



Anna M. Caballero

12th Senate District

SB 1426 – Illegal Cannabis Cultivation Water theft and pollution

SUMMARY

SB 1426 adds to existing state law to explicitly include groundwater pollution and water theft in cases of illegal cannabis farming as felonies.

BACKGROUND

Proposition 64, The Adult Use of Marijuana Act (2016) established that individuals found guilty of intentionally or with gross negligence causing substantial harm to public lands or other public resources while illegally planting, cultivating, harvesting, drying, or processing cannabis may be punished by imprisonment.

California's Mediterranean climate means the state has two notable seasons – wet and dry. Climate change is exacerbating California's dry season, and as a result, the state is experiencing more frequent and longer lasting periods of severe, extreme, and exceptional drought. Lack of rain during the wet season has resulted in shrinking fresh water supply, putting a straining on all parts of California's society, agricultural production, residential consumption, the natural environment, and tourism and manufacturing.

PROBLEM

Illegal cannabis farms are a serious, growing threat across rural areas of California. Illicit cannabis cultivators frequently engage in human trafficking, water theft, and environmental pollution as part of their operations. Because some cultivation sites go undetected for years, the environmental damage could last generations.

California state law penalties are not strong enough to deter criminals from engaging in widespread illegal cannabis farming, nor does it recognize the danger illegal grows pose to water supply and groundwater pollution. Illegal cannabis farmers frequently break water pipes and infrastructure to steal water or dig unpermitted, illegal wells to tap groundwater. CalMatters recently reported these actions have

resulted in completely disrupting or jeopardizing water sources for many areas throughout the state.¹

Additionally, the widespread use of dangerous and deadly pesticides at illegal cannabis farms, like carbofuran, can be lethal to both humans and wildlife, posing immediate and long-term risks to those working in and near these sites. Moreover, the use of unlicensed pesticides can pollute limited groundwater supplies, rendering the water unfit for drinking.

Because wildlife can damage cannabis plants, cultivators often use a variety of pesticides, including anticoagulant rodenticides, in order to protect their crops. Many of the remote forests of California where cannabis is cultivated is home to imperiled wildlife and fish species. The cultivation of cannabis on these remote forested landscapes and its associated use of pesticides on soil, cannabis plants, and nearby native vegetation, directly and indirectly impact wildlife and fish

SOLUTION

SB 1426 amends Section 11358 of the Health and Safety Code to include groundwater as a public resource, and establish that the theft of groundwater, unauthorized tapping into a water conveyance or storage infrastructure, or digging an unpermitted, illegal well may also be punished by imprisonment.

SUPPORT

San Bernardino County Board of Supervisors

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¹ <https://calmatters.org/environment/2021/07/illegal-marijuana-growers-steal-california-water/>