

Proposition 64 Prioritizes the Public Health of All Californians

Californians for
Responsible
Marijuana
Reform.

Brought to you by Drug Policy Action.

Proposition 64, or the Adult Use of Marijuana Act (“Prop. 64”), is designed to allow the responsible use of marijuana by adults 21 and over within a tightly regulated system. It will allow adults to legally possess, transport, purchase, consume and share up to one ounce of marijuana and eight grams of concentrated marijuana. Adults may also legally grow up to six plants at their homes. The newly-formed Bureau of Marijuana Control within the Department of Consumer Affairs will coordinate efforts of the Departments of Public Health and Food & Agriculture, among others, to oversee regulation for both medical and nonmedical marijuana.

Prop. 64 Prioritizes the Protection of Public Health

Prop. 64 takes a real-world approach to the widespread prevalence of marijuana use among Californians. Through careful regulation from cultivation to sale, the state can better protect the health and safety of those who cultivate, sell and consume marijuana. Protecting public health is the highest priority of the Bureau of Marijuana Control, the lead regulatory agency created by the initiative. A committee advising the Bureau will include public health experts. Prop. 64 expands on the medical marijuana regulatory model recently created by the governor and a bipartisan majority of the state legislature. This model provides a formal and significant role for the Department of Public Health and gives lawmakers and regulators maximum flexibility.

Prop. 64 Prioritizes the Protection of Children and Youth

By legalizing and regulating marijuana, Prop. 64 will move marijuana purchases into a system with strict safeguards against children accessing it. Those safeguards are woven throughout the measure. The measure prohibits the consumption of marijuana in

public places, including within 1,000 feet of K-12 schools and other areas where children are present. Marijuana will not be sold in locations where alcohol or tobacco are sold, such as in grocery and convenience stores. Retail marijuana businesses must check IDs and any business that gets caught selling to minors will face stiff sanctions, such as expensive civil fines, loss or suspension of their business license, or felony penalties. And licensing authorities retain the ultimate discretion to deny a commercial license if it will encourage the underage use of marijuana or present an unreasonable risk of exposing youth to marijuana.

Prop. 64 Establishes Strict Packaging Requirements

Prop. 64 establishes strict packaging and labeling standards, including warning labels and child resistant packaging that helps keep marijuana products from accidentally ending up in the hands of children. Marijuana cannot be packaged in a manner that is appealing to children. Through the Department of Public Health, Prop. 64 also mandates strict testing of marijuana and strict controls at every stage of production to eliminate pesticides, molds and other chemicals commonly found in marijuana sold on the illicit market. The Department of Public Health retains the flexibility to create other regulations if needed to protect public health.

Prop. 64 Calls for Early Public Awareness Campaign

Before the Bureau begins issuing commercial licenses in 2018, the Department of Health Care Services must establish a comprehensive public information program that will describe Prop. 64, provide information regarding the dangers of driving while impaired from marijuana use, and the potential harms of overusing marijuana.

(Continued on Page 2)

Prop. 64 Will Generate Significant Revenue for CA

Prop. 64 imposes a 15 percent excise tax on all retail sales of marijuana (both medical and nonmedical), in addition to the state sales tax, and a separate tax on cultivation. State officials estimate that this will generate hundreds of millions of dollars to over \$1 billion in new revenue each year, which will help fund treatment programs, clinical research, and communities harmed by marijuana prohibition.

Prop. 64 Invests Revenue in Youth and Family Treatment Programs

Hundreds of millions of dollars in new revenue will be placed in a youth education and treatment fund to support the prevention and treatment of the misuse of alcohol, marijuana and other drugs by youth, and to keep at-risk youth in school. When possible, programs will provide a continuum of care that includes family-based interventions. Funds will also support workforce training, wage structures, and ongoing education for behavioral health staff. If funding ever exceeds the demand for youth prevention and treatment services in the state, the Department of Finance may use funds to provide treatment services to adults as well.

Prop. 64 Funds Clinical Research on Marijuana

More research is needed on the long-term health impacts and potential risks or benefits of marijuana. This measure provides comprehensive funding for formal, evidence-based marijuana health research. In addition, the measure funds an annual evaluation that will include research on the measure's impact on public health, including marijuana use rates, health costs associated with marijuana use, and the impact of treatment on maladaptive marijuana use.

Prop. 64 Supports Development of DUI Protocols

To ensure the health and safety of California drivers, the measure grants \$3 million annually to the California Highway Patrol to establish and adopt best practices to determine when a driver is operating a vehicle while impaired by marijuana.

Prop. 64 Invests Revenue in Communities Harmed by Marijuana Prohibition

Revenue from the taxation of marijuana will also be allocated to a grant program—starting at \$10 million and increasing by an additional \$10 million for the first five years until it reaches \$50 million annually—that will strengthen communities disproportionately harmed by previous federal and state drug policies. These grants will support economic development, job

placement, mental health treatment, legal services that address barriers to reentry, and system navigation services.

Prop. 64 Reduces Criminal Penalties and Incarceration for Marijuana Offenses

Criminal prohibitions and the disproportionate incarceration of black and Latino individuals has contributed to poor health in these communities and widened the gap in health outcomes along racial and socioeconomic lines. Prop. 64 either eliminates or substantially reduces penalties for marijuana offenses. Many existing misdemeanors and felonies will disappear from the books, reducing the number of Californians sent to jail and prison. For minors, all penalties for marijuana offenses will be charged as infractions. Instead of being arrested and incarcerated, juveniles will receive free, evidence-based drug education and/or counseling.

These sweeping reductions in criminal penalties will be retroactive. Past convictions for crimes reduced or eliminated by Prop. 64 may be reduced or expunged from a criminal record. Yet law enforcement may continue to charge the most serious marijuana-related crimes as felonies, such as providing marijuana to minors, or attempting to smuggle marijuana across state lines.