

**MOTION BY SUPERVISORS MARK RIDLEY-THOMAS AND
JANICE HAHN**

August 14, 2018

Cannabis Health and Safety Inspections

While Proposition 64 legalized the use of cannabis by adults 21 years of age and older, many Los Angeles County (County) residents continue to voice strong concerns about the impacts of cannabis legalization and commercialization on their individual and public health. These concerns include those regarding mold, pesticides, and other contaminants in legal cannabis products and unreasonable safety and workplace risks for those who work in the legal cannabis industry.

Accordingly, on December 19, 2017, the Board of Supervisors (Board) adopted an ordinance establishing a public health permit for cannabis businesses, delegating authority to the Director of the Department of Public Health to contract with local cities to conduct health inspections at cannabis facilities authorized by local ordinance. Additionally, other County departments, including the Fire Department and Department of Agricultural Commissioner/Weights and Measures, must provide critical safety inspections and enforcement activities for city-authorized cannabis businesses. These

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MOTION

SOLIS _____

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inspections and enforcement activities protect consumers, employees, property, and those who work, live, and recreate nearby.

However, cannabis remains illegal under federal drug laws, and the federal government has not established a clear policy or practice for how to treat cannabis businesses that are legal under State and local laws. The conflict between State and federal cannabis laws has created an unprecedented scenario in which County employees could violate federal law or be accused of aiding or abetting the commission of a federal crime by performing assigned duties of inspecting locally-authorized cannabis products and businesses for public health and safety.

Pursuant to Government Code section 995.8, the County may provide for the defense of a criminal action brought against an employee if the County makes certain findings, including that the employee was acting in good faith within the scope of his or her employment and that defending the employee is in the best interests of the County.

WE THEREFORE MOVE THAT THE BOARD OF SUPERVISORS:

1. Find and declare that it is in the best interests of the County of Los Angeles (County) and its residents to provide a defense of a criminal action or proceeding under federal law brought against a County employee for actions performed in compliance with State and local cannabis laws, provided the employee has acted in good faith, within the scope of his or her employment, without actual malice, and in the apparent interests of the County;

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2. Direct the Executive Officer of the Board of Supervisors (Board), in consultation with the Chief Executive Officer (CEO), County Counsel, the Director of Personnel, the Interim Director of the Department of Consumer and Business Affairs (DCBA), and any other relevant departments, to develop a Board policy establishing the circumstances under which a County employee will be entitled to a defense pursuant to Government Code section 995.8; and,
3. Direct the CEO, in consultation with County Counsel, the Director of Personnel, and the Interim Director of DCBA, to advocate for State legislation and regulations that would ensure that public employees who may be subjected to liability or prosecution under federal law solely because of cannabis-related duties performed in good faith are provided the same protections under State law as any other public employee working in a non-cannabis-related job function, and are not penalized under State law for performing said duties.

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(CG/HS)