

AMENDED IN SENATE JUNE 3, 2025

AMENDED IN ASSEMBLY MAY 1, 2025

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~~ *Sections 11121.1 and 11126* of the Government Code, and to amend Sections 11213, 11480, and 11480.5 of, to amend, repeal, and add Section 11481 of, to add Section 11480.3 to, and to add, repeal, and add Section 11480.1 of, 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 or Schedule II controlled substances to human and animal research subjects. The bill would authorize the panel, until January 1, 2028, to 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 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 for reasonable cause 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, ~~2028~~, 2028, *and would additionally exempt the above-described panel members assigned to review and approve a research project from the Bagley-Keene Open Meeting Act until January 1, 2028.*

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 11121.1 of the Government Code is*
2 *amended to read:*

3 11121.1. As used in this article, “state body” does not include
4 any of the following:

5 (a) Except as provided in subdivision (e) of Section 11121, state
6 agencies provided for in Article VI of the California Constitution.

7 (b) Districts or other local agencies whose meetings are required
8 to be open to the public pursuant to the Ralph M. Brown Act
9 (Chapter 9 (commencing with Section 54950) of Part 1 of Division
10 2 of Title 5).

11 (c) State agencies provided for in Article IV of the California
12 Constitution whose meetings are required to be open to the public
13 pursuant to the Grunsky-Burton Open Meeting Act (Article 2.2
14 (commencing with Section 9027) of Chapter 1.5 of Part 1 of
15 Division 2 of Title 2).

16 (d) State agencies when they are conducting proceedings
17 pursuant to Section 3596.

18 (e) State agencies provided for in Section 109260 of the Health
19 and Safety Code, except as provided in Section 109390 of the
20 Health and Safety Code.

21 (f) The Credit Union Advisory Committee established pursuant
22 to Section 14380 of the Financial Code.

23 (g) *Panel members assigned by the chairperson of the Research*
24 *Advisory Panel to conduct an expedited review pursuant to*
25 *subdivision (e) of Section 11480.1 of the Health and Safety Code.*

26 ~~SECTION 1.~~

27 *SEC. 2.* Section 11126 of the Government Code is amended
28 to read:

29 11126. (a) (1) Nothing in this article shall be construed to
30 prevent a state body from holding closed sessions during a regular
31 or special meeting to consider the appointment, employment,
32 evaluation of performance, or dismissal of a public employee or
33 to hear complaints or charges brought against that employee by
34 another person or employee unless the employee requests a public
35 hearing.

36 (2) As a condition to holding a closed session on the complaints
37 or charges to consider disciplinary action or to consider dismissal,
38 the employee shall be given written notice of their right to have a

1 public hearing, rather than a closed session, and that notice shall
2 be delivered to the employee personally or by mail at least 24 hours
3 before the time for holding a regular or special meeting. If notice
4 is not given, any disciplinary or other action taken against any
5 employee at the closed session shall be null and void.

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

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

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

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

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

25 (2) Prevent an advisory body of a state body that administers
26 the licensing of persons engaged in businesses or professions from
27 conducting a closed session to discuss matters that the advisory
28 body has found would constitute an unwarranted invasion of the
29 privacy of an individual licensee or applicant if discussed in an
30 open meeting, provided the advisory body does not include a
31 quorum of the members of the state body it advises. Those matters
32 may include review of an applicant’s qualifications for licensure
33 and an inquiry specifically related to the state body’s enforcement
34 program concerning an individual licensee or applicant where the
35 inquiry occurs prior to the filing of a civil, criminal, or
36 administrative disciplinary action against the licensee or applicant
37 by the state body.

38 (3) Prohibit a state body from holding a closed session to
39 deliberate on a decision to be reached in a proceeding required to

1 be conducted pursuant to Chapter 5 (commencing with Section
2 11500) or similar provisions of law.

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

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

14 (6) Prevent the Alcoholic Beverage Control Appeals Board or
15 the Cannabis Control Appeals Panel from holding a closed session
16 for the purpose of holding a deliberative conference as provided
17 in Section 11125.

18 (7) (A) Prevent a state body from holding closed sessions with
19 its negotiator prior to the purchase, sale, exchange, or lease of real
20 property by or for the state body to give instructions to its
21 negotiator regarding the price and terms of payment for the
22 purchase, sale, exchange, or lease.

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

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

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

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

34 (8) Prevent the California Postsecondary Education Commission
35 from holding closed sessions to consider matters pertaining to the
36 appointment or termination of the Director of the California
37 Postsecondary Education Commission.

38 (9) Prevent the Council for Private Postsecondary and
39 Vocational Education from holding closed sessions to consider
40 matters pertaining to the appointment or termination of the

1 Executive Director of the Council for Private Postsecondary and
2 Vocational Education.

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

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

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

17 (13) Prevent the State Air Resources Board from holding closed
18 sessions when considering the proprietary specifications and
19 performance data of manufacturers.

20 (14) Prevent the State Board of Education or the Superintendent
21 of Public Instruction, or any committee advising the board or the
22 Superintendent, from holding closed sessions on those portions of
23 its review of assessment instruments pursuant to Chapter 5
24 (commencing with Section 60600) of Part 33 of Division 4 of Title
25 2 of the Education Code during which actual test content is
26 reviewed and discussed. The purpose of this provision is to
27 maintain the confidentiality of the assessments under review.

28 (15) Prevent the Department of Resources Recycling and
29 Recovery or its auxiliary committees from holding closed sessions
30 for the purpose of discussing confidential tax returns, discussing
31 trade secrets or confidential or proprietary information in its
32 possession, or discussing other data, the public disclosure of which
33 is prohibited by law.

34 (16) Prevent a state body that invests retirement, pension, or
35 endowment funds from holding closed sessions when considering
36 investment decisions. For purposes of consideration of shareholder
37 voting on corporate stocks held by the state body, closed sessions
38 for the purposes of voting may be held only with respect to election
39 of corporate directors, election of independent auditors, and other
40 financial issues that could have a material effect on the net income

1 of the corporation. For the purpose of real property investment
2 decisions that may be considered in a closed session pursuant to
3 this paragraph, a state body shall also be exempt from the
4 provisions of paragraph (7) relating to the identification of real
5 properties prior to the closed session.

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

18 (18) (A) Prevent a state body from holding closed sessions to
19 consider matters posing a threat or potential threat of criminal or
20 terrorist activity against the personnel, property, buildings,
21 facilities, or equipment, including electronic data, owned, leased,
22 or controlled by the state body, where disclosure of these
23 considerations could compromise or impede the safety or security
24 of the personnel, property, buildings, facilities, or equipment,
25 including electronic data, owned, leased, or controlled by the state
26 body.

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

31 (C) After meeting in closed session pursuant to subparagraph
32 (A), the state body shall reconvene in open session prior to
33 adjournment and report that a closed session was held pursuant to
34 subparagraph (A), the general nature of the matters considered,
35 and whether any action was taken in closed session.

36 (D) After meeting in closed session pursuant to subparagraph
37 (A), the state body shall submit to the Legislative Analyst written
38 notification stating that it held this closed session, the general
39 reason or reasons for the closed session, the general nature of the
40 matters considered, and whether any action was taken in closed

1 session. The Legislative Analyst shall retain for no less than four
2 years any written notification received from a state body pursuant
3 to this subparagraph.

4 (19) Prevent the California Sex Offender Management Board
5 from holding a closed session for the purpose of discussing matters
6 pertaining to the application of a sex offender treatment provider
7 for certification pursuant to Sections 290.09 and 9003 of the Penal
8 Code. Those matters may include review of an applicant's
9 qualifications for certification.

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

18 (B) This paragraph shall become inoperative on January 1, 2028.

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

30 (B) Notwithstanding any other provision of law, the governing
31 board or advisory panel of the California Earthquake Authority,
32 at any regular or special meeting, may meet in a closed session
33 pursuant to subparagraph (A) upon a two-thirds vote of the
34 members present at the meeting taken after first providing an
35 opportunity for members of the public to be heard on the issue of
36 the appropriateness of meeting in closed session.

37 (C) After meeting in closed session pursuant to subparagraph
38 (A), the governing board or advisory panel of the California
39 Earthquake Authority 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) If the duration of a closed session held pursuant to
4 subparagraph (A) is longer than two hours, the governing board
5 or advisory panel of the California Earthquake Authority shall
6 provide reasonable notice to the public, either by email to the
7 California Earthquake Authority's public notice list or by posting
8 on the California Earthquake Authority's website, before
9 reconvening in open session pursuant to subparagraph (C).

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

13 (2) Nothing in this article shall be construed to prevent the
14 Public Utilities Commission from holding closed sessions to
15 deliberate on the institution of proceedings, or disciplinary actions
16 against any person or entity under the jurisdiction of the
17 commission.

18 (e) (1) Nothing in this article shall be construed to prevent a
19 state body, based on the advice of its legal counsel, from holding
20 a closed session to confer with, or receive advice from, its legal
21 counsel regarding pending litigation when discussion in open
22 session concerning those matters would prejudice the position of
23 the state body in the litigation.

24 (2) For purposes of this article, all expressions of the
25 lawyer-client privilege other than those provided in this subdivision
26 are hereby abrogated. This subdivision is the exclusive expression
27 of the lawyer-client privilege for purposes of conducting closed
28 session meetings pursuant to this article. For purposes of this
29 subdivision, litigation shall be considered pending when any of
30 the following circumstances exist:

31 (A) An adjudicatory proceeding before a court, an administrative
32 body exercising its adjudicatory authority, a hearing officer, or an
33 arbitrator, to which the state body is a party, has been initiated
34 formally.

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

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

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

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

17 (4) For purposes of this subdivision, “litigation” includes any
18 adjudicatory proceeding, including eminent domain, before a court,
19 administrative body exercising its adjudicatory authority, hearing
20 officer, or arbitrator.

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

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

27 (1) Prevent a state body operating under a joint powers
28 agreement for insurance pooling from holding a closed session to
29 discuss a claim for the payment of tort liability or public liability
30 losses incurred by the state body or any member agency under the
31 joint powers agreement.

32 (2) Prevent the examining committee established by the State
33 Board of Forestry and Fire Protection, pursuant to Section 763 of
34 the Public Resources Code, from conducting a closed session to
35 consider disciplinary action against an individual professional
36 forester prior to the filing of an accusation against the forester
37 pursuant to Section 11503.

38 (3) Prevent the enforcement advisory committee established by
39 the California Board of Accountancy pursuant to Section 5020 of
40 the Business and Professions Code from conducting a closed

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

9 (4) Prevent a state body, as defined in subdivision (b) of Section
10 11121, from conducting a closed session to consider any matter
11 that properly could be considered in closed session by the state
12 body whose authority it exercises.

13 (5) Prevent a state body, as defined in subdivision (d) of Section
14 11121, from conducting a closed session to consider any matter
15 that properly could be considered in a closed session by the body
16 defined as a state body pursuant to subdivision (a) or (b) of Section
17 11121.

18 (6) Prevent a state body, as defined in subdivision (c) of Section
19 11121, from conducting a closed session to consider any matter
20 that properly could be considered in a closed session by the state
21 body it advises.

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

24 (A) When considering matters pertaining to the appointment or
25 removal of the Executive Secretary of the State Board of
26 Equalization.

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

29 (8) Require the State Board of Equalization to disclose any
30 action taken in closed session or documents executed in connection
31 with that action, the public disclosure of which is prohibited by
32 law pursuant to Sections 15619 and 15641 of this code and Sections
33 833, 7056, 8255, 9255, 11655, 30455, 32455, 38705, 38706, 43651,
34 45982, 46751, 50159, 55381, and 60609 of the Revenue and
35 Taxation Code.

36 (9) Prevent the California Earthquake Prediction Evaluation
37 Council, or other body appointed to advise the Director of
38 Emergency Services or the Governor concerning matters relating
39 to volcanic or earthquake predictions, from holding closed sessions
40 when considering the evaluation of possible predictions.

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

2 (1) The Teachers' Retirement Board or the Board of
3 Administration of the Public Employees' Retirement System from
4 holding closed sessions when considering matters pertaining to
5 the recruitment, appointment, employment, or removal of the chief
6 executive officer or when considering matters pertaining to the
7 recruitment or removal of the Chief Investment Officer of the State
8 Teachers' Retirement System or the Public Employees' Retirement
9 System.

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

13 (h) This article does not prevent the Board of Administration
14 of the Public Employees' Retirement System from holding closed
15 sessions when considering matters relating to the development of
16 rates and competitive strategy for plans offered pursuant to Chapter
17 15 (commencing with Section 21660) of Part 3 of Division 5 of
18 Title 2.

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

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

36 (1) When considering matters related to claims pursuant to
37 Chapter 1 (commencing with Section 3200) of Part 1 of Division
38 4 of the Labor Code, to the extent that confidential medical
39 information or other individually identifiable information would
40 be disclosed.

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

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

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

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

18 ~~SEC. 2.~~

19 *SEC. 3.* Section 11213 of the Health and Safety Code is
20 amended to read:

21 11213. (a) Persons who, under applicable federal laws or
22 regulations, are lawfully entitled to use Schedule I, Schedule II,
23 or both, controlled substances for the purpose of research,
24 instruction, or analysis, may lawfully obtain and use those
25 substances, as defined in this division, for those purposes upon
26 approval for use of those controlled substances in bona fide
27 research, instruction, or analysis by the Research Advisory Panel
28 established pursuant to Section 11480.

29 (b) Such research, instruction, or analysis shall be carried on
30 only under the auspices of the head of a research project that has
31 been approved by the Research Advisory Panel pursuant to Section
32 11480.1. Complete records of receipts, stocks at hand, and use of
33 these controlled substances shall be kept.

34 ~~SEC. 3.~~

35 *SEC. 4.* Section 11480 of the Health and Safety Code is
36 amended to read:

37 11480. (a) The Legislature finds that there is a need to
38 encourage further research into the nature and effects of cannabis
39 and hallucinogenic drugs and to coordinate research efforts on
40 such subjects.

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

(c) The panel shall annually select a chairperson from among its members. In order to ensure continuity, the Attorney General shall also continue to employ an executive officer of the panel and necessary employees, whose duties shall include, but not be limited to, coordinating with the panel's chairperson to assign incoming research project applications for review or approval by individual panel members with relevant core competencies.

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

~~SEC. 4.~~

SEC. 5. Section 11480.1 is added to the Health and Safety Code, to read:

11480.1. (a) In order to ensure compliance with state law and public policy protecting the rights of human subjects and the welfare of animal subjects in medical and scientific research, the panel shall review research projects to be conducted in this state

1 that would require the administration of Schedule I or Schedule II
2 controlled substances to research subjects.

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

6 (c) The panel may expedite the review of applications for
7 research projects involving the administration of Schedule I,
8 Schedule II, or both, controlled substances that include all of the
9 following:

10 (1) For all research projects, proof of independent peer review
11 of the study by the National Institutes of Health, the United States
12 Department of Defense, the Heffter Research Institute, the United
13 States National Science Foundation, or a comparable group within
14 an institutional setting that has previous experience with research
15 or grant review.

16 (2) For research projects involving human subjects, if approval
17 by the United States Food and Drug Administration of an
18 investigational new drug application is otherwise required by law,
19 one of the following:

20 (A) A letter from the United States Food and Drug
21 Administration approving the application for an investigational
22 new drug.

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

25 (C) Documentation that the 30-day statutory period for the
26 United States Food and Drug Administration to respond to a
27 project's submission of an application for approval of an
28 investigational new drug has expired.

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

31 (3) For research projects involving human subjects, an approval
32 letter from an institutional review board established in accordance
33 with federal law, including, but not limited to, Part 46 of Title 45
34 of the Code of Federal Regulations, of all study documents
35 demonstrating that the board has considered relevant federal and
36 state laws regarding the use of human subjects, including, but not
37 limited to, the Protection of Human Subjects in Medical
38 Experimentation Act (Chapter 1.3 (commencing with Section
39 24170) of Division 20) and laws governing research involving
40 inmates, as described in Title 2.1 (commencing with Section 3500)

1 of Part 3 of the Penal Code and that the research project is in
2 compliance with all other state laws, including, but not limited to,
3 the Information Practices Act of 1977 (Chapter 1 (commencing
4 with Section 1798) of Title 1.8 of Part 4 of Division 3 of the Civil
5 Code), and laws governing birth and death certificates, as described
6 in Part 1 (commencing with Section 102100) of Division 102. A
7 letter submitted pursuant to this paragraph may indicate approval
8 by the board conditioned upon the approval of the panel.

9 (4) For all research projects, one of the following:

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

12 (B) An approval from the United States Drug Enforcement
13 Administration for a research registration that is conditional on
14 the approval of the panel.

15 (C) A copy of the application for a research registration
16 submitted to the United States Drug Enforcement Administration,
17 accompanied by a written acknowledgment of receipt of the
18 application.

19 (5) For research projects involving animal subjects, an approval
20 letter from an institutional animal care and use committee (IACUC)
21 established pursuant to federal law of all study documents
22 demonstrating that the IACUC has considered relevant federal and
23 state laws regarding for the use of live, vertebrate animals in the
24 research project, and their humane treatment in compliance with
25 all applicable state and federal regulations.

26 (d) Applications for research projects that do not satisfy the
27 criteria set forth in subdivision (c) shall be reviewed pursuant to
28 the standard review process and approved by a review of the full
29 panel. The panel's process for conducting expedited review and
30 its criteria for approving research projects described in subdivision
31 (c) shall be published on the panel's internet website.

32 (e) Upon receiving a research project application that satisfies
33 the criteria in subdivision (c), the panel chairperson, in consultation
34 with the panel's executive officer, may assign two or more
35 individual panel members to conduct an expedited review of
36 eligible research applications and approve them on behalf of the
37 panel without the need for a full panel vote at a regularly scheduled
38 meeting of the panel. Assigned panel members shall have the
39 authority to approve research project applications eligible for
40 expedited review that also satisfy the criteria for approval published

1 on the panel's internet website, pursuant to subdivision (d).
2 Individual panel members are additionally authorized to
3 communicate and consult asynchronously with other individual
4 panel members with complementary core competencies outside
5 of panel meetings in order to conduct their individual reviews.
6 *Panel members assigned to conduct an expedited review pursuant*
7 *to this subdivision are not a state body under the Bagley-Keene*
8 *Open Meeting Act.* Panel members shall notify the panel's
9 chairperson and executive officer of their decision to approve or
10 withhold approval of the eligible research applications assigned
11 for their review.

12 (f) This section shall remain in effect only until January 1, 2028,
13 and as of that date is repealed.

14 ~~SEC. 5.~~

15 *SEC. 6.* Section 11480.1 is added to the Health and Safety
16 Code, to read:

17 11480.1. (a) In order to ensure compliance with state law and
18 public policy protecting the rights of human subjects and the
19 welfare of animal subjects in medical and scientific research, the
20 panel shall review research projects to be conducted in this state
21 that would require the administration of Schedule I or Schedule II
22 controlled substances to research subjects.

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

26 (c) This section shall become operative January 1, 2028.

27 ~~SEC. 6.~~

28 *SEC. 7.* Section 11480.3 is added to the Health and Safety
29 Code, to read:

30 11480.3. (a) The panel may withdraw approval from a research
31 project for reasonable cause.

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

38 (c) Approval may be reinstated once the concerns raised in the
39 notice have been resolved to the reasonable satisfaction of the
40 panel.

(d) Upon withdrawal of its approval, the panel shall notify the head of the research project to return or destroy any quantities of Schedule I or II controlled substances pursuant to any applicable state and federal regulations regarding the return or destruction of controlled substance research samples.

~~SEC. 7.~~

SEC. 8. Section 11480.5 of the Health and Safety Code is amended to read:

11480.5. (a) The Research Advisory Panel shall be considered a multimember advisory body solely for the purposes of Section 11123.5 of the Government Code.

(b) The panel shall provide a report to the Legislature on or before January 1, 2026, that provides an update on the backlog of applications that includes, at minimum, the number of backlog applications that have been reviewed and how many are still pending review.

(c) This section shall remain in effect only until January 1, 2028, and as of that date is repealed.

~~SEC. 8.~~

SEC. 9. Section 11481 of the Health and Safety Code is amended to read:

11481. (a) The panel shall, annually and in the manner determined by the panel, report to the Legislature and the Governor those research projects approved by the panel, the nature of each research project, whether it was approved under the expedited process set forth in subdivision (c) of Section 11480.1, and where available, the conclusions of the research project.

(b) This section shall remain in effect only until January 1, 2028, and as of that date is repealed.

~~SEC. 9.~~

SEC. 10. Section 11481 is added to the Health and Safety Code, to read:

11481. (a) The panel shall, annually and in the manner determined by the panel, report to the Legislature and the Governor those research projects approved by the panel, the nature of each research project, whether it was approved under the expedited process set forth in subdivision (c) of former Section 11480.1, and where available, the conclusions of the research project.

(b) This section shall become operative January 1, 2028.

1 ~~SEC. 10.~~

2 *SEC. 11.* The Legislature finds and declares that Section 1 of
3 this act, which amends Section 11126 of the Government Code,
4 imposes a limitation on the public's right of access to the meetings
5 of public bodies or the writings of public officials and agencies
6 within the meaning of Section 3 of Article I of the California
7 Constitution. Pursuant to that constitutional provision, the
8 Legislature makes the following findings to demonstrate the interest
9 protected by this limitation and the need for protecting that interest:

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