

Why Drug Policy Action Supports Prop. 64: It Protects California's Workers

Californians for Responsible Marijuana Reform.

Brought to you by Drug Policy Action.

For twenty years, medical marijuana has existed without state regulation in California. Proposition 64, or the Adult Use of Marijuana Act ("Prop. 64"), together with the medical marijuana regulation bills recently passed by the state legislature and signed by Governor Brown, will ensure that the rights, health, and safety of workers are protected.

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

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 may also legally grow up to six plants at their homes. The newly-formed Bureau of Marijuana Control (established within the Department of Consumer Affairs) will work with the Departments of Public Health and Food & Agriculture, and with the Division of Occupational Safety & Health, to oversee regulation for both medical and nonmedical marijuana.

Prop. 64 Gives Labor a Seat at the Table

The Bureau will put together a committee of experts to advise it and other agencies on how to best develop standards and regulations for the marijuana industry. Prop. 64 mandates labor representatives get a seat at the table. Prop. 64 also directs California OSHA to put together an advisory committee to evaluate whether any unique regulations are necessary to protect employees in the marijuana industry.

Prop. 64 Disciplines Labor Violations

Under Prop. 64, a licensee may be disciplined—and risk losing their license—if the licensee violates any state or local law or regulation that protects the health, safety or rights of workers.

Prop. 64 Does Not Create Unfair Barriers to Employment or Investment for People with Prior Convictions

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 under Prop. 64.

Prop. 64 Will Generate Significant Revenue for the State and Provide Funding for Labor Enforcement

Prop. 64 imposes a 15 percent sales tax on all retail sales of marijuana (both medical and nonmedical) and a separate tax on the cultivation of marijuana. The independent, nonpartisan Legislative Analyst's Office estimates that this could generate up to a billion dollars in new revenue each year. Funds will be distributed to the Division of Labor Standards Enforcement and OSHA to ensure adequate funding for enforcement of state labor laws against bad actors in the marijuana industry. After ensuring the new law is adequately funded, some of the remainder of the revenue will support a grant program to provide economic development and job placement in communities disproportionately harmed by federal and state drug policies.

Prop. 64 Requires Employers with 20 or More Employees to Enter Into a Labor Peace Agreement

The recently passed medical marijuana bills require that any license applicant with 20 or more employees enter into and comply with the terms of a labor peace agreement. Prop. 64 will require the same.

Prop. 64 Allows the Legislature to Add More Labor Protections

Prop. 64's regulatory scheme is flexible and amendable. Should more labor protections be needed for workers, Prop. 64 gives the legislature the flexibility to enact further protections.