

Per California Code of Regulations, title 2, section 548.5, the following information will be posted to CalHR's Career Executive Assignment Action Proposals website for 30 calendar days when departments propose new CEA concepts or major revisions to existing CEA concepts. Presence of the department-submitted CEA Action Proposal information on CalHR's website does not indicate CalHR support for the proposal.

A. GENERAL INFORMATION

1. Date

03/02/16

2. Department

Consumer Affairs

3. Organizational Placement (Division/Branch/Office Name)

Bureau of Medical Marijuana Regulation

4. CEA Position Title

Enforcement Division Chief

5. Summary of proposed position description and how it relates to the program's mission or purpose. (2-3 sentences)

Assembly Bill 266 (AB 266) (Bonta, 2015) is one of three bills that enact the Medical Marijuana Regulation and Safety Act (Act). The bill creates the Bureau of Medical Marijuana Regulation (Bureau) within the Department of Consumer Affairs (Department), establishes the Medical Marijuana Regulation and Safety Act Fund (Fund) and authorizes licensing authorities to administer their respective provisions of the Act. To that end, the Department has identified the need for two CEA A positions to assist in the development of the structure of the Bureau, including promulgating regulations, coordinating with other Departments and local agencies to establish a comprehensive regulatory Enforcement Program for medical cannabis. This request addresses the need for a CEA A position over the Bureau's Enforcement Division. A second CEA A request for the Licensing and Administration Division accompanies this request.

6. Reports to: (Class Title/Level)

Bureau Assistant Chief/Exempt Level H

7. Relationship with Department Director (Select one)

- Member of department's Executive Management Team, and has frequent contact with director on a wide range of department-wide issues.
- Not a member of department's Executive Management Team but has frequent contact with the Executive Management Team on policy issues.

(Explain):

8. Organizational Level (Select one)

- 1st 2nd 3rd 4th 5th (mega departments only - 17,001+ allocated positions)

B. SUMMARY OF REQUEST

9. What are the duties and responsibilities of the CEA position? Be specific and provide examples.

Under the administrative direction of the Assistant Chief (Exempt), Bureau of Medical Marijuana Regulation (Bureau), the CEA A, Enforcement Division Chief, will be responsible for overseeing the operation of the Bureau's Enforcement Division. The CEA A will be responsible for oversight of investigations and prosecutions as well as the development of policy recommendations and evaluations for all illicit activities relating to the governance of medical marijuana.

POLICY AND REGULATORY DEVELOPMENT AND IMPLEMENTATION - The CEA A will develop and implement enforcement-related statewide policies and procedures. The CEA A will plan, organize, direct and ensure that the policies and procedures coincide with the Bureau's consumer protection mandate while ensuring compliance with all state, federal, and local laws.

The CEA A will provide programmatic oversight for the Bureau's Enforcement Division, including promulgating and interpreting policies regulations established by the Bureau and the Department. The CEA A will provide resolution to controversial and complex matters that result from the administration of a comprehensive statewide Enforcement Program. The CEA A will develop policy recommendations necessary to administer a statewide program and ensures enactment of policies as directed by the Bureau and Department.

ADMINISTRATIVE OVERSIGHT - The CEA A will be the principal administrator for the Bureau's Enforcement Division. The CEA A will have full delegated authority over all policy, resource allocation, and licensee disciplinary matters, including approval of legal documents such as accusations, statements of issues, stipulated settlements, interim suspension orders, and adjudicated decisions. The CEA A will work with state, federal, and local agencies on overlapping multi-jurisdictional enforcement activities.

The CEA A will assign programs to staff, establish broad priorities, direct the accomplishment of goals and objectives and evaluate results. The CEA A will provide guidance to staff, professional organizations and the public with regard to the laws and regulations governing the functions of the Bureau; develop and implement an appropriate and comprehensive Enforcement Program to identify and investigate illicit activities; and propose solutions to problems identified by staff, consumers, and licensees.

The CEA A will review and approve responses prepared for signature by the Chief or Assistant Chief pertaining to correspondence received about the Bureau's Enforcement Division, and represent the Bureau in meetings with state, federal, or local government and other forums.

PROGRAM AND ADMINISTRATIVE DIRECTION - The CEA A will propose legislation or regulation changes needed to secure improved consumer protection, and represent the Bureau to the California Department of Consumer Affairs with other state and local government.

PERSONNEL ADMINISTRATION - The CEA A will set policies for the hiring, training, evaluation and retention of all staff under his/her purview, as well as recruit, hire, train, and evaluate staff and staff performance.

B. SUMMARY OF REQUEST (continued)

10. How critical is the program's mission or purpose to the department's mission as a whole? Include a description of the degree to which the program is critical to the department's mission.

- Program is directly related to department's primary mission and is critical to achieving the department's goals.
- Program is indirectly related to department's primary mission.
- Program plays a supporting role in achieving department's mission (i.e., budget, personnel, other admin functions).

Description: Through legislation, the enactment of the Medical Marijuana Regulation and Safety Act addresses the long-standing issue of regulation and oversight of medical cannabis operations. At the federal level, marijuana remains classified as a Schedule 1 controlled substance and remains illegal; however, following the legalization of marijuana by voters in Colorado and Washington, the federal government has issued directives to states for a comprehensive enforcement structure if states approve medical cannabis. The newly created Bureau will be under the supervision and control of the Department's Director and will be charged with developing standards and regulations, including best practices, in the regulation of medical marijuana. Consistent with the Department's mission of consumer protection, the Bureau will also have a responsibility to consumers, in addition to cultivators, dispensers, law enforcement, local government, and other stakeholders to develop a strong, comprehensive enforcement structure.

B. SUMMARY OF REQUEST (continued)

11. Describe what has changed that makes this request necessary. Explain how the change justifies the current request. Be specific and provide examples.

AB 266 (Bonta, 2015), in addition to AB 243 (Wood, 2015) and Senate Bill 643 (SB 243) (McGuire, 2015) that enact the Medical Marijuana Regulation and Safety Act:

- AB 266 creates the Bureau within the Department of Consumer Affairs and allows the Bureau Chief, established by SB 643, to make and prescribe reasonable rules to carry out the provisions of the chapter. It establishes articles related to licensed cultivation sites, funding, and penalties and violations. The Bureau may create an advisory committee, whose members shall be determined by the Bureau Chief, to advise the Bureau and other licensing authorities on the development of standards and regulations pursuant to this chapter. The Department will issue dispensary, distributor, and transport licenses, and the Department of Public Health will license manufacturers and testing laboratories.
- AB 243 establishes articles related to definitions, administration, enforcement, licensing, medical marijuana regulation, licensed distributors, dispensaries, and transporters, delivery, licensed manufacturers, licensed laboratories, reporting, and privacy.
- SB 243 establishes articles related to licensed cultivation sites, a unique identifier and track and trace program, licensed transporters, and taxation.

These bills give the Bureau and the Department authority to administer their respective provisions of the Act. The Department is responsible for the creation and development of the Bureau, including promulgating regulations, coordinating with other departments and local agencies to establish a comprehensive regulatory program for medical cannabis. The Bureau will have statewide responsibilities for the regulation of medical cannabis. In order to fulfill the mandates of the Act, the Department has identified the need for two CEA A positions to assist in the creation of the Bureau and development of its Enforcement and Licensing policies, procedures, and regulations. This request pertains to the CEA A over the Enforcement Division.

C. ROLE IN POLICY INFLUENCE

12. Provide 3-5 specific examples of policy areas over which the CEA position will be the principle policy maker. Each example should cite a policy that would have an identifiable impact. Include a description of the statewide impact of the assigned program.

Under the Act, the Bureau has been charged with the mandate of developing standards and regulations, including best practices, in the regulation of medical marijuana. To effectuate this mandate, the Bureau will be required to ensure that only qualified businesses and individuals are licensed and that appropriate standards of competency and practice are followed and enforced. The establishment of a CEA A as the Bureau's Enforcement Division Chief is critical to the Bureau's activities and mandate to establish a comprehensive regulatory program for medical cannabis.

The CEA A will serve as top advisor and consultant to the Chief and Assistant Chief on policy issues and activities related to the Bureau's Enforcement Division. In this capacity, the CEA A will have a major role in the formulation and development of statewide policies, including promulgating regulations for the Bureau's Enforcement Division. These activities directly impact the development and implementation of Enforcement disciplinary policies and standards that will also need to be formulated. The proposed CEA is necessary to formulate disciplinary policies and standards and to identify and advocate changes to statute or regulations as needed in order to ensure implementation of legislative mandates and to effectuate the Bureau and Department's mandate of consumer protection.

As an executive level member of the newly created Bureau, the CEA A's role in setting Department-wide policy will include evaluating, advising, and providing assistant to the Chief and Assistant Chief on:

- Establishing goals and objectives developed to meet the Department's mission and vision.
- Recommending modification of proposed legislation for consistency with the Department's programs and policies.
- Identifying the need for new legislation.
- Developing and monitoring the implementation of the Bureau's Strategic Plan and developing and implementing new and continuous improvements.
- Defining and refining the mission of the Bureau and formulating long range and annual goals in accordance with the Department's Strategic Plan.
- Developing comprehensive management actions to offset negative effects on consumers, licensees, and Bureau staff.
- Developing, implementing, and monitoring performance of the Enforcement Division to ensure success of mandated functions.

The Enforcement program will be highly visible and sensitive to issues regarding licensing, enforcement of licensees, complainants, and other critical issues. These issues will have statewide political and economic consequences, in addition to eliciting scrutiny from the Legislature, federal government, other state agencies, the media, and the public.

C. ROLE IN POLICY INFLUENCE (continued)

13. What is the CEA position's scope and nature of decision-making authority?

The CEA A will function as a top administrative advisor to the Chief and Assistant Chief on issues relating to the Bureau's Enforcement Division. This position will be responsible for implementing legislation through policy formulation and program development and procedures. The primary functions of the position are to formulate and initiate statewide policies and procedures to ensure implementation of legislative mandates as required by the Act and Department policies.

The CEA A is principal administrator for the Bureau's Enforcement Division and will have full delegated authority over Enforcement policy, resource allocation, and licensee disciplinary matters. The CEA A will work with state, federal, and local agencies on overlapping multi-jurisdictional statewide enforcement activities.

14. Will the CEA position be developing and implementing new policy, or interpreting and implementing existing policy? How?

The CEA A will be charged with developing and implementing policy as related to this new Bureau. A comprehensive regulatory Enforcement program must be built from the ground up. The CEA A position will be only one of a few positions in the coming months, charged with developing the Bureau's policies and procedures, and promulgating regulations as mandated by the Act.

The CEA A will be working in conjunction with the Chief, Assistant Chief, Departmental Executive Management, and other outside state and local government to develop the regulatory framework for the Enforcement program.