

Why Drug Policy Action Supports Prop. 64: It Advances Social Justice and Criminal Justice Reform

Californians for Responsible Marijuana Reform.

Brought to you by Drug Policy Action.

The harms of marijuana prohibition have not been borne equally throughout the state. Communities of color have been the most targeted and injured by the unequal enforcement of marijuana laws. Proposition 64, or the Adult Use of Marijuana Act (“Prop. 64”), will greatly reduce – and in many cases, eliminate – criminal penalties for marijuana offenses, reduce barriers to entry to the legal market, and drive hundreds of millions of dollars in investments to low-income communities that have been most negatively impacted by the drug war.

Overview of Prop. 64

Prop. 64 will 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 21 and over 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 regulation and enforcement with several state agencies to protect consumers, the environment and public health, and will oversee regulation for both medical and nonmedical marijuana.

Prop. 64 Reduces Criminal Penalties and Makes Them Retroactive

Existing criminal penalties for marijuana offenses have been disproportionately enforced against people of color. Prop. 64 eliminates or substantially reduces these penalties. Many existing misdemeanors and felonies will disappear from the books. For minors, all penalties become infractions with education rather than arrests and incarceration. These sweeping reductions in criminal penalties will be retroactive—past convictions for crimes reduced or eliminated by Prop. 64 may be expunged from or reduced on a criminal record. 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.

Prop. 64 Allows People Harmed By the War on Drugs to Fully Participate in the Legal Market

While a well-regulated legal market is certainly necessary to reduce the illegal market, as California’s Blue Ribbon Commission on Marijuana Policy chaired by the Lieutenant Governor noted, there must be opportunities for those who have operated in the illicit market to enter the legal market. Under Prop. 64, a prior conviction for possession, possession for sale, sale, manufacturing, transportation, or cultivation of any controlled substance shall not be the sole basis for the denial of a license.

Prop. 64 Protects Youth in California

Prop. 64 seeks to protect young people in California in two separate, but related ways. First, it seeks to reduce youth access to marijuana by prohibiting the marketing and advertising of marijuana to minors and near schools and youth centers. It establishes packaging and labeling standards, including warning labels and child resistant packaging, that helps keep marijuana products out of the hands of children. Second, it is necessary to minimize, wherever possible, the detrimental impacts of criminal convictions on education, employment, and other life opportunities for young people. Thus, under Prop. 64, minors may only be charged with infractions for *any* marijuana-related offense. There is no threat of incarceration; instead, youth will be sanctioned with community service and drug awareness education.

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Prop. 64 Directs Significant Revenue to Youth and Communities Harmed by Marijuana Prohibition

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. The independent nonpartisan Legislative Analyst's Office estimates that this will generate up to a billion dollars in new revenue each year. After ensuring the new law is adequately funded and researched, funds will be provided to a grant program that will grow to \$50 million annually to support economic development, job placement, and legal services in communities disproportionately harmed by drug war policies. Hundreds of millions of dollars will be invested in the prevention of alcohol and other drug misuse, and the treatment of substance abuse disorders, with most of the money earmarked for adolescents. These investments will provide meaningful opportunities in low-income communities.