ionNum=956.

*Interesting Blog on Attorney Client Privilege:

<https://cannabislaw.foxrothschild.com/tag/california-evidence-code-section-956b-crime-fraud-exception/>