

AMENDED IN ASSEMBLY APRIL 10, 2025

AMENDED IN ASSEMBLY MARCH 28, 2025

CALIFORNIA LEGISLATURE—2025–26 REGULAR SESSION

ASSEMBLY BILL

No. 1103

Introduced by Assembly Member Ward

February 20, 2025

An act to amend Section 11126 of the Government Code, and to amend Sections 11213, 11480, and 11481 of, and to add Sections 11480.1 and 11480.3 to, the Health and Safety Code, relating to controlled substances.

LEGISLATIVE COUNSEL'S DIGEST

AB 1103, as amended, Ward. Controlled substances: research.

Existing law, the California Uniform Controlled Substances Act, classifies controlled substances into 5 designated schedules, with the most restrictive limitations generally placed on controlled substances classified in Schedule I, and the least restrictive limitations generally placed on controlled substances classified in Schedule V. Existing law creates a Research Advisory Panel, as specified, to conduct hearings on, and in other ways study, research projects concerning controlled substances. Existing law authorizes the panel to approve research projects that have been registered with the Attorney General concerning the nature and effects of cannabis or hallucinogenic drugs and the treatment of abuse of controlled substances. Existing law authorizes a person who, under federal law, is entitled to use controlled substances for the purpose of research, instruction, or analysis, to lawfully obtain and use those controlled substances upon approval by the panel, as specified.

This bill would revise and recast these provisions to require the panel to review research projects *to be conducted in this state* that require the administration of Schedule I ~~and~~ or Schedule II controlled substances to human *and animal* research subjects. The bill would require the panel to prioritize and expedite the review of projects that *satisfy certain criteria, including, among others things, that* have sought or received certain federal approvals and have proof of independent peer review of the study, as described. The bill would authorize the chairperson of the panel to assign ~~one~~ 2 or more panel members to review the research project and to approve it, without a vote by the entire panel. The bill would authorize the panel to withdraw its approval of a research project only under specified circumstances and would require the panel to provide notice and time for the concern to be cured by the project before withdrawing its approval.

Existing law, the Bagley-Keene Open Meeting Act, requires, with specified exceptions, that all meetings of a state body be open and public and all persons be permitted to attend. Existing law, until January 1, 2027, authorizes the Research Advisory Panel to hold closed sessions for the purpose of discussing, reviewing, and approving research projects that contain sensitive and confidential information, including trade secrets, intellectual property, or proprietary information in its possession, the public disclosure of which is prohibited by law.

This bill would extend the authorization to hold closed sessions to January 1, 2029.

Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

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

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

- 1 SECTION 1. Section 11126 of the Government Code is
- 2 amended to read:
- 3 11126. (a) (1) Nothing in this article shall be construed to
- 4 prevent a state body from holding closed sessions during a regular
- 5 or special meeting to consider the appointment, employment,

1 evaluation of performance, or dismissal of a public employee or
2 to hear complaints or charges brought against that employee by
3 another person or employee unless the employee requests a public
4 hearing.

5 (2) As a condition to holding a closed session on the complaints
6 or charges to consider disciplinary action or to consider dismissal,
7 the employee shall be given written notice of their right to have a
8 public hearing, rather than a closed session, and that notice shall
9 be delivered to the employee personally or by mail at least 24 hours
10 before the time for holding a regular or special meeting. If notice
11 is not given, any disciplinary or other action taken against any
12 employee at the closed session shall be null and void.

13 (3) The state body also may exclude from any public or closed
14 session, during the examination of a witness, any or all other
15 witnesses in the matter being investigated by the state body.

16 (4) Following the public hearing or closed session, the body
17 may deliberate on the decision to be reached in a closed session.

18 (b) For the purposes of this section, “employee” does not include
19 any person who is elected to, or appointed to a public office by,
20 any state body. However, officers of the California State University
21 who receive compensation for their services, other than per diem
22 and ordinary and necessary expenses, shall, when engaged in that
23 capacity, be considered employees. Furthermore, for purposes of
24 this section, the term employee includes a person exempt from
25 civil service pursuant to subdivision (e) of Section 4 of Article VII
26 of the California Constitution.

27 (c) Nothing in this article shall be construed to do any of the
28 following:

29 (1) Prevent state bodies that administer the licensing of persons
30 engaging in businesses or professions from holding closed sessions
31 to prepare, approve, grade, or administer examinations.

32 (2) Prevent an advisory body of a state body that administers
33 the licensing of persons engaged in businesses or professions from
34 conducting a closed session to discuss matters that the advisory
35 body has found would constitute an unwarranted invasion of the
36 privacy of an individual licensee or applicant if discussed in an
37 open meeting, provided the advisory body does not include a
38 quorum of the members of the state body it advises. Those matters
39 may include review of an applicant’s qualifications for licensure
40 and an inquiry specifically related to the state body’s enforcement

1 program concerning an individual licensee or applicant where the
2 inquiry occurs prior to the filing of a civil, criminal, or
3 administrative disciplinary action against the licensee or applicant
4 by the state body.

5 (3) Prohibit a state body from holding a closed session to
6 deliberate on a decision to be reached in a proceeding required to
7 be conducted pursuant to Chapter 5 (commencing with Section
8 11500) or similar provisions of law.

9 (4) Grant a right to enter any correctional institution or the
10 grounds of a correctional institution where that right is not
11 otherwise granted by law, nor shall anything in this article be
12 construed to prevent a state body from holding a closed session
13 when considering and acting upon the determination of a term,
14 parole, or release of any individual or other disposition of an
15 individual case, or if public disclosure of the subjects under
16 discussion or consideration is expressly prohibited by statute.

17 (5) Prevent any closed session to consider the conferring of
18 honorary degrees, or gifts, donations, and bequests that the donor
19 or proposed donor has requested in writing to be kept confidential.

20 (6) Prevent the Alcoholic Beverage Control Appeals Board or
21 the Cannabis Control Appeals Panel from holding a closed session
22 for the purpose of holding a deliberative conference as provided
23 in Section 11125.

24 (7) (A) Prevent a state body from holding closed sessions with
25 its negotiator prior to the purchase, sale, exchange, or lease of real
26 property by or for the state body to give instructions to its
27 negotiator regarding the price and terms of payment for the
28 purchase, sale, exchange, or lease.

29 (B) However, prior to the closed session, the state body shall
30 hold an open and public session in which it identifies the real
31 property or real properties that the negotiations may concern and
32 the person or persons with whom its negotiator may negotiate.

33 (C) For purposes of this paragraph, the negotiator may be a
34 member of the state body.

35 (D) For purposes of this paragraph, “lease” includes renewal or
36 renegotiation of a lease.

37 (E) Nothing in this paragraph shall preclude a state body from
38 holding a closed session for discussions regarding eminent domain
39 proceedings pursuant to subdivision (e).

1 (8) Prevent the California Postsecondary Education Commission
2 from holding closed sessions to consider matters pertaining to the
3 appointment or termination of the Director of the California
4 Postsecondary Education Commission.

5 (9) Prevent the Council for Private Postsecondary and
6 Vocational Education from holding closed sessions to consider
7 matters pertaining to the appointment or termination of the
8 Executive Director of the Council for Private Postsecondary and
9 Vocational Education.

10 (10) Prevent the Franchise Tax Board from holding closed
11 sessions for the purpose of discussion of confidential tax returns
12 or information the public disclosure of which is prohibited by law,
13 or from considering matters pertaining to the appointment or
14 removal of the Executive Officer of the Franchise Tax Board.

15 (11) Require the Franchise Tax Board to notice or disclose any
16 confidential tax information considered in closed sessions, or
17 documents executed in connection therewith, the public disclosure
18 of which is prohibited pursuant to Article 2 (commencing with
19 Section 19542) of Chapter 7 of Part 10.2 of Division 2 of the
20 Revenue and Taxation Code.

21 (12) Prevent the Board of State and Community Corrections
22 from holding closed sessions when considering reports of crime
23 conditions under Section 6027 of the Penal Code.

24 (13) Prevent the State Air Resources Board from holding closed
25 sessions when considering the proprietary specifications and
26 performance data of manufacturers.

27 (14) Prevent the State Board of Education or the Superintendent
28 of Public Instruction, or any committee advising the board or the
29 Superintendent, from holding closed sessions on those portions of
30 its review of assessment instruments pursuant to Chapter 5
31 (commencing with Section 60600) of Part 33 of Division 4 of Title
32 2 of the Education Code during which actual test content is
33 reviewed and discussed. The purpose of this provision is to
34 maintain the confidentiality of the assessments under review.

35 (15) Prevent the Department of Resources Recycling and
36 Recovery or its auxiliary committees from holding closed sessions
37 for the purpose of discussing confidential tax returns, discussing
38 trade secrets or confidential or proprietary information in its
39 possession, or discussing other data, the public disclosure of which
40 is prohibited by law.

1 (16) Prevent a state body that invests retirement, pension, or
2 endowment funds from holding closed sessions when considering
3 investment decisions. For purposes of consideration of shareholder
4 voting on corporate stocks held by the state body, closed sessions
5 for the purposes of voting may be held only with respect to election
6 of corporate directors, election of independent auditors, and other
7 financial issues that could have a material effect on the net income
8 of the corporation. For the purpose of real property investment
9 decisions that may be considered in a closed session pursuant to
10 this paragraph, a state body shall also be exempt from the
11 provisions of paragraph (7) relating to the identification of real
12 properties prior to the closed session.

13 (17) Prevent a state body, or boards, commissions,
14 administrative officers, or other representatives that may properly
15 be designated by law or by a state body, from holding closed
16 sessions with its representatives in discharging its responsibilities
17 under Chapter 10 (commencing with Section 3500), Chapter 10.3
18 (commencing with Section 3512), Chapter 10.5 (commencing with
19 Section 3525), or Chapter 10.7 (commencing with Section 3540)
20 of Division 4 of Title 1 as the sessions relate to salaries, salary
21 schedules, or compensation paid in the form of fringe benefits.
22 For the purposes enumerated in the preceding sentence, a state
23 body may also meet with a state conciliator who has intervened
24 in the proceedings.

25 (18) (A) Prevent a state body from holding closed sessions to
26 consider matters posing a threat or potential threat of criminal or
27 terrorist activity against the personnel, property, buildings,
28 facilities, or equipment, including electronic data, owned, leased,
29 or controlled by the state body, where disclosure of these
30 considerations could compromise or impede the safety or security
31 of the personnel, property, buildings, facilities, or equipment,
32 including electronic data, owned, leased, or controlled by the state
33 body.

34 (B) Notwithstanding any other law, a state body, at any regular
35 or special meeting, may meet in a closed session pursuant to
36 subparagraph (A) upon a two-thirds vote of the members present
37 at the meeting.

38 (C) After meeting in closed session pursuant to subparagraph
39 (A), the state body shall reconvene in open session prior to
40 adjournment and report that a closed session was held pursuant to

1 subparagraph (A), the general nature of the matters considered,
2 and whether any action was taken in closed session.

3 (D) After meeting in closed session pursuant to subparagraph
4 (A), the state body shall submit to the Legislative Analyst written
5 notification stating that it held this closed session, the general
6 reason or reasons for the closed session, the general nature of the
7 matters considered, and whether any action was taken in closed
8 session. The Legislative Analyst shall retain for no less than four
9 years any written notification received from a state body pursuant
10 to this subparagraph.

11 (19) Prevent the California Sex Offender Management Board
12 from holding a closed session for the purpose of discussing matters
13 pertaining to the application of a sex offender treatment provider
14 for certification pursuant to Sections 290.09 and 9003 of the Penal
15 Code. Those matters may include review of an applicant's
16 qualifications for certification.

17 (20) (A) Prevent the Research Advisory Panel established in
18 Sections 11480 and 11481 of the Health and Safety Code from
19 holding closed sessions for the purpose of discussing, reviewing,
20 and approving research projects, including applications and
21 amendment applications, that contain sensitive and confidential
22 information, including, but not limited to, trade secrets, intellectual
23 property, or proprietary information in its possession, the public
24 disclosure of which is prohibited by law.

25 (B) This paragraph shall become inoperative on January 1, 2029.

26 (21) (A) Prevent the governing board or advisory panel of the
27 California Earthquake Authority described in Section 10089.7 of
28 the Insurance Code from holding a closed session, to the extent
29 that session would address the development of rates, reinsurance,
30 and strategy, pursuant to the powers granted in paragraph (5) of
31 subdivision (c) of Section 10089.7 of the Insurance Code,
32 paragraph (7) of subdivision (b) of Section 10089.33 of the
33 Insurance Code, and subdivision (a) of Section 10089.40 of the
34 Insurance Code, when discussion in open session concerning those
35 matters would prejudice the position of the California Earthquake
36 Authority.

37 (B) Notwithstanding any other provision of law, the governing
38 board or advisory panel of the California Earthquake Authority,
39 at any regular or special meeting, may meet in a closed session
40 pursuant to subparagraph (A) upon a two-thirds vote of the

1 members present at the meeting taken after first providing an
2 opportunity for members of the public to be heard on the issue of
3 the appropriateness of meeting in closed session.

4 (C) After meeting in closed session pursuant to subparagraph
5 (A), the governing board or advisory panel of the California
6 Earthquake Authority shall reconvene in open session prior to
7 adjournment and report that a closed session was held pursuant to
8 subparagraph (A), the general nature of the matters considered,
9 and whether any action was taken in closed session.

10 (D) If the duration of a closed session held pursuant to
11 subparagraph (A) is longer than two hours, the governing board
12 or advisory panel of the California Earthquake Authority shall
13 provide reasonable notice to the public, either by email to the
14 California Earthquake Authority's public notice list or by posting
15 on the California Earthquake Authority's website, before
16 reconvening in open session pursuant to subparagraph (C).

17 (d) (1) Notwithstanding any other law, any meeting of the
18 Public Utilities Commission at which the rates of entities under
19 the commission's jurisdiction are changed shall be open and public.

20 (2) Nothing in this article shall be construed to prevent the
21 Public Utilities Commission from holding closed sessions to
22 deliberate on the institution of proceedings, or disciplinary actions
23 against any person or entity under the jurisdiction of the
24 commission.

25 (e) (1) Nothing in this article shall be construed to prevent a
26 state body, based on the advice of its legal counsel, from holding
27 a closed session to confer with, or receive advice from, its legal
28 counsel regarding pending litigation when discussion in open
29 session concerning those matters would prejudice the position of
30 the state body in the litigation.

31 (2) For purposes of this article, all expressions of the
32 lawyer-client privilege other than those provided in this subdivision
33 are hereby abrogated. This subdivision is the exclusive expression
34 of the lawyer-client privilege for purposes of conducting closed
35 session meetings pursuant to this article. For purposes of this
36 subdivision, litigation shall be considered pending when any of
37 the following circumstances exist:

38 (A) An adjudicatory proceeding before a court, an administrative
39 body exercising its adjudicatory authority, a hearing officer, or an

1 arbitrator, to which the state body is a party, has been initiated
2 formally.

3 (B) (i) A point has been reached where, in the opinion of the
4 state body on the advice of its legal counsel, based on existing
5 facts and circumstances, there is a significant exposure to litigation
6 against the state body.

7 (ii) Based on existing facts and circumstances, the state body
8 is meeting only to decide whether a closed session is authorized
9 pursuant to clause (i).

10 (C) Based on existing facts and circumstances, the state body
11 has decided to initiate or is deciding whether to initiate litigation.

12 (3) The legal counsel of the state body shall prepare and submit
13 to it a memorandum stating the specific reasons and legal authority
14 for the closed session. If the closed session is pursuant to
15 subparagraph (A) of paragraph (2), the memorandum shall include
16 the title of the litigation. If the closed session is pursuant to
17 subparagraph (B) or (C) of paragraph (2), the memorandum shall
18 include the existing facts and circumstances on which it is based.
19 The legal counsel shall submit the memorandum to the state body
20 prior to the closed session, if feasible, and in any case no later than
21 one week after the closed session. The memorandum shall be
22 exempt from disclosure pursuant to Section 7927.205.

23 (4) For purposes of this subdivision, "litigation" includes any
24 adjudicatory proceeding, including eminent domain, before a court,
25 administrative body exercising its adjudicatory authority, hearing
26 officer, or arbitrator.

27 (5) Disclosure of a memorandum required under this subdivision
28 shall not be deemed as a waiver of the lawyer-client privilege, as
29 provided for under Article 3 (commencing with Section 950) of
30 Chapter 4 of Division 8 of the Evidence Code.

31 (f) In addition to subdivisions (a), (b), and (c), nothing in this
32 article shall be construed to do any of the following:

33 (1) Prevent a state body operating under a joint powers
34 agreement for insurance pooling from holding a closed session to
35 discuss a claim for the payment of tort liability or public liability
36 losses incurred by the state body or any member agency under the
37 joint powers agreement.

38 (2) Prevent the examining committee established by the State
39 Board of Forestry and Fire Protection, pursuant to Section 763 of
40 the Public Resources Code, from conducting a closed session to

1 consider disciplinary action against an individual professional
2 forester prior to the filing of an accusation against the forester
3 pursuant to Section 11503.

4 (3) Prevent the enforcement advisory committee established by
5 the California Board of Accountancy pursuant to Section 5020 of
6 the Business and Professions Code from conducting a closed
7 session to consider disciplinary action against an individual
8 accountant prior to the filing of an accusation against the
9 accountant pursuant to Section 11503. Nothing in this article shall
10 be construed to prevent the qualifications examining committee
11 established by the California Board of Accountancy pursuant to
12 Section 5023 of the Business and Professions Code from
13 conducting a closed hearing to interview an individual applicant
14 or accountant regarding the applicant's qualifications.

15 (4) Prevent a state body, as defined in subdivision (b) of Section
16 11121, from conducting a closed session to consider any matter
17 that properly could be considered in closed session by the state
18 body whose authority it exercises.

19 (5) Prevent a state body, as defined in subdivision (d) of Section
20 11121, from conducting a closed session to consider any matter
21 that properly could be considered in a closed session by the body
22 defined as a state body pursuant to subdivision (a) or (b) of Section
23 11121.

24 (6) Prevent a state body, as defined in subdivision (c) of Section
25 11121, from conducting a closed session to consider any matter
26 that properly could be considered in a closed session by the state
27 body it advises.

28 (7) Prevent the State Board of Equalization from holding closed
29 sessions for either of the following:

30 (A) When considering matters pertaining to the appointment or
31 removal of the Executive Secretary of the State Board of
32 Equalization.

33 (B) For the purpose of hearing confidential taxpayer appeals or
34 data, the public disclosure of which is prohibited by law.

35 (8) Require the State Board of Equalization to disclose any
36 action taken in closed session or documents executed in connection
37 with that action, the public disclosure of which is prohibited by
38 law pursuant to Sections 15619 and 15641 of this code and Sections
39 833, 7056, 8255, 9255, 11655, 30455, 32455, 38705, 38706, 43651,

1 45982, 46751, 50159, 55381, and 60609 of the Revenue and
2 Taxation Code.

3 (9) Prevent the California Earthquake Prediction Evaluation
4 Council, or other body appointed to advise the Director of
5 Emergency Services or the Governor concerning matters relating
6 to volcanic or earthquake predictions, from holding closed sessions
7 when considering the evaluation of possible predictions.

8 (g) This article does not prevent either of the following:

9 (1) The Teachers' Retirement Board or the Board of
10 Administration of the Public Employees' Retirement System from
11 holding closed sessions when considering matters pertaining to
12 the recruitment, appointment, employment, or removal of the chief
13 executive officer or when considering matters pertaining to the
14 recruitment or removal of the Chief Investment Officer of the State
15 Teachers' Retirement System or the Public Employees' Retirement
16 System.

17 (2) The Commission on Teacher Credentialing from holding
18 closed sessions when considering matters relating to the
19 recruitment, appointment, or removal of its executive director.

20 (h) This article does not prevent the Board of Administration
21 of the Public Employees' Retirement System from holding closed
22 sessions when considering matters relating to the development of
23 rates and competitive strategy for plans offered pursuant to Chapter
24 15 (commencing with Section 21660) of Part 3 of Division 5 of
25 Title 2.

26 (i) This article does not prevent the Managed Risk Medical
27 Insurance Board from holding closed sessions when considering
28 matters related to the development of rates and contracting strategy
29 for entities contracting or seeking to contract with the board,
30 entities with which the board is considering a contract, or entities
31 with which the board is considering or enters into any other
32 arrangement under which the board provides, receives, or arranges
33 services or reimbursement, pursuant to Part 6.2 (commencing with
34 Section 12693), former Part 6.3 (commencing with Section 12695),
35 former Part 6.4 (commencing with Section 12699.50), former Part
36 6.5 (commencing with Section 12700), former Part 6.6
37 (commencing with Section 12739.5), or former Part 6.7
38 (commencing with Section 12739.70) of Division 2 of the
39 Insurance Code.

(j) Nothing in this article shall be construed to prevent the board of the State Compensation Insurance Fund from holding closed sessions in the following:

(1) When considering matters related to claims pursuant to Chapter 1 (commencing with Section 3200) of Part 1 of Division 4 of the Labor Code, to the extent that confidential medical information or other individually identifiable information would be disclosed.

(2) To the extent that matters related to audits and investigations that have not been completed would be disclosed.

(3) To the extent that an internal audit containing proprietary information would be disclosed.

(4) To the extent that the session would address the development of rates, contracting strategy, underwriting, or competitive strategy, pursuant to the powers granted to the board in Chapter 4 (commencing with Section 11770) of Part 3 of Division 2 of the Insurance Code, when discussion in open session concerning those matters would prejudice the position of the State Compensation Insurance Fund.

(k) The State Compensation Insurance Fund shall comply with the procedures specified in Section 11125.4 of the Government Code with respect to any closed session or meeting authorized by subdivision (j), and in addition shall provide an opportunity for a member of the public to be heard on the issue of the appropriateness of closing the meeting or session.

SEC. 2. Section 11213 of the Health and Safety Code is amended to read:

11213. (a) Persons who, under applicable federal laws or regulations, are lawfully entitled to use ~~Schedule I and Schedule II~~ *Schedule I, Schedule II, or both*, controlled substances for the purpose of research, instruction, or analysis, may lawfully obtain and use those substances, as defined in this division, for those purposes upon approval for use of those controlled substances in bona fide research, instruction, or analysis by the Research Advisory Panel established pursuant to Section 11480.

(b) Such research, instruction, or analysis shall be carried on only under the auspices of the head of a research project that has been approved by the Research Advisory Panel pursuant to Section 11480.1. Complete records of receipts, stocks at hand, and use of these controlled substances shall be kept.

1 SEC. 3. Section 11480 of the Health and Safety Code is
2 amended to read:

3 11480. (a) The Legislature finds that there is a need to
4 encourage further research into the nature and effects of cannabis
5 and hallucinogenic drugs and to coordinate research efforts on
6 such subjects.

7 (b) There is a Research Advisory Panel that consists of a
8 representative of the State Department of Health Services, a
9 representative of the California State Board of Pharmacy, the State
10 Public Health Officer, a representative of the Attorney General, a
11 representative of the University of California who shall be a
12 pharmacologist, a physician, or a person holding a doctorate degree
13 in the health sciences, a representative of a private university in
14 this state who shall be a pharmacologist, a physician, or a person
15 holding a doctorate degree in the health sciences, a representative
16 of a statewide professional medical society in this state who shall
17 be engaged in the private practice of medicine and shall be
18 experienced in treating controlled substance dependency, a
19 representative appointed by and serving at the pleasure of the
20 Governor who shall have experience in drug abuse, cancer, or
21 controlled substance research and who is either a registered nurse,
22 licensed pursuant to Chapter 6 (commencing with Section 2700)
23 of Division 2 of the Business and Professions Code, or other health
24 professional. The Governor shall annually designate the private
25 university and the professional medical society represented on the
26 panel. Members of the panel shall be appointed by the heads of
27 the entities to be represented, and they shall serve at the pleasure
28 of the appointing power.

29 ~~(c) The Research Advisory Panel shall appoint two special~~
30 ~~members to the Research Advisory Panel, who shall serve at the~~
31 ~~pleasure of the Research Advisory Panel only during the period~~
32 ~~Article 6 (commencing with Section 11260) of Chapter 5 remains~~
33 ~~effective. The additional members shall be physicians and surgeons,~~
34 ~~and who are board certified in oncology, ophthalmology, or~~
35 ~~psychiatry.~~

36 ~~(d)~~
37 (c) The panel shall annually select a chairperson from among
38 its members. ~~The~~ *In order to ensure continuity, the* Attorney
39 General ~~may shall also appoint~~ *continue to employ* an executive
40 officer of the ~~panel,~~ *panel and necessary employees,* whose duties

1 ~~include~~ *shall include, but not be limited to*, coordinating with the
2 panel's chairperson to assign incoming research project
3 applications for review or approval by individual panel members
4 with relevant core competencies.

5 (e)

6 (d) Members of the panel shall serve without compensation, but
7 shall be reimbursed for any actual and necessary expenses incurred
8 in connection with the performance of their duties.

9 SEC. 4. Section 11480.1 is added to the Health and Safety
10 Code, to read:

11 11480.1. (a) In order to ensure compliance with state law and
12 public policy protecting the rights of human subjects *and the*
13 *welfare of animal subjects* in medical and scientific research, the
14 panel shall review research projects *to be conducted in this state*
15 *that would require the administration of Schedule I or Schedule II*
16 *controlled substances to human research subjects conducted in this*
17 *state: research subjects.*

18 (b) The panel shall inform the Attorney General of the head of
19 the approved research projects that are entitled to receive quantities
20 of cannabis pursuant to Section 11478.

21 (c) The panel shall prioritize and expedite the review of ~~research~~
22 ~~project~~ applications *for research projects involving the*
23 *administration of Schedule I, Schedule II, or both, controlled*
24 *substances* that include all of the following:

25 (1) ~~Proof~~ *For all research projects, proof* of independent peer
26 review of the study by the National Institutes of Health, the United
27 States Department of Defense, the Heffter Research Institute, the
28 United States National Science Foundation, or a comparable group.

29 (2) ~~If~~ *For research projects involving human subjects, if*
30 approval by the United States Food and Drug Administration of
31 an investigational new drug application is otherwise required by
32 law, one of the following:

33 (A) A letter from the United States Food and Drug
34 Administration approving the application for an investigational
35 new drug.

36 (B) A letter from the United States Food and Drug
37 Administration indicating that the study may proceed.

38 (C) Documentation that the 30-day statutory period for the
39 United States Food and Drug Administration to respond to a

1 project's submission of an application for approval of an
2 investigational new drug has expired.

3 (D) A signed copy of the United States Food and Drug
4 Administration Investigational New Drug Application.

5 (3) ~~An~~ *For research projects involving human subjects, an*
6 ~~approval letter from a federally chartered institutional review board~~
7 *an institutional review board established in accordance with*
8 *federal law, including, but not limited to, Part 46 of Title 45 of the*
9 *Code of Federal Regulations, of all study documents demonstrating*
10 *that the board has considered relevant federal and state laws*
11 *regarding the use of human subjects, including, but not limited to,*
12 *the Protection of Human Subjects in Medical Experimentation Act*
13 *(Chapter 1.3 (commencing with Section 24170) of Division 20)*
14 *and laws governing research involving inmates, as described in*
15 *Title 2.1 (commencing with Section 3500) of Part 3 of the Penal*
16 *Code and that the research project is in compliance with all other*
17 *state laws, including, but not limited to, the Information Practices*
18 *Act of 1977 (Chapter 1 (commencing with Section 1798) of Title*
19 *1.8 of Part 4 of Division 3 of the Civil Code), and laws governing*
20 *birth and death certificates, as described in Part 1 (commencing*
21 *with Section 102100) of Division 102. A letter submitted pursuant*
22 *to this paragraph may indicate approval by the board conditioned*
23 *upon the approval of the panel.*

24 (4) ~~One~~ *For all research projects, one of the following:*

25 (A) A Schedule I research registration issued by the United
26 States Drug Enforcement Administration.

27 (B) An approval from the United States Drug Enforcement
28 Administration for a research registration that is conditional on
29 the approval of the panel.

30 (C) A copy of the application for a research registration
31 submitted to the United States Drug Enforcement Administration.
32 ~~Administration, accompanied by a written acknowledgment of~~
33 ~~receipt of the application.~~

34 (5) *For research projects involving animal subjects, an approval*
35 *letter from an institutional animal care and use committee (IACUC)*
36 *established pursuant to federal law of all study documents*
37 *demonstrating that the IACUC has considered relevant federal*
38 *and state laws regarding for the use of live, vertebrate animals in*
39 *the research project, and their humane treatment in compliance*
40 *with all applicable state and federal regulations.*

1 (d) *Applications for research projects that do not satisfy the*
2 *criteria set forth in subdivision (c) shall be reviewed pursuant to*
3 *the standard review process and approved by a review of the full*
4 *panel.* The panel's process for conducting expedited review and
5 its criteria for approving research projects eligible for prioritization
6 described in subdivision (c) shall be published on the ~~Attorney~~
7 ~~General's panel's~~ internet website.

8 (e) Upon receiving a research project application that satisfies
9 the criteria in subdivision (c), the panel chairperson, in consultation
10 with the panel's executive officer, may assign ~~one~~ *two* or more
11 individual panel members to conduct an expedited review of
12 eligible research applications and approve them on behalf of the
13 panel without the need for a full panel vote at a regularly scheduled
14 bimonthly meeting of the panel. Individual panel members shall
15 have the authority to approve research project applications eligible
16 for expedited review that also satisfy the criteria for approval
17 published on the ~~Attorney General's panel's~~ internet website,
18 pursuant to subdivision (d). Individual panel members are
19 additionally authorized to communicate and consult asynchronously
20 with other individual panel members with complementary core
21 competencies outside of panel meetings in order to conduct their
22 individual ~~reviews and approve research eligible research~~
23 ~~applications.~~ *reviews. Panel members shall notify the panel's*
24 *chairperson and executive officer of their decision to approve or*
25 *withhold approval of the eligible research applications assigned*
26 *for their review.*

27 SEC. 5. Section 11480.3 is added to the Health and Safety
28 Code, to read:

29 11480.3. (a) The panel may withdraw approval from a research
30 project under either of the following circumstances:

31 (1) The panel has substantial concerns about the safety and
32 well-being of human research subjects.

33 (2) The panel has substantial concerns that controlled substance
34 research samples are being diverted.

35 (b) Prior to withdrawing approval, the panel shall communicate
36 its concerns in a written notice of pending withdrawal of approval
37 to the head of the research project. The notice shall prescribe a
38 course of action to address the concerns of the panel and provide
39 a reasonable period in which to effect that cure, but not less than
40 10 days prior to the effective date of the withdrawal.

1 (c) Approval shall be reinstated once the concerns raised in the
2 notice have been resolved to the reasonable satisfaction of the
3 panel.

4 (d) Upon withdrawal of its approval, the panel shall notify the
5 head of the research project to return *or destroy* any quantities of
6 ~~cannabis to the Attorney General, subject to any Schedule I or II~~
7 *controlled substances pursuant to any applicable state and federal*
8 *regulations regarding the return or destruction of controlled*
9 *substance research samples.*

10 SEC. 6. Section 11481 of the Health and Safety Code is
11 amended to read:

12 11481. The panel shall, annually and in the manner determined
13 by the panel, report to the Legislature and the Governor those
14 research projects approved by the panel, the nature of each research
15 project, and where available, the conclusions of the research
16 project.

17 SEC. 7. The Legislature finds and declares that Section 1 of
18 this act, which amends Section 11126 of the Government Code,
19 imposes a limitation on the public's right of access to the meetings
20 of public bodies or the writings of public officials and agencies
21 within the meaning of Section 3 of Article I of the California
22 Constitution. Pursuant to that constitutional provision, the
23 Legislature makes the following findings to demonstrate the interest
24 protected by this limitation and the need for protecting that interest:

25 In order to allow the Research Advisory Panel to conduct its
26 review and approval of research studies in a quick manner, protect
27 the privacy of subjects, and maintain the confidentiality of
28 proprietary data, trade secrets, potential intellectual property, or
29 other information, the public disclosure of which is prohibited by
30 state or federal laws, or both, and regulations, it is necessary to
31 provide the advisory panel with this limited exemption from the
32 Bagley-Keene Open Meeting Act.