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MARIJUANA LEGALIZATION. INITIATIVE STATUTE.

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VIA HAND DELIVERY

December 17th, 2015

Ashley Johansson
Initiative Coordinator
California Department of Justice
P.O. Box 944255
Sacramento, CA 94244-2550
(916) 445-4752

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INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE



www.AFPR.us

Re: Request for Title and Summary

Dear Ms. Johansson:

The undersigned are the proponents of the attached initiative measure entitled "The Marijuana Control, Legalization and Revenue Act of 2016 Version 7." Please prepare a circulating title and summary of the chief purposes and points of the measure. We have also included with this letter the signed statements required by Election Code sections 9001 and 9608, our addresses as registered to vote and a check for \$200.00.

Thank you for your time and attention to this matter. If you have any questions, please do not hesitate to contact John Lee at John@AFPR.us

Sincerely,

Dave Hodges

Text of Proposed Law

SECTION 1. Title. This measure shall be known and may be cited as “The Marijuana Control, Legalization and Revenue Act.”

SEC. 2. Findings and Declarations. (1) The “war on drugs” has failed miserably, imprisoned the poor and minorities, and handed billions of dollars to criminal cartels and gangs. (2) Taxing cannabis sales will generate hundreds of millions of dollars in annual revenues for the state. (3) Legalizing and regulating cannabis sales will make Californians safer by eliminating the dangers caused by prohibition.

SEC. 3. A new Division 10, entitled “Cannabis Regulation and Taxation” is added to the Business and Professions Code, to read:

Chapter 1.

§ 27100. Cannabis. The social use of marijuana by adults, 21 years of age and older, including the cultivation, distribution, drying, farmers markets, harvesting, on-site consumption, planting, possession, possession of concentrated cannabis, processing, production, public events, retail sale, transportation, veterinary use, manufacture of edible products and manufacture of concentrated marijuana (with or without solvents), whether or not for profit, shall be lawful in this state and is a matter of statewide concern.

§ 27200. Taxes. The applicable sales and use taxes shall apply to sales of non-medical marijuana. In addition, the Legislature may place an excise tax on the sale of non-medical marijuana not to exceed fifteen percent (15%) of the retail price of the products. Marijuana that is sold for medical purposes shall not be subject to any sales, use, or excise tax.

§ 27300. Cannabis Diversion Programs. The State shall establish and fund cannabis-only diversion programs in each county.

§ 27400. Implementation. It shall be the responsibility of the Legislature to implement any regulations necessary for this Act.

§ 27500. Penalties. Violations of any statute or regulation enacted or promulgated to implement this Act shall not constitute a felony and shall not be punished by imprisonment. Except as otherwise authorized by law, the sale, furnishing, or giving away of any cannabis or cannabis product to any person under the age of 21 years is hereby prohibited. Except as otherwise authorized by law, any person over the age of 18 years and under the age of 21 years who attempts to purchase, or purchases, and any person who knowingly sells, gives, or in any way furnishes cannabis products to a person over the age of 18 years and under the age of 21 years, is guilty of an infraction and shall be punished by a fine not to exceed two hundred fifty dollars (\$250). Except as otherwise authorized by law, any person who knowingly sells, gives, or in any way furnishes cannabis products to a person under the age of 18 years, and any person under the age of 18 years who purchases, receives or possesses any cannabis or cannabis products, shall be subject to the penalties set forth in Penal Code 308 as if the cannabis or cannabis products were cigarettes.

§ 27600. Local Control. A city, county, or city and county may ban, or limit the number of, marijuana businesses within its boundaries, if such restriction has been placed on the ballot by petition in accordance with the procedures for an initiative, or by the city council or board supervisors, and approved by the voters within that jurisdiction at a statewide election held in November.

SEC. 4. Liberal Construction. This Act shall be liberally construed to effectuate its purposes.

SEC. 5. Severability. The provisions of this Act are severable. If any provision of this Act 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. 6. Conflicting Measures. In the event that this measure and another measure or measures concerning marijuana appear on the same statewide election ballot, the provisions of the other measure or measures shall be deemed to be in conflict with this measure. In the event that this measure receives a greater number of affirmative votes, the provisions of this measure shall prevail in their entirety, and the provisions of the other measure shall be null and void.

SEC. 7. Sections 11357, 11358, 11359, 11360, 11361, and 11485 of the Health and Safety Code are hereby repealed.

SEC. 8. Amendment. The provisions of this Act may be amended by the Legislature to further the purposes of this Act by a statute passed in each house by roll call vote entered in the journal, two-thirds of the membership concurring. Any implementation legislation enacted pursuant to Section 27400 of the Business and Professions Code shall require only a majority vote in each house.

SEC. 9. Legal Defense by the Attorney General. The California Attorney General shall protect and defend this Act from any and all challenges in the courts of any jurisdiction to final judgment.

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

MARIJUANA LEGALIZATION. INITIATIVE STATUTE. Legalizes marijuana under state law. Applies general retail sales taxes to non-medical marijuana. Permits Legislature to place additional excise tax on non-medical marijuana sales, up to 15% of retail price. Permits local governments to ban or limit the number of marijuana businesses within their boundaries if their voters approve. Requires State to create and fund diversion programs in each county exclusively for marijuana offenders. Requires Legislature to pass laws implementing the initiative. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local government: **Reduced costs ranging from tens of millions of dollars to potentially exceeding \$100 million annually to state and local governments related to enforcing certain marijuana-related offenses, handling the related criminal cases in the court system, and incarcerating and supervising certain marijuana offenders. Net additional state and local tax revenues of potentially up to several hundred million dollars annually related to the production and sale of marijuana. (15-0120.)**