

DRUG POLICY ALLIANCE

Reason. Compassion. Justice.

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2003-2004 CALIFORNIA LEGISLATIVE SUMMARY

The 2003-2004 session of the California legislature saw a great deal of activity related to drug policy. Rather than review the entire list of drug policy related bills (more than 50 each year), the attached spreadsheet reviews votes on what Drug Policy Alliance considered good legislation. The votes here are on bills in the following areas: medical marijuana; marijuana sentencing reform; syringe availability; drug treatment alternatives to incarceration; in-custody drug treatment; limitations on a judge's power to force a patient off of methadone treatment; and limiting the invasive practice of random student drug testing.

This legislative scorecard tallies the floor votes of every assemblymember and senator, as well as the actions by Governors Gray Davis and Arnold Schwarzenegger (where applicable). The assigned score is a percentage of "Yes" votes on good bills. Voting "No" or not voting garners the same result in the legislature and thus, the same score in our report (zero). Many abstentions are simply a matter of being absent, but sometimes, timid legislators simply "take a walk" rather than take a stand (we explained the difference in footnotes attached to certain members). In some case we based our score on a committee vote, if the legislator was absent from the final floor vote.

On the whole, Democratic senators and assemblymembers were much more likely to support sound public health and criminal justice reforms than were their Republican colleagues (you will see notable exceptions in both parties).

Governor Davis scored somewhat better in our review, signing two good bills out of five—both related to medical marijuana. Governor Schwarzenegger signed two good bills out of seven, one authorizing sale of syringes to adults, and the other allowing ex-drug possession offenders to apply for food stamps (both of which were vetoed by Davis in the past).

	SCORE	SB 131	SB 295	SB 420	SB 774	AB 946	AB 1308	AJR 13	SB 519	SB 1159	SB 1386	SB 1494	AB 1796	AB 2136	AB 2871
Ortiz, Deborah	100	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Perata, Don Pres. pro Temp. elect	100	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Romero, Gloria	100	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Scott, Jack	93	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	NV	Y
Sher, Byron	100	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Soto, Nell	86	NV	Y	Y	Y	Y	Y	NV	Y	Y	Y	Y	Y	Y	Y
Speier, Jackie	93	Y	Y	Y	Y	Y	Y	NV	Y	Y	Y	Y	Y	Y	Y
Torlakson, Tom	93	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	NV	Y
Vasconcellos, John	100	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Vincent, Edward *3	79	Y	Y	Y	Y	Y	Y	NV	Y	Y	Y	NV	NV	Y	Y
Senators (Republican)															
Aanestad, Sam	29	N	N	N	N	N	Y	N	Y	N	Y	N	N	Y	N
Ackerman, Dick	0	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Ashburn, Roy	0	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Battin, Jim	0	N	N	N	N	N	N	N	N	N	N	NV	N	N	N
Brulte, James	0	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Denham, Jeffrey	14	N	N	N	N	N	N	N	N	N	Y	N	N	Y	N
Hollingsworth, Dennis	0	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Johnson, Ross	7	N	N	N	NV	NV	NV	N	N	N	Y	N	NV	NV	N
Margett, Bob	0	N	N	N	NV	N	N	N	N	N	N	N	N	N	N
McClintock, Tom	21	NV	NV	Y	NV	N	N	N	Y	N	Y	NV	N	N	N
McPherson, Bruce	71	Y	Y	Y	NV	NV	NV	Y	Y	Y	Y	Y	Y	Y	NV
Morrow, Bill	0	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Oller, Rico	7	N	N	N	N	N	N	N	N	N	Y	N	N	N	N
Poohigian, Charles	0	N	N	N	N	N	N	N	N	N	N	N	N	N	N

1 Mr. Firebaugh was absent due to illness.

2 Although he was usually present, Mr. Nakano failed to take a position on most of these bills.

3 Sen. Vincent was absent due to family illness.

BILL SUMMARIES (more detailed info can be found at <http://www.leginfo.ca.gov/bilinfo.html>)

SB 131 (Sher)—Marijuana Possession Penalties

The 2003 version of this bill would have reduced the penalty for possession of an ounce or less of marijuana from a misdemeanor to an infraction with a fine not to exceed \$100. The vote tally for that bill is included. DPA did not support the bill after it was amended in 2004 to increase the fine to \$250. SB 131 failed to clear the Assembly, even after amendment.

SB 295 (Vasconcellos)—California Marijuana Research Program

Extended the life of the California Marijuana Research Program, undertaken by the University of California to develop and conduct studies intended to ascertain the general medical safety and efficacy of marijuana. Signed into law by Governor Davis.

SB 420 (Vasconcellos)—Medical Marijuana Administration

Required the State Department of Health Services to establish and maintain a voluntary program for the issuance of identification cards to qualified patients and establishes procedures under which a qualified patient with an identification card may use marijuana for medical purposes. Set statewide minimum plant and weight guidelines for patients and caregivers who volunteer for the card program. Signed into law by Governor Davis.

SB 774 (Vasconcellos)—Pharmacy Sales of Syringes

Would have authorized a licensed pharmacist to sell or furnish 30 or fewer hypodermic needles or syringes to a person without a prescription in order to fight the spread of HIV/AIDS, hepatitis and other diseases. Vetoed by Governor Davis.

AB 946 (Berg)—Local Needle Exchange Programs

Would have authorized cities or counties to develop clean needle and syringe exchange projects without the onerous requirement that the authorization be revisited every 14 to 21 days. Vetoed by Governor Davis.

AB 1308 (Goldberg)—Narcotic Replacement Therapy

Would have required the State Department of Alcohol and Drug Programs to publish a model protocol for the treatment of in-custody addiction withdrawal to alcohol or controlled substances. The bill would also have required that a court consult with a patient's treatment provider before discontinuing a patient's narcotic replacement therapy. Vetoed by Governor Davis.

AJR 131 (Leno)—Medical Marijuana Resolution

The Legislature adopted a resolution urging President Bush and the Congress to (1) enact legislation securing a state's right to regulate medical cannabis regarding possession, consumption, cultivation, and distribution; (2) amend federal law to allow for a medical necessity defense; and (3) review DEA policies "related to the prosecution and harassment of Californians who are acting in compliance with the provisions of Proposition 215." No action required by Governor.

SB 519 (Vasconcellos)—Treatment for Youth Drug Offenders

Would have extended Proposition 36-style treatment to young parolees convicted of non-violent drug possession offenses, also providing that any drug testing be in furtherance of treatment. Vetoed by Governor Schwarzenegger.

SB 1159 (Vasconcellos)—Pharmacy Sale of Syringes

Authorizes local governments to authorize pharmacies to sell up to ten syringes to an adult without prescription, and allows adults to possess up to ten syringes from an authorized source, including pharmacy, physician or needle exchange program. Signed by Governor Schwarzenegger.

SB 1386 (Vasconcellos)—Random Student Drug Testing

Would have regulated student drug testing for the first time in the U.S. Would have provided for the drug or alcohol testing of a pupil only upon a reasonable suspicion that the pupil has unlawfully used a controlled substance, or alcohol. The bill would have further also authorized school districts to conduct voluntary random drug testing programs that would only provide results to the parents and pupil. Participation in scholastic or extracurricular activities could not be conditioned on submitting to random drug testing. Vetoed by Governor Schwarzenegger.

SB 1494 (Vasconcellos)—Medical Marijuana Administration

Clarified a few provisions of SB 420, signed the year before by Gov. Davis. Stipulated that persons could possess quantities of marijuana consistent with their medical need. The bill further provided that a person would not be subject to arrest for possessing or maintaining certain amounts of marijuana, if in possession of a card identifying them as a patient or caregiver. Vetoed by Governor Schwarzenegger.

AB 1796 (Leno)—Food Stamp Eligibility for Drug Felons

Allows that persons previously convicted of felony drug possession offenses are eligible for aid under the federal Food Stamp Program. Signed by Governor Schwarzenegger.

AB 2136 (Goldberg)—Narcotic Replacement Therapy

The bill would have required that a court consult with a patient's treatment provider before discontinuing a patient's narcotic replacement therapy, such as methadone. The bill also provided for a sliding-scale fee schedule for treatment providers. Vetoed by Governor Schwarzenegger.

AB 2871 (Berg)—Local Needle Exchange Programs

Would have authorized cities or counties to develop clean needle and syringe exchange projects without the onerous requirement that the authorization be revisited every 14 to 21 days. Vetoed by Governor Schwarzenegger.