

THURSTON "SMITTY" SMITH

33RD ASSEMBLY DISTRICT



Assembly Bill 2728 – Cannabis Civil Fines

SUMMARY

AB 2728 would create a gradation in the civil penalty structure for unlicensed cannabis activity. Allowing these penalties to be tied to the size and scale of the unlicensed cannabis operation.

BACKGROUND

Under existing law The Control, Regulate and Tax Adult Use of Marijuana Act (AUMA), approved as Proposition 64 in 2016 authorizes a person who obtains a state license under AUMA to engage in commercial adult-use cannabis activity pursuant to that license and applicable local ordinances.

In addition to these regulations, a person engaging in commercial cannabis activity without a license is subject to a civil penalty of up to 3 times the amount of the license fee for each violation. With each day of operation without a license is a separate violation

In the years since Prop 64 was implemented, California has seen a massive increase in unlicensed growers operating industrial sized cannabis farms producing hundreds of thousands of pounds in cannabis flower and other cannabis product.

ISSUE

Unfortunately, the current civil fine structure does not differentiate between small unlicensed growers with a few plants over the legal limit and more industrial scale operations with hundreds or thousands of plants.

THE BILL

To address this, AB 2728 would impose an additional civil penalty on an unlicensed person engaging in commercial cannabis activity conditional on the amount of cannabis products. Including those with excess of 6 plants, cannabis product, cannabis concentrate, cannabis biomass, and cannabis flower.

SUPPORT

County of San Bernardino (Sponsor)

STAFF CONTACT INFORMATION

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