Cannabis in California

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Cannabis in California
Prior to 2015

AT THE BALLOT BOX

Proposition 19 (1976) fails with 66.5% No votes. It is the first ballot initiative in the United States to attempt legalization of cannabis.

Proposition 215 (1996) passes with 55.58% of the vote. California becomes the first state to allow for medicinal use of cannabis with a physician’s recommendation. The initiative is less than 400 words.

Proposition 19 (2010) fails with 53.5% No votes. Would have legalized the recreational use, possession, and cultivation of cannabis for adults 21 and over and regulated the industry similar to the alcohol industry.
IN THE LEGISLATURE

Beginning in 1975 the California Legislature begins a slow process of reducing punishment for possession/personal use of small amounts of cannabis.

SB 420 (Vasconcellos, 2003) creates the Medical Marijuana Program Act to implement Prop 215.

AB 390 (Ammiano, 2009) is the first legislative attempt to legalize cannabis in California. It dies in Assembly Health.

SB 1449 (Leno, 2010) makes possession of less than an ounce of cannabis an infraction with no criminal record and a maximum fine of $100.

AB 473 (Ammiano, 2013) creates the Division of Medical Marijuana Regulation and Enforcement to regulate the medical cannabis industry. It fails on the Assembly Floor. AB 1894 (Ammiano) fails in 2014 on the Assembly Floor again.

SB 1262 (Correa, 2014) creates the Bureau of Medical Marijuana Regulation under the Department of Consumer Affairs to regulate the medical cannabis industry. It fails in Assembly Appropriations.
Multiple cannabis bills introduced at the beginning of the 2015 legislative session:

AB 26 (Jones-Sawyer), AB 34 (Bonta), AB 266 (Cooley and Lackey) and SB 637 (McGuire) all establish a licensing and regulatory framework for medical cannabis.

AB 243 (Wood) requires medical cannabis cultivation to follow state and local guidelines and provides for environmental enforcement.
## Coalition Building

<table>
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<tr>
<th><strong>AB 34 (Bonta and Jones-Sawyer)</strong></th>
<th><strong>AB 266 (Cooley and Lackey)</strong></th>
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<tbody>
<tr>
<td>- No official sponsor but cannabis industry support</td>
<td>- Sponsored by League of California Cities and California Police Chiefs with individual city support</td>
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<tr>
<td>- Opposed by League of Cities and California Police Chiefs</td>
<td>- Opposed by Cal NORML and cannabis industry</td>
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<tr>
<td>- Strong statewide approach, similar to Alcoholic Beverage Control (ABC) model</td>
<td>- Statewide regulation with bifurcated local licensing requirements</td>
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The Fab Four

AB 266 (Bonta, Cooley, Jones-Sawyer and Lackey) passes the Assembly 62-8.

Momentum builds in the Senate leading into the Summer Recess with union, cannabis industry, local government and law enforcement support.
Out of many, one

End of session negotiations bring everyone together:

- Assemblymember Wood and Senator McGuire join forces with Assemblymembers Bonta, Cooley, Lackey and Jones-Sawyer for a three-bill package collectively known as the Medical Marijuana Regulation and Safety Act

- Provisions of the Act are split between AB 266, AB 243, and SB 637

- MMRSA bills pass overwhelmingly in both houses and are signed into law October 9\textsuperscript{th}, 2015

- Statewide licensing under existing state agencies, using existing expertise

- Dual licensing requirement for local governments, protects local control and local’s abilities to ban cannabis activity

- No vertical integration, limited cross-licensing

- No new taxes
2016

The times they are a changing

- Follow up legislation is introduced by the MCRSA authors dealing with advertising, licensing, banking and patient issues but the bill is held in Senate Appropriations.

- Smaller medical cannabis legislation is chaptered but nothing that alters the basic framework

- Twenty different ballot propositions are circulated to legalize cannabis

- May 2016 the Adult Use of Marijuana Act (Proposition 64) qualifies for the ballot. It passes with 57% support on November 9, 2016 and becomes law.
“One thing is sure. We have to do something. We have to do the best we know how at the moment... If it doesn't turn out right, we can modify it as we go along.”

- Franklin D. Roosevelt

Merging MCRSA and Proposition 64

- Two different code sections, one governing medical cannabis and one governing adult-use

- Many similar or identical pieces of language easily combined

- Other conflicts between the language... not so easily solved

- Facilitated through the budget process to give state agencies enough lead-up time for licenses to be issued January 1, 2018
What does a safe and functional cannabis marketplace look like?

Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA)

- Cultivation, manufacture, and retail sale of adult-use and medicinal cannabis.
- Cross-licensure (except for testing) of cannabis licenses, including both Adult-use and Medical licenses
- State license with local approval
- Taxes: cultivation, excise, retail sales taxes fund environmental remediation, enforcement, and social programs
- Patient protection and medical research
- Dismissal of previous cannabis convictions
- Equity programs
Questions for Cannabis Policy Makers

“Never doubt that a small group of thoughtful, committed, citizens can change the world. Indeed, it is the only thing that ever has.”
- Margaret Mead

Who gets to have a license?

How do you account for systemic racism and over policing of communities of color in an emerging cannabis marketplace?

Why give local governments a say?

Who do you enforce against – unlicensed activity vs. illicit activity?

How do you protect the environment?