

# Why Drug Policy Action Supports Proposition 64: It Protects Youth & Invests in Their Communities

**Californians for Responsible Marijuana Reform.**

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Over the past two decades great efforts have been made to reduce teen use of alcohol and tobacco. By providing common sense regulation, coupled with education, taxation, and age and advertising restrictions, the rates of teen use are the lowest in decades. Proposition 64, the Adult Use of Marijuana Act (“Prop. 64”), applies these same principles and strategies to reduce the accessibility of marijuana for California’s youth. The California Medical Association supports Prop. 64 because of its strict protections for children.

Prop. 64 also dramatically reduces the threat of incarceration and other criminal justice involvement for young people who commit marijuana-related offenses. This voter initiative directs substantial new revenue from marijuana retail sales taxes to youth drug education and treatment programs, investing in communities harmed by harsh drug laws, and protecting and restoring our environment.

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## 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 Youth Access to Marijuana

Prop. 64 seeks to reduce the accessibility of marijuana, and thus youth use of marijuana, by

banning the advertising of marijuana to minors and near schools and youth centers. Retail businesses must check IDs for age and any business that gets caught selling to minors will face stiff sanctions, such as expensive civil fines, loss or suspension of their business license, and in some cases, felony penalties. The initiative also establishes strict standards to help keep marijuana products from ending up in the hands of children.

Specifically, Prop. 64 includes the following provisions:

- Restricts non-medical marijuana use to adults aged 21 and over.
- Bars licensees from operating within 600 feet of any school or youth center, and empowers localities to expand that radius as needed.
- Joins all legalized states in prohibiting public consumption of marijuana, not allowing any marijuana retailer to also sell alcohol or tobacco or to allow minors on its premises. Selling to minors remains illegal; it is grounds for license revocation.

Moreover, Prop. 64 imposes the strictest regulations governing labeling, packaging and testing of non-medical marijuana products in the nation:

- No more gummy bears: Marijuana products cannot be made attractive to children.
- Packaging must feature warning labels, be opaque, resealable, and child resistant. Products must be sold in safe, standardized “portion” sizes.
- Nonmedical marijuana must be independently tested to comply with consumer safety standards.

## Prop. 64 Empowers Local Communities

This ballot measure gives cities and counties across the state substantial authority over where and how many marijuana businesses exist within their borders. Local governments have the ability to regulate nonmedical marijuana businesses through zoning and

local laws. Moreover, Prop. 64 allows local governments to determine how much commercial marijuana activity can occur within their jurisdictions to begin with, including banning those businesses outright.

### **Prop. 64 Reduces Criminal Penalties for Youth**

The impact of criminal convictions on the education, employment, and other life opportunities for young people can be severe, even for marijuana offenses. Simple marijuana possession became an infraction in California in 2011. But young adults of color, particularly African Americans, continue to experience hugely disproportionate enforcement. The over 13,000 annual marijuana felony arrests in this state also reflect widespread racial discrimination. The only way to begin to unravel this legacy of disparate enforcement is to move marijuana into a fully regulated market at the state level.

Under Prop. 64, youth under the age of 18 may *only* be charged with infractions for marijuana offenses. They will not be threatened with incarceration or be monetarily penalized; instead, youth will be required to attend drug awareness education, counseling, and community service. All marijuana offenses will be automatically expunged from a youth's record when they turn 18.

Under Prop. 64, thousands of California teens will no longer be saddled by a drug arrest record. The law will protect young people from the long-term effects of felony charges that arise from the choices they make as youth and ongoing racial discrimination by police.

### **Prop. 64 Invests Significant Revenue in Youth Education and Treatment Programs**

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. State officials estimate that this will generate hundreds of millions of dollars to over \$1 billion in new revenue each year.

After ensuring the new law is adequately funded and researched, 60 percent of the remaining funds will be placed in a youth education and treatment fund. Hundreds of millions of dollars in new revenue will be spent to prevent and treat the misuse of alcohol, marijuana, and other drugs by youth, keep youth in school, help connect youth and their families to

programs, and build treatment centers for youth.

There is currently no system of care in California offering drug treatment and other support services to at-risk youth. Prop. 64 dedicates unprecedented funding to educate youth about the dangers of substance abuse wherever they are, particularly in schools where its explicit emphasis is preventing drop out and providing alternatives to expulsion. These include family-based programs, to help parents educate their own kids and work together to prevent substance abuse.

Prop. 64 also funds churches and nonprofits that work with foster youth, drop outs, homeless youth and families -- as well as badly underfunded local programs that work with parents who have drug or alcohol problems.

### **Prop. 64 Invests Revenue in Communities Harmed by Marijuana Prohibition**

Revenue from the taxation of marijuana will be also be provided to a grant program, increasing each year up to \$50 million annually, that strengthens communities disproportionately harmed by previous federal and state drug laws and policies. Those laws have had devastating effects on families throughout California—convictions for marijuana offenses may lead to loss of freedom, employment, public housing, and student loans, all exclusions that threaten the stability of a family. Grants will support economic development, job placement, mental health treatment, legal services that address barriers to reentry, and helping community members better connect to medical care.

Administered by the Governor's Office of Business and Economic Development, this unique Community Reinvestment fund targets low-income communities that suffer high rates of arrest and incarceration. It is meant to help rebuild communities hurt by the drug war and its emphasis on locking up young men and women, mainly African Americans and Latinos. That can only be done by programs based in communities, and Prop. 64 specifically refers to increasing investment in low-income communities. That means new jobs, and a new emphasis on solving problems.

### **Youth Use Rates of Marijuana Remain Stable Despite Wider Availability of Marijuana**

Four states (and Washington, D.C.) have legalized the adult use of marijuana and 26 states have legalized

the medical use of marijuana. Research shows that the legalization of marijuana, both medical and adult use, has not led to increased rates of use among teens.

For example, Colorado passed Amendment 64 in 2012, legalizing adult use of marijuana in a manner similar to Prop. 64. The 2015 Healthy Kids Colorado Survey found that current and lifetime underage marijuana use in Colorado have remained relatively stable. In fact, juvenile marijuana use in the state has dipped below national averages – 20 percent of young people have used marijuana in the past month and 37 percent over a lifetime, compared to the national averages of 23.4 percent and 40.7 percent respectively.

#### **Prop. 64 Has Attracted a Broad Coalition**

Prop. 64 is the consensus measure based on recognized best practices to control, regulate and tax the responsible adult use, sale and cultivation of marijuana in California. The highly diverse and growing coalition behind Prop. 64 includes:

- Lt. Governor Gavin Newsom
- California Democratic Party
- California Medical Association
- California NAACP
- Drug Policy Action
- Ella Baker Center for Human Rights
- California Cannabis Industry Association
- Law Enforcement Against Prohibition
- National Latino Officers Association
- Parents for Addiction Treatment & Healing
- Progressive Christians Uniting
- Students for a Sensible Drug Policy
- William C. Velasquez Institute