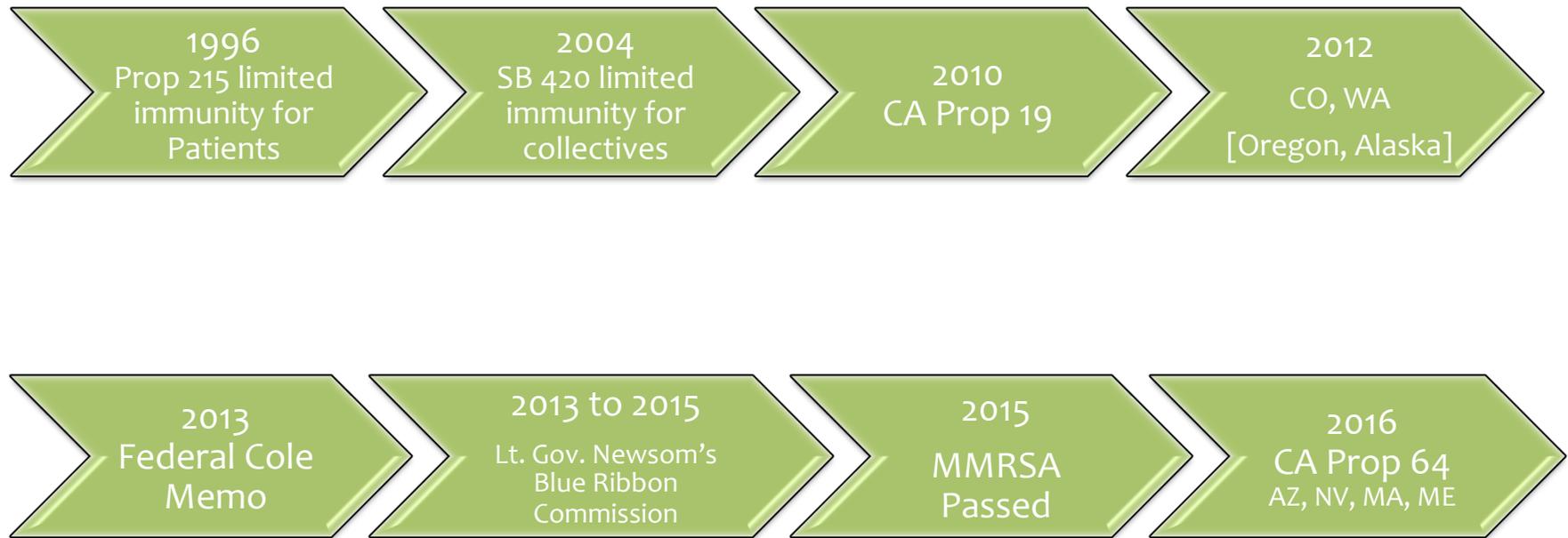


The Adult Use of Marijuana Act
Prop 64 Explained

Prepared by Chris Conrad
With Mikki Norris & Lauren Vazquez

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The Road to Cannabis Legalization



Election Day!
November 8, 2016

Outline of Prop 64, the Adult Use Act

1. Creates a legal adult right to nonmedical marijuana with possession, transportation, sharing, enclosed gardens
2. Significantly reduces most of the remaining penalties
3. Protects the rights of cannabis patients under Prop 215
4. Creates a legal privilege to conduct cannabis commerce with statewide agency to review and revise regulations
5. Provides for certain taxes and the use of tax revenues
6. Gives local governments wide latitude in licensing businesses, but they cannot restrict personal rights
7. Allows legislature to reduce penalties and repeal statutes, but cannot change Prop 215 or recriminalize adult rights

Legalization; not prohibition repeal

- Takes conservative approach on quantities allowed
- Makes it legal for adults to possess, share, transport, process and give away limited amounts at age 21
- One ounce / 8 grams adult; 6 plants outdoors or indoors, per residence, keep the entire harvest or give it away
- More than those amounts still needs medical approval
- Localities cannot ban home-grows up to 6 plants in a fully enclosed space — indoor / greenhouse
- No jail for minors, reduces most penalties for adults 18-20, retroactive effect, restorative justice
- Civil and criminal penalties for violations, see chart

Current California Penalties vs. Prop 64: Adult Use of Marijuana Act

Chart applies to non-medical adults age 21 and up. Prop 215 CUA medical marijuana defense will still apply.
 Legalizes • Reduces penalties retroactively • Resentencing • Release from incarceration • Expunge records

Proposition 64

California ballot, Nov. 8, 2016

A No Vote means
keep all penalties



Vote YES:
Legalize & control

Adult cannabis activity

Current criminal penalties

Prop 64 penalty reductions

Possess up to 1 ounce of cannabis	\$100 ticket	Legalized
Possess up to 8 grams concentrate	One year, \$500 or both	Legalized
Transport up to 1 ounce / 8 grams	\$100 misdemeanor	Legalized
Give away up to 1 ounce / 8 grams	\$100 misdemeanor	Legalized
Homegrow 1 to 6 cannabis plants	16 months, two/ three years	Legalized
Process and keep entire harvest	16 months, two/ three years	Legalized
Smoking in unlicensed public site	\$100 ticket	\$100 ticket
Smoking where tobacco banned	\$100 ticket	\$250 ticket
Age 18 to 20: Possess cannabis	\$100 ticket	\$100 ticket
Offenses by minors up to age 18	Same as adults	Counseling, community service, drug education

Key: **Felony** **Wobbler: Felony or Misdemeanor** **Misdemeanor** **Infraction** **Legalized**

Proposition 64

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Vote YES:
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Current criminal penalties

Prop 64 penalty reductions

Age 18-20: Grow up to 6 plants	16 months, two/ three years	\$100 ticket
Age 18-20: Up to 4 g. concentrate	One year, \$500 or both	\$100 ticket
Age 18 and up: Grow over 6 plants	16 months, two/ three years	Six months, \$500 or both
Possess over 1 ounce cannabis	Six months, \$500 or both	Six months, \$500 or both
Possess excess concentrate	One year, \$500 or both	Six months, \$500 or both
Transport, give away over 1 ounce	Two/ three/ four years	Six months, \$500 or both
Sell cannabis (without a license)	Two/ three/ four years	Six months, \$500 or both
Possess with intent to sell	16 months, two/ three years	Six months, \$500 or both
Third or aggravated* over 6 plants	16 months, two/ three years	Wobbler
Third <u>or</u> aggravated* intent to sell	16 months, two/ three years	Wobbler
Third <u>or</u> aggravated* illegal sales	Two/ three/ four years	Wobbler
Sales involving minors under age 18	Three to seven years	Three to seven years

* Such as involving minors, gross negligence, toxic / hazardous substances, watershed / environmental harm, prior super strike, registered sex offender.

Friends of Prop 64, FriendsofProp64.org. Handy online guide to AUMA's text broken down by sections and tabbed at chrisconrad.com/category/adult-use-act-2016/
Chart by cannabis expert witness Chris Conrad. With support from: Californians for Responsible Marijuana Reform, Sponsored by Drug Policy Action, Yes on Prop. 64, Major Funding by Drug Policy Action

Key:

Felony

Wobbler: Felony or Misdemeanor

Misdemeanor

Infraction

Legalized

AUMA and medical marijuana law

- Protects Prop 215 rights cover possession, cultivation for larger quantities, all ages
- **Overturms** all local bans on enclosed, discreet gardens up to six plants, legalizes sharing
- Expands parental & privacy rights for patients
- Relieves patients with state MMID card from paying state sales tax; other taxes still apply
- Caps the MMID Card at \$100, less for Medi-Cal

Creates a dual regulatory system

- Statewide commercial licensing plan parallels MMRSA
- Allows local governments to license, zone, ban businesses
- Regulates as an agricultural product — water, pesticides
- Licenses: 13 types of cannabis cultivation plus retail, manufacture, testing, distribution, and microbusiness
- No excessive concentration of licenses in a city or county
- Regulations must be evidence based and not “unreasonable or impracticable”
- Appeals board appointed by governor / Senate approval
- Ability to waive requirements based on hardship

Favors small California businesses

- Must be a CA resident to get a license (1/2019)
- Prior marijuana convictions not an obstacle to getting licenses or work in cannabusinesses
- Fees kept proportionate to business size
- Small micro-licensees can be vertically integrated but not larger scale licensees
- Five year delay on issuing large scale licenses
- Anti-monopoly provisions, no price fixing, can't sell at a loss to undercut competitors

Retailers & Distributors

- 26070. (3) "**Microbusiness,**" for the cultivation of marijuana on **an area less than 10,000 square feet and to act as a licensed distributor, Level 1 manufacturer, and retailer** under this division, provided such licensee complies with all requirements imposed by this division on licensed cultivators, distributors, Level 1* manufacturers, and retailers to the extent the licensee engages in such activities.

* Sites that manufacture marijuana products using nonvolatile solvents, or no solvents.

Levies commercial taxes for state

- Production tax \$9.25 ounce bud, \$2.75 per ounce of leaf paid by commercial grower
- Production tax to be reviewed & revised based on market rates
- 15% excise tax included in consumer's retail sales price, plus state sales tax
- MMID Card patients don't pay state sales tax
- Requires vote of people to increase local tax

Provides for the use of tax revenues

- 4% for Administrative costs of commercial licensing
- No CMT tax revenues go to localities with bans
- \$50 million / year Grants for economic development of communities affected by prohibition
- \$10 mil for CA Universities to study implementation
- \$3 mil to CHP to study impairment testing
- \$2 mil to Center for Medicinal Cannabis research
- Balance: 60% youth, education and prevention
- 20% Environmental restoration and preservation
- 20% Local law enforcement grants

Consumer protections in Prop 64

- Testing for quality control for purity, potency and profile, dosage rules (no more than 10 mg thc)
- Advertising restrictions; cannot be directed to minors, no billboards on interstate highways
- Labeling requirements (dosage, cannabinoid profile, pesticides, etc.)
- Child-proof packaging

Other points of special interest

- Sets fines for smoking or vaping in public
- On-Site Consumption Licenses
- Local government can license “cup” events
- Allows hemp production & manufacturing
- Does not authorize driving impaired, “open container,” or smoking in driver’s compartment
- ‘Drug Free Workplace’ — can still drug test
- Landlords don’t have to allow cultivation

Restorative Social Justice

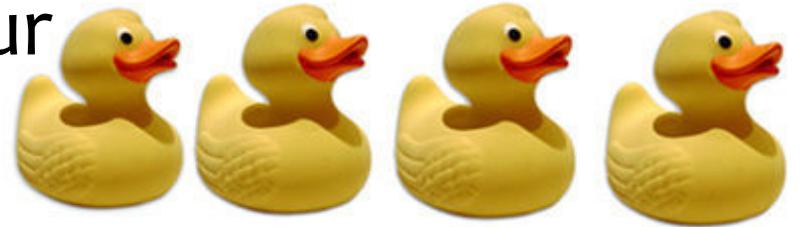
- Makes many felonies and misdemeanors legal
- Reduces most penalties
- Retroactive relief for cannabis offenders who are already facing prosecution or sentencing
- Allows priors to be reduced and/or expunged
- No jail for under-age offenders, records closed
- Prior convictions may not prevent licensing
- Legal cannabis no longer grounds for police search

Prop 64: Recap and Conclusion

- Legalizes for patients and non-medical adults
- Coming out will help to end stigma
- Sends a message that cannabis can be used responsibly by adults, social acceptance
- Creates momentum for further reforms
 - Emboldens other states, nations to legalize
- Undermines drug cartels' market grip
- Creates opportunities and jobs, jobs, jobs

Get ready for legalization

- Register to vote and tell others to vote Yes on Prop. 64
- Time to prepare yourselves for the new industry -- get your
- Join Friends of Prop. 64
- Be a part of the process
- Help get endorsements
- Write LTEs, share social media, call in radio



Some endorsements for Prop 64

Lt. Gov. Gavin Newsom ◆ NAACP ◆ Drug Policy Alliance
◆ NORML ◆ ACLU of CA ◆ CA Democratic Party ◆
Bernie Sanders ◆ California Cannabis Industry
Association ◆ State Sen. Mark Leno ◆ Students for
Sensible Drug Policy ◆ Congressman Eric Swalwell ◆ CA
Medical Association ◆ CA Council on Land Trusts ◆
George Zimmer ◆ Tim Blake ◆ Marijuana Policy Project
◆ Youth Justice Coalition ◆ Moms United Against the
Drug War ◆ National Latinos Officers Association ◆
Berkeley Patients Group ◆ Congressman Dana
Rohrabacher ◆ CA Academy of Preventive Medicine ◆
Congressman Jared Huffman

Please vote Yes on Prop 64!

**FRIENDS OF
PROP**

Yes!
64

California 2016

FriendsOfProp64.org

legalizeCA2016.com

Yeson64.org

ChrisConrad.com

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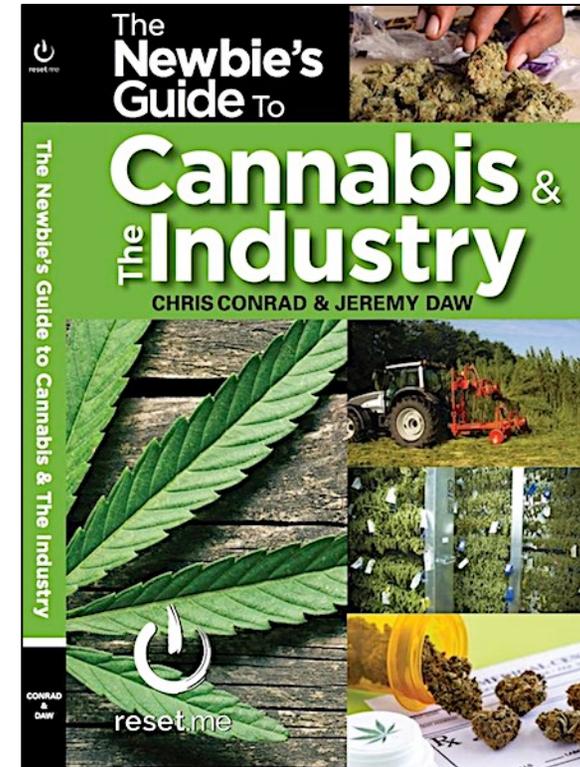
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Prepared by cannabis expert Chris Conrad

AUMA2016.com • LegalizeCA2016.com
LetsGetItRightCA.com
ChrisConrad.com
FiredUpLawyer.com

Books by Chris Conrad

- *The Newbie's Guide to Cannabis & the Industry*
- *Cannabis Yields and Dosage*
- *Shattered Lives: Portraits From America's Drug War*
- Oaksterdam University
- Consultation services
- Expert witness in court



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