

AMENDED IN ASSEMBLY APRIL 21, 2025

CALIFORNIA LEGISLATURE—2025–26 REGULAR SESSION

ASSEMBLY BILL

No. 1332

Introduced by Assembly Member Ahrens

February 21, 2025

An act to ~~amend~~ *amend, repeal, and add* Sections 26071, 26321, 26322, and 26323 of, and to add *and repeal* Section 26072 ~~to, of, the~~ Business and Professions Code, relating to cannabis.

LEGISLATIVE COUNSEL’S DIGEST

AB 1332, as amended, Ahrens. Medicinal cannabis: shipments.

Existing law, the Compassionate Use Act of 1996, an initiative measure enacted by Proposition 215 at the November 6, 1996, statewide general election, declares that its purpose is, among other things, to ensure that seriously ill Californians have the right to obtain and use marijuana for medical purposes, as specified, and exempts from state criminal liability certain patients and their primary caregivers who possess or cultivate marijuana for the personal medical purposes of the patient.

The Control, Regulate and Tax Adult-Use of Marijuana Act of 2016 (AUMA), an initiative measure approved as Proposition 64 at the November 8, 2016, statewide general election, established a comprehensive system to legalize, control, and regulate the cultivation, processing, manufacture, distribution, testing, and sale of nonmedical marijuana. Existing law, the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA), among other things, consolidates the licensure and regulation of commercial medicinal and adult-use cannabis activities, including the retail sale of medicinal cannabis. MAUCRSA also authorizes specified licensees to provide

free medicinal cannabis or medicinal cannabis products to medicinal cannabis patients if specified criteria are met.

Existing law, the Medicinal Cannabis Patients' Right of Access Act, prohibits a local jurisdiction from adopting or enforcing any regulation that prohibits the retail sale by delivery within the local jurisdiction of medicinal cannabis to medicinal cannabis patients or their primary caregivers by medicinal cannabis businesses, as defined, or that has the effect of prohibiting the retail sale by delivery within the local jurisdiction of medicinal cannabis to medicinal cannabis patients or their primary caregivers, as specified.

~~This bill~~ *until January 1, 2029*, would authorize a licensed microbusiness with an M-license whose licensed activities include retail sale, distribution, and outdoor cultivation ~~may~~ *to directly ship certain medicinal cannabis or medicinal cannabis products to a medicinal cannabis patient in the state, if the licensed microbusiness complies with specified requirements, including that the medicinal cannabis is only shipped to a medicinal cannabis patient who cannot access or utilize a cannabis retailer or delivery within 60 miles of the patient's location, the amount shipped to a medicinal cannabis patient in a single day does not exceed specified possession limits, and the package is received and signed for by someone 21 years of age or older. The bill would require a microbusiness shipping directly to a patient to comply with specified laws and regulations governing cannabis retailers for purposes of that shipment. If the medicinal cannabis patient is a qualified patient that possesses a valid physician's recommendation, the bill would require the retailer to certify in writing that they verified the recommendation and would require the retailer to keep a copy of that certification for no less than 7 years.* The bill would amend the Medicinal Cannabis Patients' Right of Access Act to, among other things, prohibit a local jurisdiction from adopting or enforcing any regulation that prohibits the retail sale by shipment within the local jurisdiction of medicinal cannabis to medicinal cannabis patients or their primary caregivers by a licensed microbusiness with an M-license, as specified. The bill would also authorize free medicinal cannabis or medicinal cannabis products provided to medicinal cannabis patients in compliance with MAUCRSA to be shipped to those patients by a licensed microbusiness with an M-license, as provided.

To the extent this bill would impose additional duties on local jurisdictions, *and to the extent the bill would expand the crime of perjury*

by requiring the retailer to certify verification of physician recommendations, the bill would impose a state-mandated local program.

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.~~

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) Access to medicinal cannabis is an integral aspect of access
- 4 to health care, and eliminating barriers to medicinal cannabis
- 5 access is essential to promoting and preserving the health of
- 6 Californians for whom physicians have recommended the use of
- 7 cannabis or cannabis products.
- 8 (b) It is the policy of the state and the intent of the Legislature
- 9 to ensure that Californians throughout the state have timely and
- 10 convenient access to safe, effective, and affordable medicinal
- 11 cannabis.
- 12 (c) An unintentional effect of significant changes to the
- 13 regulatory framework for medical and adult use cannabis created
- 14 by the passage of the Control, Regulate and Tax Adult-Use of
- 15 Marijuana Act of 2016 (AUMA), an initiative measure approved
- 16 as Proposition 64 at the November 8, 2016, statewide general

1 *election, and the Medicinal Cannabis Patients' Right of Access*
2 *Act has been an increase and prioritization of more profitable*
3 *recreational cannabis products accompanied by a significant*
4 *decline in availability of specialty cannabis products formulated*
5 *for a small group of medical patients.*

6 *(d) Because the small population of seriously ill patients is*
7 *dispersed throughout the state, it is not financially viable for brick*
8 *and mortar retail dispensaries or local delivery services to stock*
9 *perishable specialty medicinal cannabis products for the small*
10 *number of patients who may live nearby.*

11 *(e) There is a resulting access crisis in California for medical*
12 *patients with severe and complex conditions that require*
13 *specialized medicinal cannabis. Experienced cannabis physicians*
14 *estimate this population is around 4,000 individuals, including*
15 *children with intractable epilepsy, severe autism, and rare genetic*
16 *syndromes, and adults with advanced cancers, multiple sclerosis,*
17 *and dementia.*

18 *(f) Patients with severe medical conditions have been left without*
19 *access to appropriate and effective medicinal cannabis product*
20 *options causing them to experience worsening symptoms and a*
21 *diminished quality of life. Some patients have been forced to seek*
22 *unlicensed products, putting their health at further risk. The access*
23 *crisis has placed an additional burden on families and caregivers*
24 *who already face significant challenges.*

25 *(g) It is the intent of the Legislature that this bill will provide a*
26 *narrow solution that allows patients with severe medical conditions*
27 *to access medicinally necessary cannabis that they are unable to*
28 *access through existing cannabis retail and delivery services in*
29 *their local area.*

30 *(h) The Legislature does not intend for this bill to facilitate*
31 *shipping of cannabis products that are easily accessible to*
32 *medicinal cannabis patients or cannabis consumers via existing*
33 *retail dispensaries or delivery services.*

34 **SECTION 1.**

35 **SEC. 2.** Section 26071 of the Business and Professions Code
36 is amended to read:

37 26071. (a) To provide access to medicinal cannabis patients
38 who have difficulty accessing cannabis or cannabis products, a
39 licensee that is authorized to make retail sales may provide free

1 cannabis or cannabis products if all of the following criteria are
2 met:

3 (1) Free cannabis or cannabis products are provided only to a
4 medicinal cannabis patient or the patient's primary caregiver. For
5 purposes of this section, "medicinal cannabis patient" includes a
6 qualified patient, as defined under Section 11362.7 of the Health
7 and Safety Code, or a person in possession of a valid identification
8 card issued under Section 11362.71 of the Health and Safety Code.

9 (2) (A) A licensed retailer providing medicinal cannabis or
10 medicinal cannabis products pursuant to this section to a qualified
11 patient, as defined under Section 11362.7 of the Health and Safety
12 Code, that possesses a valid physician's recommendation, shall
13 ensure that the physician is in good standing by following the
14 procedures described in subparagraph (B) before providing the
15 qualified patient with any medicinal cannabis or medicinal cannabis
16 products that a cultivator certified were for donation pursuant to
17 Section 34012.1 of the Revenue and Taxation Code or that are
18 exempt from the use tax pursuant to Section 6414 of the Revenue
19 and Taxation Code.

20 (B) In order to verify the physician's recommendation, the
21 licensed retailer shall do all of the following:

22 (i) Verify with the Medical Board of California, the Osteopathic
23 Medical Board of California, and the California Board of Podiatric
24 Medicine that the attending physician has a license in good standing
25 to practice medicine or osteopathy in the state.

26 (ii) Keep a copy of the patient's or primary caregiver's driver's
27 license or other government issued identification.

28 (3) Except as provided for under Section 34012.1 of the Revenue
29 and Taxation Code, the cannabis or cannabis products comply with
30 all applicable requirements for cultivation, manufacture,
31 distribution, processing, storing, laboratory testing, packaging,
32 labeling, transportation, delivery, shipment, or donation under this
33 division.

34 (4) A licensee intending to donate the cannabis or cannabis
35 products shall designate the cannabis or cannabis products for
36 donation in the track and trace system. If a cultivator certified that
37 the cannabis or cannabis products are designated for donation to
38 medicinal cannabis patients pursuant to Section 34012.1 of the
39 Revenue and Taxation Code, a licensee shall not change that

1 designation pursuant to subdivision (b) of Section 34012.1 of the
2 Revenue and Taxation Code.

3 (5) Before being provided to the patient or primary caregiver,
4 the cannabis or cannabis products have been properly recorded in
5 the track and trace system as belonging to the retailer.

6 (6) The cannabis or cannabis products provided to a medicinal
7 cannabis patient or the primary caregiver of the patient in a single
8 day shall not exceed the possession limits prescribed by Section
9 11362.77 of the Health and Safety Code.

10 (7) The event shall be properly recorded in the retailer's
11 inventory records and the track and trace system. The retailer shall
12 include in its inventory records for each medicinal cannabis patient
13 the number of an identification card issued pursuant to Article 2.5
14 (commencing with Section 11362.7) of Chapter 6 of Division 10
15 of the Health and Safety Code or a copy of the physician's
16 recommendation for no less than four years. If the medicinal
17 cannabis patient is a qualified patient, as defined under Section
18 11362.7 of the Health and Safety Code, that possesses a valid
19 physician's recommendation, the retailer shall certify in writing
20 that they verified the recommendation pursuant to paragraph (2)
21 and shall keep a copy of that certification for no less than seven
22 years.

23 (8) A licensed retailer that donates medicinal cannabis or
24 medicinal cannabis products shall note the donation in their sales
25 invoice or receipt pursuant to Section 26161 of the Business and
26 Professions Code.

27 (b) In addition to the provision of free cannabis or cannabis
28 products in subdivision (a), a licensee that is authorized to make
29 retail sales may donate cannabis or cannabis products and the use
30 of equipment in compliance with any compassionate use, equity,
31 or other similar program administered by a local jurisdiction.

32 (c) A licensee that is authorized to make retail sales may contract
33 with an individual or organization to coordinate the provision of
34 free medicinal cannabis or medicinal cannabis products on the
35 retailer's premises. Licensed retailers that are solely authorized to
36 engage in retail sales by means of delivery may provide free
37 medicinal cannabis or medicinal cannabis products by means of
38 delivery. Licensed microbusinesses that are solely authorized to
39 engage in retail sales of medicinal cannabis by means of shipment

1 may provide free medicinal cannabis or medicinal cannabis
2 products by means of shipment.

3 (d) For purposes of this section, "shipment" means the act of
4 shipping medicinal cannabis or medicinal cannabis products to a
5 medicinal cannabis patient by a licensed microbusiness utilizing
6 a commercial carrier in compliance with Section 26072. *All*
7 *shipping of medicinal cannabis or medicinal cannabis products*
8 *by a commercial carrier shall only utilize the commercial carrier's*
9 *own employees.*

10 (e) *This section shall remain in effect only until January 1, 2029,*
11 *and as of that date is repealed.*

12 SEC. 3. *Section 26071 is added to the Business and Professions*
13 *Code, to read:*

14 26071. (a) *To provide access to medicinal cannabis patients*
15 *who have difficulty accessing cannabis or cannabis products, a*
16 *licensee that is authorized to make retail sales may provide free*
17 *cannabis or cannabis products if all of the following criteria are*
18 *met:*

19 (1) *Free cannabis or cannabis products are provided only to a*
20 *medicinal cannabis patient or the patient's primary caregiver. For*
21 *purposes of this section, "medicinal cannabis patient" includes a*
22 *qualified patient, as defined under Section 11362.7 of the Health*
23 *and Safety Code, or a person in possession of a valid identification*
24 *card issued under Section 11362.71 of the Health and Safety Code.*

25 (2) (A) *A licensed retailer providing medicinal cannabis or*
26 *medicinal cannabis products pursuant to this section to a qualified*
27 *patient, as defined under Section 11362.7 of the Health and Safety*
28 *Code, that possesses a valid physician's recommendation, shall*
29 *ensure that the physician is in good standing by following the*
30 *procedures described in subparagraph (B) before providing the*
31 *qualified patient with any medicinal cannabis or medicinal*
32 *cannabis products that a cultivator certified were for donation*
33 *pursuant to Section 34012.1 of the Revenue and Taxation Code*
34 *or that are exempt from the use tax pursuant to Section 6414 of*
35 *the Revenue and Taxation Code.*

36 (B) *In order to verify the physician's recommendation, the*
37 *licensed retailer shall do all of the following:*

38 (i) *Verify with the Medical Board of California, the Osteopathic*
39 *Medical Board of California, and the California Board of Podiatric*

1 *Medicine that the attending physician has a license in good*
2 *standing to practice medicine or osteopathy in the state.*

3 *(ii) Keep a copy of the patient's or primary caregiver's driver's*
4 *license or other government issued identification.*

5 *(3) Except as provided for under Section 34012.1 of the Revenue*
6 *and Taxation Code, the cannabis or cannabis products comply*
7 *with all applicable requirements for cultivation, manufacture,*
8 *distribution, processing, storing, laboratory testing, packaging,*
9 *labeling, transportation, delivery, or donation under this division.*

10 *(4) A licensee intending to donate the cannabis or cannabis*
11 *products shall designate the cannabis or cannabis products for*
12 *donation in the track and trace system. If a cultivator certified that*
13 *the cannabis or cannabis products are designated for donation to*
14 *medicinal cannabis patients pursuant to Section 34012.1 of the*
15 *Revenue and Taxation Code, a licensee shall not change that*
16 *designation pursuant to subdivision (b) of Section 34012.1 of the*
17 *Revenue and Taxation Code.*

18 *(5) Before being provided to the patient or primary caregiver,*
19 *the cannabis or cannabis products have been properly recorded*
20 *in the track and trace system as belonging to the retailer.*

21 *(6) The cannabis or cannabis products provided to a medicinal*
22 *cannabis patient or the primary caregiver of the patient in a single*
23 *day shall not exceed the possession limits prescribed by Section*
24 *11362.77 of the Health and Safety Code.*

25 *(7) The event shall be properly recorded in the retailer's*
26 *inventory records and the track and trace system. The retailer*
27 *shall include in its inventory records for each medicinal cannabis*
28 *patient the number of an identification card issued pursuant to*
29 *Article 2.5 (commencing with Section 11362.7) of Chapter 6 of*
30 *Division 10 of the Health and Safety Code or a copy of the*
31 *physician's recommendation for no less than four years. If the*
32 *medicinal cannabis patient is a qualified patient, as defined under*
33 *Section 11362.7 of the Health and Safety Code, that possesses a*
34 *valid physician's recommendation, the retailer shall certify in*
35 *writing that they verified the recommendation pursuant to*
36 *paragraph (2) and shall keep a copy of that certification for no*
37 *less than seven years.*

38 *(8) A licensed retailer that donates medicinal cannabis or*
39 *medicinal cannabis products shall note the donation in their sales*

1 *invoice or receipt pursuant to Section 26161 of the Business and*
2 *Professions Code.*

3 *(b) In addition to the provision of free cannabis or cannabis*
4 *products in subdivision (a), a licensee that is authorized to make*
5 *retail sales may donate cannabis or cannabis products and the*
6 *use of equipment in compliance with any compassionate use,*
7 *equity, or other similar program administered by a local*
8 *jurisdiction.*

9 *(c) A licensee that is authorized to make retail sales may*
10 *contract with an individual or organization to coordinate the*
11 *provision of free medicinal cannabis or medicinal cannabis*
12 *products on the retailer's premises. Licensed retailers that are*
13 *solely authorized to engage in retail sales by means of delivery*
14 *may provide free medicinal cannabis or medicinal cannabis*
15 *products by means of delivery.*

16 *(d) This section shall become operative on January 1, 2029.*

17 ~~SEC. 2.~~

18 SEC. 4. Section 26072 is added to the Business and Professions
19 Code, to read:

20 26072. (a) Notwithstanding any other provision of this division
21 to the contrary, a licensed microbusiness with an M-license whose
22 licensed activities include retail sale, distribution, and outdoor
23 cultivation may directly ship medicinal cannabis to a medicinal
24 cannabis patient in the state, if the licensed microbusiness complies
25 with all of the following requirements:

26 *(1) The medicinal cannabis or medicinal cannabis products*
27 *shall be shipped by a commercial carrier that only utilizes the*
28 *commercial carrier's own employees for purposes of the shipment*
29 *of medicinal cannabis or medicinal cannabis products.*

30 *(2) The medicinal cannabis is only shipped to a medicinal*
31 *cannabis patient who cannot access or utilize a cannabis retailer*
32 *or delivery within 60 miles of the patient's location.*

33 ~~(1)~~

34 *(3) The amount shipped to a medicinal cannabis patient in a*
35 *single day shall not exceed the possession limits prescribed by*
36 *Section 11362.77 of the Health and Safety Code.*

37 ~~(2) The licensed microbusiness shall maintain adequate records~~
38 ~~of the shipments, shall properly enter all transactions related to~~
39 ~~the shipments into the track and trace system, and shall otherwise~~

1 ~~comply with all recordkeeping and track and trace requirements~~
2 ~~under this division.~~

3 (4) (A) *The medicinal cannabis shipment shall not include any*
4 *of the following:*

5 (i) *Vape pens or cartridges.*

6 (ii) *Battery or electronically powered devices.*

7 (iii) *Inhalable concentrates, including, but not limited to, resin*
8 *or distillate inhalable concentrates.*

9 (iv) *Cookies, gummies, or edibles, except naturally infused*
10 *food-oil tinctures.*

11 (v) *Infused cannabis beverages.*

12 (vi) *Infused products, such as added flavors or terpenes.*

13 (vii) *Flower cultivated indoors.*

14 (B) *Notwithstanding subparagraph (A), the medicinal cannabis*
15 *shipment may include any of the following:*

16 (i) *Food-oil infusion tinctures, including, but not limited to,*
17 *olive oil infusion tinctures, but shall not include distillate or*
18 *volatile solvent tinctures.*

19 (ii) *Topicals, salves, or balms made using food-oil infusion*
20 *tinctures, but shall not include distillate or volatile solvent*
21 *tinctures.*

22 (iii) *Suppositories made using food-oil infusion tinctures, but*
23 *shall not include distillate or volatile solvent tinctures.*

24 (iv) *Full-spectrum cannabis oil, including “Rick Simpson Oil.”*

25 (v) *Flower cultivated outdoors that is not infused with flavors,*
26 *terpenes, or hash.*

27 ~~(3)~~

28 (5) *Payment for medicinal cannabis shipped pursuant to this*
29 *section shall be obtained by the licensed microbusiness from the*
30 *medicinal cannabis patient prior to shipment. The retail transaction*
31 *shall be deemed to occur at the time and location that the payment*
32 *is received and title to the shipped medicinal cannabis shall be*
33 *deemed transferred to the medical cannabis patient at the time the*
34 *shipment is conveyed from the microbusiness to the commercial*
35 *carrier.*

36 ~~(4)~~

37 (6) *The licensed microbusiness shall require the commercial*
38 *carrier to obtain the signature of an individual 21 years of age or*
39 *older before providing any medicinal cannabis shipped pursuant*
40 *to this section to an individual in this state.*

1 ~~(5)~~

2 (7) The containers in which the medicinal cannabis is shipped
3 shall be conspicuously labeled with the words: “SIGNATURE OF
4 PERSON AGE 21 YEARS OR OLDER REQUIRED FOR
5 DELIVERY.”

6 ~~(6)~~

7 (8) The microbusiness shall enter into the track and trace system
8 information sufficient to verify that all shipped medicinal cannabis
9 is sourced entirely from cannabis cultivated only at the
10 microbusiness’s licensed location or from up to five licensed
11 outdoor cultivation sites holding outdoor license types small,
12 medium, specialty, or specialty cottage, and all shipped
13 manufactured medicinal cannabis products are manufactured solely
14 by the licensed microbusiness at its licensed location.

15 (9) *The shipment shall be properly recorded in the retailer’s*
16 *inventory records and the track and trace system. The*
17 *microbusiness shall include in its inventory records for the*
18 *medicinal cannabis patient the number of the identification card*
19 *issued pursuant to Article 2.5 (commencing with Section 11362.7)*
20 *of Chapter 6 of Division 10 of the Health and Safety Code or a*
21 *copy of the physician’s recommendation for no less than four years.*
22 *If the medicinal cannabis patient is a qualified patient, as defined*
23 *under Section 11362.7 of the Health and Safety Code, who*
24 *possesses a valid physician’s recommendation, the retailer shall*
25 *certify in writing that they verified the recommendation pursuant*
26 *to subdivision (b) and shall keep a copy of that certification for*
27 *no less than seven years.*

28 (10) *The microbusiness shall comply with all applicable laws*
29 *and regulations governing cannabis retailers for purposes of that*
30 *shipment, including existing requirements for laboratory testing*
31 *of all medicinal cannabis products to be shipped and all track and*
32 *trace requirements for those shipments. The microbusiness shall*
33 *properly enter all transactions related to shipments into the track*
34 *and trace system as required under this division.*

35 (b) *A licensed microbusiness providing medicinal cannabis or*
36 *medicinal cannabis products pursuant to this section to a qualified*
37 *patient, as defined under Section 11362.7 of the Health and Safety*
38 *Code, that possesses a valid physician’s recommendation, shall*
39 *ensure that the physician is in good standing and verify the*
40 *physician’s recommendation by doing both of the following:*

1 (1) Verify with the Medical Board of California, the Osteopathic
2 Medical Board of California, and the California Board of Podiatric
3 Medicine that the attending physician has a license in good
4 standing to practice medicine or osteopathy in the state.

5 (2) Keep a copy of the patient's or primary caregiver's driver's
6 license or other government issued identification.

7 (c) The microbusiness shall act as the retailer for all cannabis
8 products shipped and shall be responsible for any taxes applicable
9 to retailers under existing laws and regulations.

10 ~~(b)~~

11 (d) Notwithstanding any other law, a commercial carrier shall
12 not be in violation of any California law or local ordinance solely
13 on the basis of conveying medicinal cannabis shipped pursuant to
14 this section, and such conveyance shall not constitute delivery or
15 transportation of cannabis under this division or any regulation
16 promulgated under the authority of this division.

17 ~~(e)~~

18 (e) For purposes of this section, ~~“medicinal~~ the following
19 definitions shall apply:

20 (1) “Medicinal cannabis” means medicinal cannabis or
21 medicinal cannabis products, as those terms are defined in Section
22 26001.

23 (2) “Medicinal cannabis patient” includes a qualified patient,
24 as defined under Section 11362.7 of the Health and Safety Code,
25 or a person in possession of a valid identification card issued
26 under Section 11362.71 of the Health and Safety Code.

27 (f) This section shall remain in effect only until January 1, 2029,
28 and as of that date is repealed.

29 ~~SEC. 3.~~

30 SEC. 5. Section 26321 of the Business and Professions Code
31 is amended to read:

32 26321. (a) This act shall be known, and may be cited, as the
33 Medicinal Cannabis Patients' Right of Access Act.

34 (b) For purposes of this chapter:

35 (1) “Medicinal cannabis” means medicinal cannabis or medicinal
36 cannabis products, as those terms are defined in paragraph (1) of
37 subdivision (am) of Section 26001.

38 (2) “Medicinal cannabis business” means either of the following:

1 (A) A retailer authorized to engage in the retail sale by delivery
2 of medicinal cannabis to medicinal cannabis patients pursuant to
3 an M-license.

4 (B) A licensed microbusiness authorized to engage in the retail
5 sale by shipment of medicinal cannabis to medicinal cannabis
6 patients pursuant to an M-license and in compliance with Section
7 26072.

8 (3) “Medicinal cannabis patient” means a qualified patient, as
9 defined in Section 11362.7 of the Health and Safety Code, who
10 possesses a physician’s recommendation that complies with Article
11 25 (commencing with Section 2525) of Chapter 5 of Division 2,
12 or a qualified patient or primary caregiver for a qualified patient
13 issued a valid identification card pursuant to Section 11362.71 of
14 the Health and Safety Code.

15 (4) “Regulation” means a local ordinance, regulation, policy,
16 or practice.

17 (5) “Ship,” “shipment,” or “shipping” means the act of shipping
18 medicinal cannabis to a medicinal cannabis patient by a licensed
19 microbusiness utilizing a commercial carrier in compliance with
20 Section 26072. *All shipping of medicinal cannabis or medicinal*
21 *cannabis products by a commercial carrier shall only utilize the*
22 *commercial carrier’s own employees.*

23 (c) *This section shall remain in effect only until January 1, 2029,*
24 *and as of that date is repealed.*

25 SEC. 6. *Section 26321 is added to the Business and Professions*
26 *Code, to read:*

27 26321. (a) *This act shall be known, and may be cited, as the*
28 *Medicinal Cannabis Patients’ Right of Access Act.*

29 (b) *For purposes of this chapter:*

30 (1) *“Medicinal cannabis” means medicinal cannabis or*
31 *medicinal cannabis products, as those terms are defined in*
32 *paragraph (1) of subdivision (ai) of Section 26001.*

33 (2) *“Medicinal cannabis business” means a retailer authorized*
34 *to engage in the retail sale by delivery of medicinal cannabis to*
35 *medicinal cannabis patients pursuant to an M-license.*

36 (3) *“Medicinal cannabis patient” means a qualified patient, as*
37 *defined in Section 11362.7 of the Health and Safety Code, who*
38 *possesses a physician’s recommendation that complies with Article*
39 *25 (commencing with Section 2525) of Chapter 5 of Division 2,*
40 *or a qualified patient or primary caregiver for a qualified patient*

1 issued a valid identification card pursuant to Section 11362.71 of
2 the Health and Safety Code.

3 (4) “Regulation” means a local ordinance, regulation, policy,
4 or practice.

5 (c) This section shall become operative on January 1, 2029.

6 ~~SEC. 4.~~

7 SEC. 7. Section 26322 of the Business and Professions Code
8 is amended to read:

9 26322. (a) A local jurisdiction shall not adopt or enforce any
10 regulation that prohibits the retail sale by delivery or shipment
11 within the local jurisdiction of medicinal cannabis to medicinal
12 cannabis patients or their primary caregivers, or that otherwise has
13 the effect of prohibiting the retail sale by delivery or shipment
14 within the local jurisdiction of medicinal cannabis to medicinal
15 cannabis patients or their primary caregivers by licensed medicinal
16 cannabis businesses in a timely and readily accessible manner, and
17 in types and quantities that are sufficient to meet demand from
18 medicinal cannabis patients within the local jurisdiction, including,
19 but not limited to, regulation of any of the following that has the
20 effect of prohibiting the retail sale by delivery or shipment of
21 medicinal cannabis:

22 (1) The number of medicinal cannabis businesses authorized to
23 deliver medicinal cannabis in the local jurisdiction.

24 (2) The number of licensed microbusinesses authorized to ship
25 medicinal cannabis within the local jurisdiction.

26 (3) The operating hours of medicinal cannabis businesses.

27 (4) The number or frequency of sales by delivery or shipment
28 of medicinal cannabis.

29 (5) The types or quantities of medicinal cannabis authorized to
30 be sold by delivery or shipment.

31 (6) The establishment of physical premises from which retail
32 sale by delivery of medicinal cannabis within the jurisdiction is
33 conducted by a licensed nonstorefront retailer, except that this
34 paragraph shall not be construed to require the establishment of
35 additional physical premises in a local jurisdiction that allowed
36 medicinal cannabis retail as of January 1, 2022, and in which at
37 least one physical premises engaged in the retail sale of medicinal
38 cannabis, whether storefront or delivery, is already established.

39 (7) The establishment of physical premises from which shipment
40 of medicinal cannabis within the jurisdiction is conducted. A local

1 jurisdiction that allowed retail sales of medicinal cannabis as of
2 January 1, 2022, and in which at least one physical premises
3 engaged in the retail sale of medicinal cannabis, whether storefront
4 or delivery, is already established, may limit the retail activities
5 of a licensed microbusiness to only shipment of medicinal cannabis
6 and may prohibit that microbusiness from engaging in retail sale
7 by delivery.

8 (b) Nothing in this chapter shall be construed to prohibit the
9 adoption or enforcement of reasonable regulations on retail sale
10 by delivery or shipment of medicinal cannabis, including, but not
11 limited to, reasonable regulations related to:

12 (1) Zoning requirements that are not inconsistent with
13 subdivision (a). If compliance with subdivision (a) would otherwise
14 require a local jurisdiction to authorize a physical premises from
15 which retail sale by delivery of medicinal cannabis within the
16 jurisdiction is conducted, this paragraph shall not be construed to
17 alter that requirement.

18 (2) Security or public health and safety requirements.

19 (3) Licensing requirements.

20 (4) The imposition, collection, and remittance of any applicable
21 state or local taxes upon retail sales occurring within the local
22 jurisdiction.

23 (5) Regulations consistent with requirements or restrictions
24 imposed on cannabis businesses by this division or regulations
25 issued under this division.

26 (c) Nothing in this chapter shall be construed to limit or
27 otherwise affect the ability of a local jurisdiction to adopt or
28 enforce any regulations on commercial cannabis operations other
29 than retail sale by delivery or shipment of medicinal cannabis in
30 the local jurisdiction.

31 (d) *This section shall remain in effect only until January 1, 2029,*
32 *and as of that date is repealed.*

33 *SEC. 8. Section 26322 is added to the Business and Professions*
34 *Code, to read:*

35 26322. (a) *A local jurisdiction shall not adopt or enforce any*
36 *regulation that prohibits the retail sale by delivery within the local*
37 *jurisdiction of medicinal cannabis to medicinal cannabis patients*
38 *or their primary caregivers, or that otherwise has the effect of*
39 *prohibiting the retail sale by delivery within the local jurisdiction*
40 *of medicinal cannabis to medicinal cannabis patients or their*

1 *primary caregivers by licensed medicinal cannabis businesses in*
2 *a timely and readily accessible manner, and in types and quantities*
3 *that are sufficient to meet demand from medicinal cannabis patients*
4 *within the local jurisdiction, including, but not limited to,*
5 *regulation of any of the following that has the effect of prohibiting*
6 *the retail sale by delivery of medicinal cannabis:*

7 *(1) The number of medicinal cannabis businesses authorized*
8 *to deliver medicinal cannabis in the local jurisdiction.*

9 *(2) The operating hours of medicinal cannabis businesses.*

10 *(3) The number or frequency of sales by delivery of medicinal*
11 *cannabis.*

12 *(4) The types or quantities of medicinal cannabis authorized to*
13 *be sold by delivery.*

14 *(5) The establishment of physical premises from which retail*
15 *sale by delivery of medicinal cannabis within the jurisdiction is*
16 *conducted by a licensed nonstorefront retailer, except that this*
17 *paragraph shall not be construed to require the establishment of*
18 *additional physical premises in a local jurisdiction that allowed*
19 *medicinal cannabis retail as of January 1, 2022, and in which at*
20 *least one physical premises engaged in the retail sale of medicinal*
21 *cannabis, whether storefront or delivery, is already established.*

22 *(b) Nothing in this chapter shall be construed to prohibit the*
23 *adoption or enforcement of reasonable regulations on retail sale*
24 *by delivery of medicinal cannabis, including, but not limited to,*
25 *reasonable regulations related to:*

26 *(1) Zoning requirements that are not inconsistent with*
27 *subdivision (a). If compliance with subdivision (a) would otherwise*
28 *require a local jurisdiction to authorize a physical premises from*
29 *which retail sale by delivery of medicinal cannabis within the*
30 *jurisdiction is conducted, this paragraph shall not be construed*
31 *to alter that requirement.*

32 *(2) Security or public health and safety requirements.*

33 *(3) Licensing requirements.*

34 *(4) The imposition, collection, and remittance of any applicable*
35 *state or local taxes upon retail sales occurring within the local*
36 *jurisdiction.*

37 *(5) Regulations consistent with requirements or restrictions*
38 *imposed on cannabis businesses by this division or regulations*
39 *issued under this division.*

1 (c) *Nothing in this chapter shall be construed to limit or*
2 *otherwise affect the ability of a local jurisdiction to adopt or*
3 *enforce any regulations on commercial cannabis operations other*
4 *than retail sale by delivery of medicinal cannabis in the local*
5 *jurisdiction.*

6 (d) *This section shall become operative on January 1, 2029.*

7 ~~SEC. 5.~~

8 SEC. 9. Section 26323 of the Business and Professions Code
9 is amended to read:

10 26323. (a) This chapter may be enforced by an action brought
11 pursuant to Chapter 2 (commencing with Section 1084) of Title 1
12 of Part 3 of the Code of Civil Procedure by any of the following
13 parties, who shall be beneficially interested within the meaning of
14 Section 1086 of the Code of Civil Procedure:

15 (1) A medicinal cannabis patient or their primary caregiver who
16 seeks to purchase or have shipped medicinal cannabis or medicinal
17 cannabis products within the local jurisdiction.

18 (2) A medicinal cannabis business that seeks to offer medicinal
19 cannabis for sale within the local jurisdiction.

20 (3) A licensed microbusiness that seeks to ship medicinal
21 cannabis within the local jurisdiction.

22 (4) The Attorney General.

23 (5) Any other party otherwise authorized by law.

24 (b) This section shall not be construed to limit the availability
25 of any other remedy otherwise available to enforce this chapter.
26 The existence of any other remedy shall not restrict the availability
27 of relief to enforce this chapter under Chapter 2 (commencing with
28 Section 1084) of Title 1 of Part 3 of the Code of Civil Procedure.

29 (c) *This section shall remain in effect only until January 1, 2029,*
30 *and as of that date is repealed.*

31 ~~SEC. 6. If the Commission on State Mandates determines that~~
32 ~~this act contains costs mandated by the state, reimbursement to~~
33 ~~local agencies and school districts for those costs shall be made~~
34 ~~pursuant to Part 7 (commencing with Section 17500) of Division~~
35 ~~4 of Title 2 of the Government Code.~~

36 SEC. 10. Section 26323 is added to the Business and
37 Professions Code, to read:

38 26323. (a) This chapter may be enforced by an action brought
39 pursuant to Chapter 2 (commencing with Section 1084) of Title 1
40 of Part 3 of the Code of Civil Procedure by any of the following

1 *parties, who shall be beneficially interested within the meaning*
2 *of Section 1086 of the Code of Civil Procedure:*

3 *(1) A medicinal cannabis patient or their primary caregiver*
4 *who seeks to purchase medicinal cannabis or medicinal cannabis*
5 *products within the local jurisdiction.*

6 *(2) A medicinal cannabis business that seeks to offer medicinal*
7 *cannabis for sale within the local jurisdiction.*

8 *(3) The Attorney General.*

9 *(4) Any other party otherwise authorized by law.*

10 *(b) This section shall not be construed to limit the availability*
11 *of any other remedy otherwise available to enforce this chapter.*
12 *The existence of any other remedy shall not restrict the availability*
13 *of relief to enforce this chapter under Chapter 2 (commencing*
14 *with Section 1084) of Title 1 of Part 3 of the Code of Civil*
15 *Procedure.*

16 *(c) This section shall become operative on January 1, 2029.*

17 *SEC. 11. No reimbursement is required by this act pursuant*
18 *to Section 6 of Article XIII B of the California Constitution for*
19 *certain costs that may be incurred by a local agency or school*
20 *district because, in that regard, this act creates a new crime or*
21 *infraction, eliminates a crime or infraction, or changes the penalty*
22 *for a crime or infraction, within the meaning of Section 17556 of*
23 *the Government Code, or changes the definition of a crime within*
24 *the meaning of Section 6 of Article XIII B of the California*
25 *Constitution.*

26 *However, if the Commission on State Mandates determines that*
27 *this act contains other costs mandated by the state, reimbursement*
28 *to local agencies and school districts for those costs shall be made*
29 *pursuant to Part 7 (commencing with Section 17500) of Division*
30 *4 of Title 2 of the Government Code.*