

Why Drug Policy Action Supports Prop. 64: It Protects Patients Who Use Medical Marijuana

Californians for Responsible Marijuana Reform.

Brought to you by Drug Policy Action.

Californians have long affirmed the value of medical marijuana, beginning with the passage of the Compassionate Use Act (Proposition 215) in 1996 and continuing with the recent passage of bills by the state legislature and signed by Governor Brown that created a statewide regulatory system for medical marijuana. Proposition 64, or the Adult Use of Marijuana Act (“Prop. 64”), builds on this structure to control, regulate and tax the responsible adult use of marijuana and expands patients’ rights to possess, grow and use medical marijuana in every corner of the state.

Overview of Prop. 64—Regulating Medical and Nonmedical Marijuana Together

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 Maintains and Reinforces Existing Privileges for Medical Marijuana Patients

Neither the recent legislative bills nor Prop. 64 change the possession limits or affirmative defenses provided by the Compassionate Use Act (Proposition 215). A patient may still possess an amount necessary for his or her medical use, subject to the requirements of SB420 and any local regulation.

Prop. 64 Improves Patients’ Right to Grow Their Own Marijuana

The right of patients to grow for their own self-care has been under attack by some cities and counties in California. Prop. 64 specifically prevents cities and counties from banning the cultivation of marijuana inside a home or within any enclosed structure, although they may ban outdoor grows. This is a powerful step forward for patients and for the rights of all Californians.

Prop. 64 Protects Patient Privacy

Prop. 64 requires cities and counties to identify patients using unique identifiers instead of names, and subjects any databases to the privacy protections of the Confidentiality of Medical Information Act (the state equivalent of federal HIPAA laws).

Prop. 64 Exempts Patients From Sales Tax on Marijuana

Any patient who obtains a voluntary identification card under Prop. 64 will be exempt from the state sales tax on marijuana. The fee for the ID card will be capped at \$100. Medi-Cal beneficiaries will receive a 50 percent reduction in the fee, while the fee will be waived entirely for indigent adults.

Prop. 64 Protects Parental Rights of Patients

The lawful conduct of a patient cannot, by itself, be used to restrict a patient’s custodial or parental rights.

Prop. 64 Funds Necessary Research on Medical Marijuana

Two million dollars will be distributed each year to the University of California Center for Medical Cannabis Research for research on the efficacy of marijuana as medicine.