

11-18-2015

MEDICAL MARIJUANA. INITIATIVE STATUTE.

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The Attorney General of California has prepared the following title and summary of the chief purpose and points of the proposed measure:

MEDICAL MARIJUANA. INITIATIVE STATUTE. Bans all privately owned medical marijuana cultivation sites and dispensaries. Creates state-owned/operated dispensaries, and a single state-owned/operated site for medical marijuana cultivation, testing, and processing. Allows local governments to ban or restrict the number and location of state-owned dispensaries. Establishes packaging, lab testing, and potency standards for medical marijuana. Sets minimum age for medical marijuana use, at 21. Requires adoption of strict standards to govern physician medical marijuana recommendations for their patients. Specifies marijuana blood-content levels that establish driving under the influence. Retains current prohibition on recreational use of marijuana. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local government: **Unknown change in state and local revenues related to sales of medical marijuana depending on how the measure is implemented by the state. Increased state costs of millions to tens of millions of dollars annually to implement a program to educate K-12 students and their teachers and parents regarding marijuana use.**

(15-0069.)

Take Back America Campaign

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www.tbac.us #stoppot

September 18, 2015

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SEP 21 2015

INITIATIVE COORDINATOR
 ATTORNEY GENERAL'S OFFICE

The Office of the Attorney General
 ATTN: Initiative Coordinator
 P.O. Box 944255
 Sacramento, Ca. 94244-2550
 (916) 445-4752/ www.oag.ca.gov

RE: Request for Circulating Title Summary; Signed Certification; Signed Statement; *California Safe and Drug-Free Community Act*

Dear Initiative Coordinator Ashley Johansson:

Pursuant to Election Code 9001(a), we the undersigned California residents are submitting the proposed statewide ballot initiative to your office and request the preparation of a title and summary for the initiative as provided by law:

The California Safe and Drug-Free Community Act

.....would minimize further harm to the environment by eliminating privately owned cultivation of marijuana. In the interest of public safety it will eliminate privately owned marijuana dispensaries who are selling marijuana for non-medical use. In compliance with Prop 215, marijuana would be grown, lab tested for contaminants and packaged to safe standards on one State owned cultivation site, and distributed only through State owned dispensaries where local governments allow. The minimum age for medicinal use of marijuana for qualified patients would be elevated from 18 to 21. Recreational use of marijuana would remain illegal in compliance with federal law.

A \$200 check for the same is also included. If you have questions or require additional information, please contact the undersigned at your earliest convenience.

Sincerely


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INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE VOTERS

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The Attorney General of California has prepared the following circulating title and summary of the chief purpose and points of the proposed measure:

(Here set forth the unique numeric identifier provided by the Attorney General and circulating title and summary prepared by the Attorney General. Both the Attorney General's unique numeric identifier and the circulating title and summary must also be printed across the top of each page of the petition whereon signatures are to appear.)

TO THE HONORABLE SECRETARY OF STATE OF CALIFORNIA

Type: Roman
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We, the undersigned, registered, qualified voters of California, residents of _____ County, hereby propose amendments to the Health and Safety Code, relating to medical marijuana, and petition the Secretary of State to submit the same to the voters of California for their adoption or rejection at the next succeeding general election or at any special statewide election held prior to that general election or as otherwise provided by law. The proposed statutory changes read as follows:

SECTION 1. This measure shall be known and may be cited as the "California Safe and Drug-Free Community Act."

SEC. 2. The people find and declare as follows:

(a) California's medical marijuana program is being abused, is contrary to the people's health, safety, and economic interests, and is a threat to California's future.

(b) Cultivation sites and dispensaries are harming the environment, causing ecological damage, absorbing huge amounts of our precious water, diminishing property values, and adversely affecting the public health and safety.

(c) Doctors issue recommendations for anyone 18 years of age or older for any purported illness without proper protocols, and dispensaries are fraudulently selling marijuana under the guise of medicine.

(d) The potency of marijuana has increased from a range of 4 to 6 percent in 1996 to as high as 96 percent when the form is butane hash oil (BHO), which is illegal to produce. Ten milligrams of delta-9-tetrahydrocannabinol of marijuana (THC) is the potency that is United States Food and Drug Administration-approved for legal THC.

(e) Adolescent marijuana use can cause brain damage and loss of IQ.

(f) Mental illness and psychotic breaks from marijuana use have led to violent acts, suicides, and addiction.

(g) Academic achievement is down and school dropout rates are up. The annual cost to California for the 24.2 percent school dropout rate is 46.4 billion dollars (\$46,400,000,000), or three hundred ninety-two thousand dollars (\$392,000) per dropout.

(h) Crime levels and traffic deaths have increased.

(i) The social costs for alcohol abuse, tobacco, and abuse of other drugs exceeds tax revenues by a ratio of 9 to 1, and 19.5 percent of California's budget is already consumed by the societal cost of substance abuse.

(j) Preventing marijuana abuse will save the state billions of dollars in all aspects of public service while increasing the level of legitimate taxes by improving California's global competitiveness with a better educated and more effective work force.

(k) The California Safe and Drug-Free Community Act addresses these issues by doing all of the following:

(1) Keeping recreational marijuana use illegal in compliance with federal narcotics laws.

(2) Shutting down and banning all private marijuana cultivation sites by July 1, 2017, in order to protect the environment, public safety, and property values.

(3) Replacing the current system with one state-owned and operated cultivation and processing site that produces lab-tested marijuana under controlled conditions and that produces a product that is packaged and labeled in opaque, child-resistant packaging and in compliance with the Sherman Food, Drug, and Cosmetic Law.

(4) Closing and banning all privately owned marijuana dispensaries by July 1, 2017, and replacing them with state-owned dispensaries in order to eliminate black-market profits earned at the expense of citizens and our youth.

(5) Retaining the ability of local governments to ban or limit the number of medical marijuana dispensaries.

(6) Creating the Office of the Medical Marijuana Program within the State Department of Public Health to, among other things, set strict standards for physician medical marijuana recommendations and medical marijuana products.

(7) Requiring that medical marijuana sales be included as part of the Controlled Substance Utilization Review and Evaluation System (CURES) database or an alternative system, so that health care providers, including pharmacists, will be able to avoid drug interactions by knowing if a person is using medical marijuana.

(8) Requiring each medical marijuana patient to have a state-issued identification card, agree not to drive after consuming marijuana, and agree to have his or her blood drawn within two hours of being involved in a vehicle accident, where he or she was driving or in actual physical control of the vehicle, or of being detained by a police officer on suspicion of driving while impaired.

(9) Raising the age to qualify for a medical marijuana recommendation to 21 years of age.

(10) Implementing an effective drug-free schools program, including education about the facts of marijuana usage, in all public and private schools in kindergarten and grades 1 to 12, inclusive, for teachers, students, and parents.

SEC. 3. Article 2.7 (commencing with Section 11362.85) is added to Chapter 6 of Division 10 of the Health and Safety Code, to read:

Article 2.7. California Safe and Drug-Free Community Act

11362.85. (a) There is hereby created within the State Department of Public Health an Office of the Medical Marijuana Program.

(b) The Director of the Office of the Medical Marijuana Program shall be the head of the office and shall be appointed by, and serve at the pleasure of, the Governor.

(c) The director shall report to the State Public Health Officer.

(d) The department shall adopt all regulations necessary to carry out this article.

(e) (1) The department shall set strict standards for physician recommendations for medical marijuana and medical marijuana products.

(2) Those standards shall include, but not be limited to, a requirement that a physician have an ongoing doctor-patient relationship with a patient before providing a medical marijuana recommendation.

(f) The director shall report annually, on the department's Internet Web site, the number of traffic deaths and hospitalizations related to marijuana usage.

(g) The department shall issue an identification card to any eligible person who is authorized to engage in the use of medical marijuana.

11362.851. For the purposes of the article, "THC" means delta-9-tetrahydrocannabinol of marijuana.

11362.852. (a) By July 1, 2017, all existing privately owned medical marijuana cultivation sites shall be shut down, and all new privately owned medical marijuana cultivation sites are banned.

(b) The State of California shall own and operate one cultivation, testing, and processing site that does all of the following:

(1) Grow, harvest, and process medical marijuana under controlled conditions.

(2) Laboratory test the medical marijuana for purposes of safety and to ensure the proper levels of THC.

(3) Package and label the medical marijuana in opaque, child-resistant packaging and in compliance with the Sherman Food, Drug, and Cosmetic Law (Part 5 (commencing with Section 109875) of Division 104).

(4) Ensure that the maximum level of THC in a package of medical marijuana is 10 milligrams.

(5) Provide medical marijuana to state-owned dispensaries.

11362.853. (a) By July 1, 2017, all existing privately owned medical marijuana operations that sell or otherwise provide medical marijuana to persons with a physician's recommendation, including, but not limited to, dispensaries, collectives, establishments, providers, and cooperatives shall be closed, and all new privately owned operations are banned.

(b) The State of California shall own and operate all medical marijuana dispensaries.

(c) This section does not prohibit a city, county, or city and county from adopting ordinances or policies that ban, restrict, or limit the location or establishment of state-owned medical marijuana dispensaries.

11362.854. A package of medical marijuana produced by the state shall have a maximum potency of 10 milligrams of THC.

11362.855. The use, manufacture, distribution, or sale of butane hash oil is unlawful.

11362.856. The Department of Justice shall include medical marijuana sales as part of the Controlled Substance Utilization Review and Evaluation System (CURES) database (Sections 11165 to 11165.5, inclusive), or the Department of Justice shall create an alternative monitoring system.

11362.857. Prior to the issuance of an identification card pursuant to subdivision (g) of Section 11362.85, the eligible person shall sign a statement that contains all of the following:

- (a) An acknowledgment that he or she has received, read, and understood the statement.
- (b) Information about the side effects of marijuana usage.
- (c) That the persons agrees to all of the following:
 - (1) To hold the state, a city, a county, or a city and county harmless for any adverse affects due to inhaling, smoking, ingesting, or otherwise consuming marijuana.
 - (2) To abstain from marijuana consumption in public.
 - (3) To abstain from driving after consuming marijuana.
 - (4) To have his or her blood drawn within two hours of being involved in a vehicle accident, where he or she was driving or in actual physical control of the vehicle, or of being detained by a police officer on suspicion of driving while impaired.
 - (5) That he or she understands that if his or her blood is drawn within two hours of being involved in a vehicle accident, where he or she was driving or in actual physical control of the vehicle, or within two hours of being detained by a police officer on suspicion of driving while impaired, and the amount of THC in his or her blood is 2

ng/ml or above, that is driving-under-the-influence in violation of Section 23152 or 23153 of the Vehicle Code.

(6) That he or she understands that if his or her blood is drawn more than two hours after being involved in a vehicle accident, where he or she was driving or in actual physical control of the vehicle, or more than two hours after being detained by a police officer on suspicion of driving while impaired, and the amount of THC in his or her blood is more than 0.00 ng/ml, that is driving-under-the-influence in violation of Section 23152 or 23153 of the Vehicle Code.

11362.858. With the exception of physician recommended pharmaceutical grade cannabidiol (CBD) if deemed appropriate for children, a medical marijuana recommendation shall not be issued to any person under 21 years of age.

11362.859. The State Department of Education shall implement and control an effective drug-free schools program, which includes education about the facts of marijuana usage, in all public and private schools in kindergarten and grades 1 to 12, inclusive, for teachers, students, and parents.

11362.860. The recreational use of marijuana shall continue to be unlawful in accordance with all state statutes in effect at the time of the passage of this act.

11362.861. The provisions of this article are severable. If any provision of this article or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

SEC. 4. Section 23152 of the Vehicle Code is amended to read:

23152. (a) It is unlawful for a person who is under the influence of any alcoholic beverage to drive a vehicle.

(b) It is unlawful for a person who has 0.08 percent or more, by weight, of alcohol in his or her blood to drive a vehicle.

For purposes of this article and Section 34501.16, percent, by weight, of alcohol in a person's blood is based upon grams of alcohol per 100 milliliters of blood or grams of alcohol per 210 liters of breath.

In any prosecution under this subdivision, it is a rebuttable presumption that the person had 0.08 percent or more, by weight, of alcohol in his or her blood at the time of driving the vehicle if the person had 0.08 percent or more, by weight, of alcohol in his or her blood at the time of the performance of a chemical test within three hours after the driving.

(c) It is unlawful for a person who is addicted to the use of any drug to drive a vehicle. This subdivision shall not apply to a person who is participating in a narcotic treatment program approved pursuant to Article 3 (commencing with Section ~~11875~~ 11876) of Chapter 1 of Part 3 of Division 10.5 of the Health and Safety Code.

(d) It is unlawful for a person who has 0.04 percent or more, by weight, of alcohol in his or her blood to drive a commercial motor vehicle, as defined in Section 15210.

In any prosecution under this subdivision, it is a rebuttable presumption that the person had 0.04 percent or more, by weight, of alcohol in his or her blood at the time of driving the vehicle if the person had 0.04 percent or more, by weight, of alcohol in his or her blood at the time of the performance of a chemical test within three hours after the driving.

(e) It is unlawful for a person who is under the influence of any drug to drive a vehicle.

(f) It is unlawful for a person to drive or be in actual physical control of a vehicle if his or her blood contains either of the following:

(1) A level of 2 ng/ml or above of delta-9-tetrahydrocannabinol of marijuana where the chemical test was performed within two hours after the driving or being in actual physical control of a vehicle.

(2) A level of more than 0.00 ng/ml of delta-9-tetrahydrocannabinol of marijuana where the chemical test was performed more than two hours after the driving or being in actual physical control of a vehicle.

(f)

(g) It is unlawful for a person who is under the combined influence of any alcoholic beverage and drug to drive a vehicle.

~~(g) This section shall become operative on January 1, 2014.~~

SEC. 5. Section 23153 of the Vehicle Code is amended to read:

23153. (a) It is unlawful for a person, while under the influence of any alcoholic beverage to drive a vehicle and concurrently do any act forbidden by law, or neglect any duty imposed by law in driving the vehicle, which act or neglect proximately causes bodily injury to any person other than the driver.

(b) It is unlawful for a person, while having 0.08 percent or more, by weight, of alcohol in his or her blood to drive a vehicle and concurrently do any act forbidden by law, or neglect any duty imposed by law in driving the vehicle, which act or neglect proximately causes bodily injury to any person other than the driver.

In any prosecution under this subdivision, it is a rebuttable presumption that the person had 0.08 percent or more, by weight, of alcohol in his or her blood at the time

of driving the vehicle if the person had 0.08 percent or more, by weight, of alcohol in his or her blood at the time of the performance of a chemical test within three hours after driving.

(c) In proving the person neglected any duty imposed by law in driving the vehicle, it is not necessary to prove that any specific section of this code was violated.

(d) It is unlawful for a person, while having 0.04 percent or more, by weight, of alcohol in his or her blood to drive a commercial motor vehicle, as defined in Section 15210, and concurrently to do any act forbidden by law or neglect any duty imposed by law in driving the vehicle, which act or neglect proximately causes bodily injury to any person other than the driver.

In any prosecution under this subdivision, it is a rebuttable presumption that the person had 0.04 percent or more, by weight, of alcohol in his or her blood at the time of driving the vehicle if the person had 0.04 percent or more, by weight, of alcohol in his or her blood at the time of performance of a chemical test within three hours after driving.

(e) It is unlawful for a person, while under the influence of any drug, to drive a vehicle and concurrently do any act forbidden by law, or neglect any duty imposed by law in driving the vehicle, which act or neglect proximately causes bodily injury to any person other than the driver.

(f) It is unlawful for a person to drive or be in actual physical control of a vehicle and concurrently do any act forbidden by law, or neglect any duty imposed by law in driving the vehicle, which act or neglect proximately causes bodily injury to any person other than the driver, if his or her blood contains either of the following:

(1) A level of 2 ng/ml or above of delta-9-tetrahydrocannabinol of marijuana where the chemical test was performed within two hours after the driving or being in actual physical control of a vehicle.

(2) A level of more than 0.00 ng/ml of delta-9-tetrahydrocannabinol of marijuana where the chemical test was performed more than two hours after the driving or being in actual physical control of a vehicle.

(f)

(g) It is unlawful for a person, while under the combined influence of any alcoholic beverage and drug, to drive a vehicle and concurrently do any act forbidden by law, or neglect any duty imposed by law in driving the vehicle, which act or neglect proximately causes bodily injury to any person other than the driver.

~~(g) This section shall become operative on January 1, 2014.~~

SEC. 6. Any law that is inconsistent with this initiative measure is void.