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**SENATE COMMITTEE ON ENERGY, UTILITIES AND  
COMMUNICATIONS**

**Senator Ben Hueso, Chair**

**2019 - 2020 Regular**

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<b>Bill No:</b>	SB 625	<b>Hearing Date:</b>	4/24/2019
<b>Author:</b>	Hill		
<b>Version:</b>	2/22/2019 As Introduced		
<b>Urgency:</b>	No	<b>Fiscal:</b>	No
<b>Consultant:</b>	Sarah Smith		

**SUBJECT:** Party buses: cannabis

**DIGEST:** This bill prohibits the consumption of cannabis in charter-party carriers (CPC) of passengers and taxis and creates a narrow exemption allowing the consumption of cannabis products only in a sealed, separately ventilated passenger compartment if all passengers are at least 21 years of age.

**ANALYSIS:**

Existing law:

- 1) Authorizes the California Public Utilities Commission (CPUC) to supervise and regulate every CPC of passengers. (Public Utilities Code §5381)
- 2) Defines a CPC of passengers as every person engaged in the transportation of persons by motor vehicle for compensation over any public highway in this state. A CPC of passengers includes any person, corporation, or other entity engaged in the provision of a hired driver service when a rented motor vehicle is being operated by a hired driver. (Public Utilities Code §5360)
- 3) Defines a transportation network company (TNC) as organization, including, but not limited to, a corporation, limited liability company, partnership, sole proprietor, or any other entity, operating in California that provides prearranged transportation services for compensation using an online-enabled application or platform to connect passengers with drivers using a personal vehicle. (Public Utilities Code §5431)
- 4) Prohibits the consumption and possession of open containers of alcoholic beverages and cannabis products while driving or riding as a passenger in a motor vehicle on highways and publicly accessible off-highway roads, unless certain conditions are met. (Vehicle Code §§23220-23223)

- 5) Provides an exemption to the open container and consumption prohibitions for passengers of any bus, taxicab, or limousine for hire licensed by the CPUC or proper local authority. This exemption applies only when no passengers are under 21 years of age. (Vehicle Code §§23229 and 23229.1)

This bill:

- 1) Extends the prohibitions on consumption and possession of open containers of cannabis products to drivers and passengers of CPCs and creates a specific exemption that allows passengers of CPC to consume cannabis products if the following conditions are met:
  - a) No passengers of the vehicle are under 21 years of age.
  - b) The driver's compartment is sealed off and separately ventilated from the passengers' compartment of the vehicle.
- 2) If the cannabis is only consumed without smoking or vaping, the driver's compartment does not need to be sealed and separately ventilated.

## Background

*Party buses and loopholes.* Existing law contains exemptions that allow passengers of party buses to consume alcohol and cannabis and possess open containers of alcohol and cannabis. Even prior to the legalization of adult cannabis use, this exemption has created a challenge for clearly defining limits on open containers and prohibited consumption in certain CPCs. For example, party buses are frequently hired to transport groups for recreational purposes, which may include alcohol consumption. However, until 2013, California law did not expressly prohibit underage alcoholic beverage possession within party buses. Legislation (AB 45, Hill, Chapter 461, Statutes of 2012) extended underage alcoholic beverage possession restrictions for limousines to all CPCs, including party buses. The lack of express prohibitions can lead to inadvertent loopholes for certain CPCs.

Existing law prohibits motor vehicle drivers and passengers from consuming and possessing open containers of alcoholic beverages and cannabis products, with limited exemptions. While existing law does not clearly permit the consumption of cannabis products in party buses, existing law also does not expressly prohibit the consumption of cannabis products within a party bus or clarify the terms under which cannabis products are permitted in a party bus without violating prohibitions against driving while consuming cannabis.

*Proposition 64 and cannabis tourism.* In 2016, California voters approved Proposition 64, which legalized responsible use of cannabis products for adults who are least 21 years of age. Following its passage, California made a number of conforming changes to existing law to ensure the licensure, regulation, and consistent application of laws regarding cannabis consumption. SB 65 (Hill, Chapter 232, Statutes of 2017) prohibited the consumption of cannabis products while driving or riding as a passenger in a motor vehicle on highways or certain other lands. However, due to cross references between sections of existing law, this prohibition did not prohibit passengers in CPCs from consuming cannabis products while riding in the CPC. Existing law also does not clarify the terms under which a passenger in a CPC may consume cannabis products or have open cannabis product containers. As a result, some CPC passengers may be able to smoke or vape cannabis products with a driver present even though drivers are prohibited from consuming cannabis products.

This bill clarifies restrictions on cannabis product consumption and open container possession by prohibiting drivers from consuming cannabis products and possessing open containers of cannabis products. This bill also clarifies the terms under which passengers in a CPC can consume cannabis products and possess open containers of cannabis products by only permitting it when no passengers of the vehicle are under 21 years of age and the driver's compartment is sealed off and separately ventilated from the passengers compartment. The seal and ventilation requirements do not apply only when cannabis is consumed orally without smoking or vaping. These conditions are intended to ensure that a driver is not exposed to cannabis while driving a CPC in which passengers are consuming cannabis products.

Since the passage of Proposition 64, a cannabis tourism industry has emerged. Several companies operating within this industry offer tours of cannabis farms, retailers, and resorts. The tours can include consumption of cannabis products in a manner similar to wine tasting tours. CPCs frequently provide the transportation for these tours. By restricting cannabis consumption in CPCs and defining the terms under which cannabis can be consumed in CPCs, this bill clarifies the prohibitions on consumption and open container possession while still permitting the cannabis tourism industry to continue operating with CPCs.

*TNC zero-tolerance policies.* Under existing law, CPCs include a number of different types of vehicles that transport individuals and groups with a hired driver. CPCs include limousines, party buses, TNCs, and other types of transportation entities hired to transport people exclusively. Generally, CPCs are licensed and regulated by the CPUC; however, taxis are licensed and regulated by local governments. As part of its duty to regulate TNCs and establish safety

requirements for TNCs, the CPUC required (in Decision 13-09-045) each TNC to file a zero-tolerance policy regarding drivers' use of drugs and alcohol with the CPUC. The CPUC requires each TNC to also post the policy on its website. These policies are broad and prohibit the consumption of alcohol or drugs by TNC drivers. In addition to these policies, some TNCs have adopted more restrictive prohibitions on smoking. This bill does not prevent a TNC from adopting a policy regarding smoking and drinking within a TNC that is more restrictive than its prohibitions. To the extent that a TNC wished to permit passenger cannabis consumption in a vehicle, all the passengers would need to be at least 21 years of age and comply with the sealing and separate ventilation requirements for passengers to smoke or vape cannabis products.

*Sealed compartments and passenger safety.* Under this bill, passengers of a CPC or taxi may only consume cannabis products if the driver's compartment is sealed and separately ventilated from the passenger's compartment. In 2013, a limousine fire in the Bay Area resulted in the death of five of the nine limousine passengers. The limousine's driver survived and four passengers escaped the fire by climbing through the partition between the driver and passenger compartments. Subsequent legislation (SB 109, Corbett, Chapter 752, Statutes of 2013), established emergency exit requirements for limousines that have been modified to carry more than the number of passengers for which it was originally manufactured. These safety requirements include the installation of additional exit doors and push-out windows in the passenger compartment of the vehicle.

While this bill does not define the term "sealed," this bill's requirement to have a sealed driver's compartment with ventilation separate from the passenger's compartment does not necessarily conflict with the safety requirements for modified limousines in existing law. A modified limousine is required to comply with the existing emergency exit requirements for the passenger compartment, regardless of whether the driver's compartment is sealed and separately ventilated.

### **Prior/Related Legislation**

SB 65 (Hill, Chapter 232, Statutes of 2017) prohibited the consumption of cannabis products while driving or riding as a passenger in a motor vehicle on highways or certain other lands.

SB 94 (Committee on Budget and Fiscal Review, Chapter 27, Statutes of 2017) made various conforming changes to implement a framework for cannabis licensing and regulation, including the creation of an "open container" standard for cannabis possession in car that allows a person to have an opened cannabis product

container if it is in the trunk or the container is closed and the person has an identification card for medical cannabis use.

AB 45 (Hill, Chapter 461, Statutes of 2012) the Brett Studebaker Law extended underage alcoholic beverage possession restrictions for limousines to all CPCs, including party buses.

**FISCAL EFFECT:** Appropriation: No Fiscal Com.: No Local: No

**SUPPORT:**

None received

**OPPOSITION:**

None received

**ARGUMENTS IN SUPPORT:** According to the author:

“SB 625 makes it illegal for a passenger in a party bus, limo, taxi, or TNC to smoke or vape cannabis unless the driver’s compartment is sealed off and separately ventilated. The purpose of the bill is to ensure that the driver is not impaired if cannabis smoke is consumed in one of these for-hire vehicles. The bill also prohibits anyone under age 21 from being on board if cannabis smoke is present.

As a result of cannabis becoming legal in California, some party bus and limo operators are offering customers’ cannabis dispensary tours similar to existing tours for wineries or breweries. SB 625 ensures that there’s no-one under 21 on board since it’s illegal for them to consume cannabis and mandates that the driver’s compartment be free from cannabis smoke so they can safely drive the vehicle without impairment.”

-- END --