

**CLERK OF THE BOARD OF SUPERVISORS
EXHIBIT/DOCUMENT LOG**

MEETING DATE & AGENDA NO. 10/04/16 #17

STAFF DOCUMENTS (Numerical)

No.	Presented by:	Description:
1	<u>Staff</u>	<u>presentation (15 pg)</u>
2		
3		
4		

PUBLIC DOCUMENTS (Alphabetical)

No.	Presented by:	Description:
A	<u>Public</u>	<u>handout with pictures (2 pg)</u>
B	<u>Public</u>	<u>CA penalties handout (2 pg)</u>
C	<u>Public</u>	<u>CALM handout (2 pg)</u>
D		
E		
F		
G		

OFFICIAL RECORD
Clerk of the Board of Supervisors
County of San Diego

Exhibit No. 1

Meeting Date: 10/04/16 Agenda No. 17

Presented by: Staff



Marijuana in California

Prop 64

Adult Use of Marijuana Act

- Legalizes:
 - The use of marijuana for adults 21 and older;
 - Possession of up to one ounce of marijuana;
 - Possession of up to 8 grams of concentrated cannabis;
 - Cultivation of six marijuana plants and possession of the marijuana produced; and
 - Smoking marijuana or ingesting marijuana products
- Significantly reduces most penalties for adults, retroactive, restorative justice
- No jail for minors

Prop 64 - Restrictions

- Personal cultivation restrictions:
 - Must comply with local ordinances, if any;
 - No more than six plants may be cultivated in a single private residence;
 - Local jurisdictions may enact reasonable regulations; but . . .
 - No city or county may completely prohibit cultivation of 6 plants inside a private residence, or inside an accessory structure to a private residence that is fully enclosed and secure

Prop 64 - Restrictions

- No one may:
 - Smoke or ingest marijuana or products in any public place;
 - Smoke marijuana where smoking tobacco is prohibited;
 - Smoke marijuana within 1,000 feet of a school, day care center, or youth center while children are present;
 - Possess an open package of marijuana or products while driving, operating, or riding in a motor vehicle, boat, vessel, or aircraft;
 - Smoke or ingest marijuana or marijuana products while driving, operating a motor vehicle, boat, vessel, or aircraft; or
 - Manufacture concentrated cannabis using a volatile solvent, unless done with a license

Prop 64 - Licenses

- Effective on November 9, 2016 if passed
 - It is unknown how long it will be until there is State licensing or regulation in place for recreational marijuana
- Can't deny license to drug felons, unless . . .
 - Convicted of using a minor to commit a drug felony;
 - Drug felony involving quantities exceeding 1 kilo; or
 - Manufacturing more than 1 pound of solid or 3 gallons of liquid
- No alcohol or tobacco licenses may be held by marijuana licensees
- Requires track and trace system for all licensees

Prop 64 - Licenses

- Local governments may completely prohibit any type of business licensed under the act
- Local governments may permit on-site consumption at licensed retailers provided:
 - Access is prohibited to persons under 21,
 - Consumption is not visible from any “public place” or non-age-restricted area, and
 - Sale or consumption of alcohol or tobacco aren’t allowed

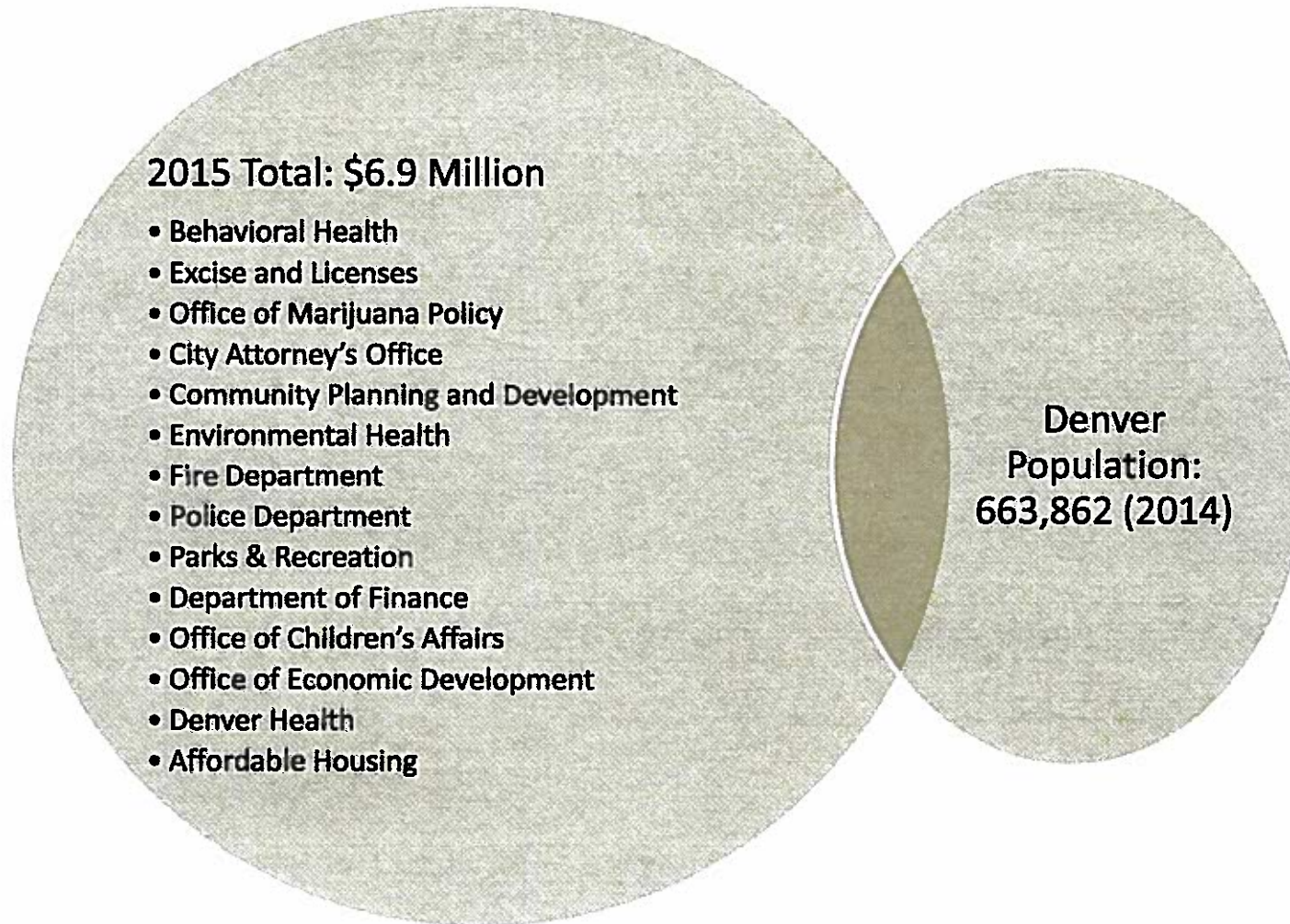
Prop 64 – Taxes

- 15% excise tax on purchases + state sales tax (7.5%)
 - Medical Marijuana Card holders don't pay sales tax
- Production Tax \$9.25/oz. bud, \$2.75/oz. leaf paid by grower
- All taxes and fines go to Marijuana Tax Fund, which annually:
 - First – reimburses costs incurred by AUMA overseeing Depts;
 - Next – \$10 M to CA universities to study effect of AUMA;
 - Next – \$3 M to CHP for drugged driving studies;
 - Next – \$10 M for grants to local health departments and community-based non-profits;
 - Next – \$2M to Center for Medicinal Cannabis Research;
 - Then, any remainder divided:
 - 60% youth, education, prevention;
 - 20% environmental restoration/preservation; and
 - 20% for competitive grants to local law enforcement

Prop 64 – Miscellaneous

- Allows people with past convictions for marijuana offenses that would no longer be illegal to petition to have their records cleared.
 - Includes individuals currently serving time.
- Authorizes employers to maintain a drug and alcohol free workplace and comply with federal laws.

Denver Marijuana Expenditures



Colorado Impacts

- The impacts have been immense to include:
 - A booming marijuana tourism industry
 - Wide spread use among the young
 - Population increases as people move to Colorado for access
 - Increase in transient population and homeless
 - Increased black market and criminal enterprise
 - Increases seen in addiction, overdoses, psychotic episodes and emergency room visits
 - Lack of commercial building space which is now inflated in price for use as grow sites and dispensaries
 - Increase in drugged related offenses and no clear legislation to attack DUI and other marijuana offenses and reluctance of juries to convict

More Colorado Impacts

- Residential homes rented specifically for grow use
- Fire, electrical and water theft issues
- BHO Lab increases – Explosions public safety concerns
- High potency and overdose increases (particularly with children)
- Pesticides/Environmental Impacts
- Increase in Violent Crime by 15%
- Youth use #1 in the Nation
- Unintended consequences and not enough revenue to areas most impacted (areas who opt out but experience unregulated market)
- Quality of life issues – odor of marijuana in public areas
- Increased use at public events



Pesticides

- Use of pesticides in cultivation were not regulated and created a number of hazards as well as toxic ingestion when consumed



Butane Honey Oil (BHO) Labs

- State can issue licenses for this process
 - Colorado has had an increase in explosions and public safety concerns
 - 38 Labs Seized in San Diego in 2015
 - 21 Labs Seized in San Diego so far in 2016
 - **Still a felony using solvents w/o a license**
 - **Misdemeanor using water or CO2 w/o a license**



Drugged Driving Concerns

- Marijuana use has been proven to create mental impairment and difficulty concentrating
- There is currently no “standard” of impairment related to drugged driving
- There is no “standard” blood level for marijuana as there is for alcohol
- Convincing jurors of impairment is proving difficult in Colorado and law enforcement is struggling to enforce existing drugged driving laws

*Impaired memory for recent events, difficulty concentrating, dreamlike states, impaired motor coordination, impaired driving and other psychomotor skills, slowed reaction time, impaired goal-directed mental activity, and altered peripheral vision are common associated effects. (Adams and Martin 1996; Fehr and Kalant 1983; Hollister 1988a; Institute of Medicine 1982; Tart 1971)

A roadside study of reckless drivers who were not impaired by alcohol, showed that 45% of these drivers tested positive for marijuana. (Dr. Dan Brookoff, published in the New England Journal of Medicine)

Marijuana smoking affects the brain and leads to impaired short-term memory, perception, judgment and motor skills. ([Marijuana Facts: Parents Need to Know](#), National Institute on Drug Abuse)

Prepared by Captain Kelly Martinez
San Diego County Sheriff's Department

Source Material:

AUMA2016

LegalizeCA2016.com

LetsGetItRightCA.com

ChrisConrad.com

FiredUpLawyer.com

Colorado Chiefs

Proposition 64 Full Text Initiative

Rocky Mountain HIDTA

The Denver POST

The City and County of Denver

The Denver Community Planning and Development

The Denver Marijuana Policy Team

Colorado State Patrol

New England Journal of Medicine

National Institute of Drug Abuse

OFFICIAL RECORD
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Exhibit No. A

Meeting Date: 10/04/16 Agenda No. 17

Presented by: public



Legal Medical Marijuana
Best Selection in San Diego

San Diego Dispensary 11000 San Diego Ave. San Diego, CA 92120 619-574-0415	San Diego Dispensary 11000 San Diego Ave. San Diego, CA 92120 619-574-0415
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Exhibit No. B

Meeting Date: 10/04/16 Agenda No. 17

Presented by: Public

California penalties now as compared to Adult Use of Marijuana Act

This comparison chart applies to non-medical adults at age 21. State medical marijuana laws are preserved.

Adult cannabis use activity	Current criminal penalties	AUMA 2016 voter initiative
Possess < 1 ounce of cannabis	\$100 ticket	Legal
Possess < 8 grams concentrate	One year, \$500 or both	Legal
Transport < 1 ounce / 8 grams	\$100 misdemeanor	Legal
Give away < 1 ounce / 8 grams	\$100 misdemeanor	Legal
Homegrow 1 cannabis plant	16 months, two/ three years	Legal
Homegrow < 6 cannabis plants	16 months, two/ three years	Legal
Harvest > 1 ounce and keep it	16 months, two/ three years	Legal
Smoking where tobacco banned	\$100 ticket	\$250 ticket
Public smoking <u>or</u> Underage use	\$100 ticket	\$100 ticket
Age 18-20 grow < 6 plants	16 months, two/ three years	\$100 ticket
Age 18-20 < 4 grams concentrate	One year, \$500 or both	\$100 ticket
Offenses by minors < age 18	Same as adults	Counseling, community service, drug education
Age 18 and up grow > 6 plants	16 months, two/ three years	Six months, \$500 or both
Possess > 1 ounce cannabis	Six months, \$500 or both	Six months, \$500 or both
Possess > 4 / 8 g. concentrate	One year, \$500 or both	Six months, \$500 or both
Transport, give away > 1 ounce	Two/ three/ four years	Six months, \$500 or both
Sales without a license	Two/ three/ four years	Six months, \$500 or both
Possess with intent to sell	16 months, two/ three years	Six months, \$500 or both
Third or aggravated > 6 plants*	16 months, two/ three years	Wobbler
Third <u>or</u> aggravated intent to sell*	16 months, two/ three years	Wobbler
Third <u>or</u> aggravated sales*	Two/ three/ four years	Wobbler
Sales involving minors	Three to seven years	Three to seven years

* Such as involving minors, gross negligence, toxic / hazardous substances, watershed / environmental harm, prior super strike, registered sex offender.

Chart prepared by cannabis expert witness Chris Conrad.

For an indexed online guide to the text of AUMA broken down by sections and separately tabbed, see <http://chrisconrad.com/category/adult-use-act-2016/>
Produced with support from Drug Policy Action. © Drug Policy Action.

Key: Felony Wobbler: Felony or Misdemeanor Misdemeanor Infraction Legal

What Does the Adult Use of Marijuana Act Voter Initiative Do?

How does the AUMA initiative work?

The Adult Use of Marijuana Act (AUMA) will **make cannabis legal for adults age 21 and above to possess, carry, share and grow** in small amounts for non-medical personal use. It does not allow public consumption, driving impaired or furnishing to minors. AUMA protects, integrates and expands existing state medical marijuana laws.* It makes cannabis an agricultural product and regulates the market with licensing at both state and local levels. Localities could still ban cannabusinesses. **AUMA taxes commerce and allocates funds** for implementing the laws, youth programs, scientific research and social justice grants. AUMA drops nine cannabis felonies and releases offenders from prison but it retains certain criminal penalties. AUMA restricts police searches. Finally, it brings industrial hemp back to agriculture.

Isn't marijuana already legal? **No!** Currently having up to an ounce is an infraction and if police say you plan to sell any amount, it is charged as a felony. Having more than an ounce of bud or any concentrate is a misdemeanor. Sharing or transporting any amount is a misdemeanor. Gardening, sales and transportation charged for sale are all felonies. **Having a doctor's letter of recommendation gives patients a qualified legal immunity defense in court but they can still be arrested and prosecuted.** There are lost wages, attorney fees, fines and court costs to pay. A pot arrest can affect educational benefits, housing and other things for the rest of your life.

So I won't need a doctor's note anymore?

Adults throughout the state will have a legal right to possess, grow and share small amounts of marijuana, to work in the industry and to apply for a commercial license with no doctor's note. **For larger medical amounts, patients will still need to have a doctor's recommendation.**

Prepared by cannabis expert witness Chris Conrad

* Sections 11362.2(b)(2), 11362.3(f), 11362.45, 11362.712(a) and 26067(a) reinforce the current laws and 11362.84, 26054.2(a), 26067(a) and 34012(a) create new rights.

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How much cannabis could an adult have?

An ounce of herb and 8 grams of concentrate per adult; six plants per household. You keep the entire harvest, of course, even if it's more than an ounce.

Where can we light up?

In your home or at any duly licensed cannabis venue, like going to a bar to have a drink. **Localities can authorize and license events and venues to allow "on site" consumption** but cannot have alcohol or tobacco sales at the same venue as marijuana.

How much would the new cannabis tax be?

There is a production tax at the cultivation level and a **15% excise tax** built into the sales price at the point of purchase. This is lower than the tax in other states, but if it is found to be so costly that it leads people to the illicit market, regulators can reduce it. Sales and local taxes also apply but patients with a state patient ID card are exempt from the sales tax.

What are some of the other restrictions?

Proof of age will be required to buy marijuana. It does not allow public consumption except in a place licensed for on-site use. **No smoking is allowed in a moving car** and no open containers in the passenger area, so people will have to carry cannabis in their trunk or some kind of closed container. Unlicensed sales remain illegal and sales to minors can be a felony. **AUMA imposes strict anti-monopoly restrictions.**

What if I want to grow and sell marijuana?

A vendor would need both a state and local business license. You could work as an employee, get a license or be owner / investor in one or more licensed production or sales companies — even with a prior cannabis conviction. **Check out the small grower or microbusiness license**, that's a good place to start; and good luck!

How can I learn more or get involved?

Yes on AUMA campaign: letsgetitrightca.org • **Friends of AUMA:** auma2016.com • **Cannabis law:** ChrisConrad.com • **News:** theLeafOnline.com

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County of San Diego

Exhibit No. C

Meeting Date: 10/04/16 Agenda No. 17

Presented by: Public

AN HELP
GALIZATION PLAN TO
ION TO WIN.

TO DEFEAT THEM.

NOVEMBER 8, 2016,
in YOU.

ens Against Legalizing
elow. Even \$5.00 helps.

t CALMca.org
efforts to legalize marijuana.
campaign ID 1326759

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HER LEGALIZATION:
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nia Police Chiefs Association,
etective League, Association of
ifornia Hospitals Association
i, Take Back America, California
alifornia Sheriff's Association,
ijuana (SAM), National Families
ares, Courage to Speak

Colorado & Washington are Disasters!!

The "Regulate and Control" policy attempt has failed – yielding huge increases in underage and adult use, poisonings, and drugged driving

DON'T LET THIS HAPPEN IN CALIFORNIA – VOTE NO ON PROP. 64

Colorado legalized recreational use in 2012 and now has more marijuana use than any other state in the nation.

Age	Colorado ²⁴	
	Vs. National	National
	Avg	Rank
12-17	+74%	#1
18-25	+62%	#1
26+	+104%	#1

"We are not making any extra revenue from this [legal MARIJUANA]...we've spent millions and millions of dollars and we still haven't gotten [people] to realize you're taking some serious risk [when consuming marijuana], certainly as a teenager, when your brain is still growing so rapidly."

- John Hickenlooper, Governor of Colorado (Oct 2015)

Colorado

- In 2015, drug crimes rose 12.5% in the city and county of Denver. Homicides were up over 74%.
- Marijuana poisonings were up 148% in Colorado; up 153% among children 0 to 5 year olds.
- Minority and disadvantaged communities are disproportionately impacted in Denver, with one lower-income neighborhood reporting a marijuana business for every 47 residents.
- Illegal drug traffickers and cartels hide among the "the State's flourishing legal marijuana industry."¹⁸

Source: 2015 Rocky Mountain HIDTA Data

Washington

- One-third (33%) of all DUI cases now test positive for THC, up from 19% in 2012.
- Drivers in fatal accidents with THC in their blood increased over 120% from 2010 to 2014.
- 49% of young adults (ages 18-25) who used marijuana in the past month had driven a car within three hours of getting high. For 16% of those young adults, it was a behavior they had repeated six or more times that same month.
- Marijuana driving fatalities nearly match alcohol driving fatalities (27% and 29%, respectively).⁷
- Kids ages 12-17 accounted for 74% of all state marijuana seizures in 2014 (up from 28.9% in 2010).
- In Seattle public schools, 77% of all drug and alcohol disciplinary violations in a five-month period (9/2014 to 1/2015) were related to marijuana.
- Marijuana poisoning calls to the State Poison Center rose 54% from 2012 to 2014.
- State authorities have yet to criminally prosecute any marijuana businesses for attempting to sell pot to minors, despite documented violations that entail felony liability.
- Washington State now has nearly 200 more recreational marijuana dispensaries than Starbucks outlets fueling massive increases in consumption.

Source: Northwest High Intensity Drug Trafficking Area (HIDTA) office in Seattle

"As with Big Tobacco, the pot industry knows that hooking kids while they're young is the best way to generate the heavy users their business model needs." – Jeffrey Zinsmeister, SAM EVP

"The 'regulate and control' model legalizers promised is simply a corporate free-for-all," – Dr. Kevin Sabet, President of SAM.
"It's profits before public health and safety, in all these states."

Permission to reprint is granted, calmca.org • Email CarlaDLowe@aol.com for Print-Ready PDF.

Paid for by CALM Campaign ID 1326759

July 2016

Citizens Against Legalizing Marijuana (CALM)



*The Future of our Children and
Country is in your hands*

Vote NO on Prop. 64
November 8, 2016

PROPOSITION 64, written by the Marijuana Industry, serves its interests over ALL others including public health and safety:

- **Increases teen use of marijuana** through increased access, unlimited advertising and a minor fine for selling to youth.
- **Increases drugged driving** through increased availability while setting no impairment levels for identifying DUIs.
- **Expands the black market for marijuana** as every home can be an unregulated pot farm.
- **Reduces home values greatly and ruins neighborhoods** due to property damage, growing stench, increased traffic, noise and drug dealing.
- **Establishes another expensive State bureaucracy** with tax payers and the General Fund responsible for any shortfall.

"No amount of taxing, regulating or legislating will change the highly-potent, long-acting, mind-altering THC in marijuana that damages the developing brain." – Carla Lowe, Founder/Co-Chairman, CALM

"How many more people can get stoned and still have a great State or Nation?" – Governor Jerry Brown

CALMca.org

No. CA 916-708-4111

So. CA 916-270-2675

Marijuana use is linked to downward social class mobility, mental health behaviors, and relationship conflict.¹⁶

MARIJUANA IS NO JOKE

Less than 0.1% of state prisoners are in jail for simple possession.¹⁰



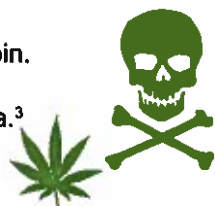
Her Drugs

Marijuana has the same receptor site system in the brain as heroin. It can lead to seeking stronger drugs. Many people began their drug journey with marijuana.³

Marijuana and the Brain¹⁹

Marijuana exacerbates: Depression, Psychosis, Schizophrenia, Hallucinations, psychotic breaks / Violent acts / Suicides, Memory loss, loss of memory, perception, motor skills, and neural degeneration.

Marijuana impairs reaction times, divided-attention tasks, driving, peripheral vision, cognitive function & coordination.¹ Studies in Colorado are marijuana related (+32% increase).²² Accidents more than doubled in one year after legalization in Washington.²³ More than 1,500 traffic fatalities in California in the past 5 years.⁷ Alcohol increases impairment up to 8 times.¹



Teen Use

- Increases dramatically wherever marijuana is legalized.
- Causes irreversible IQ loss up to 8 points and higher likelihood of Amotivational Syndrome.¹³
- 1 in 6 teens who try marijuana will become addicted.¹²
- Heavy Users are less likely to graduate.¹⁵
- Big Marijuana's goal – teen users today become lifetime consumers tomorrow.

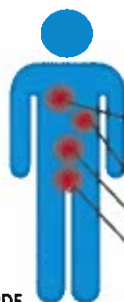
Neurological development crosses a barrier and is irreversible.⁵



Learning difficulties later in life as in offspring of heavy users.⁹

1-800-4111 • 916-270-2675

Request • Email CarlaDLowe@aol.com for Print-Ready PDF.



Physical Health Impacts

LUNGS: Smoke from marijuana contains 4-5x the toxins, irritants & carcinogens as tobacco smoke; 20 times more ammonia.¹⁹

HEART: increases likelihood of heart attack

IMMUNE SYSTEM is weakened

Negatively impacts **REPRODUCTIVE SYSTEM**¹⁴



Think Marijuana is harmless? You don't know POT!

POTENCY:

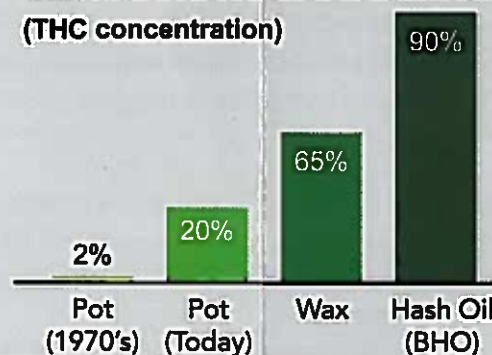
Marijuana (a.k.a. Cannabis) today is

10-40x stronger than 40 years ago

Would you take 40 aspirin at one time?

THC (the mind-altering chemical in marijuana that gets a user high) is stored in fat tissue and is slowly released back into the blood stream keeping that THC in the body for many days, even weeks after the pot is used. This THC continues to negatively affect memory and emotional processing, organs and bodily systems.⁴

TETRAHYDROCANNABINOL (THC concentration)



Crime

- 50% of men and 30% of women arrested for any crime test positive for marijuana.
- 70% of inmates are addicted to drugs and/or alcohol.²
- Guns and other weapons are common at both large and small cultivation sites.

Butane Hash Oil (BHO)

- Increases THC potency to 90%²¹
- As dangerous to make and consume as meth
- Easily causes explosions and fires in neighborhoods where it is cooked.



Edibles / Vaping

- BHO used in "Vaping" devices (aka e-cigarettes) creates a carcinogenic inhalant.
- BHO is used in the manufacture of candy, brownies, soda, gummies, butters, etc.
- Vaping and Edibles are favorite ways for youth to ingest marijuana (THC).
- BHO is not overseen by any regulatory body. There are no quality controls, no limits on potency, or limits on contaminants.

Marijuana is Big Money (but not for the community)

- One plant can bring \$2,000 to \$4,000 to a grower/distributor.
- Black Markets still thrive after legalization.¹⁸
- Tax revenues from pot sales do NOT cover increased crime, health care or addiction services. Revenues are projected to be less than .003% of total CA state tax revenue.⁶
- Cost of law enforcement increases, not decreases with legalization.
- CA already has 50,000 illegal cultivation sites that supply 60% of marijuana to the US.⁸



Marijuana is NOT Earth-Friendly²⁰

- 1 plant uses 6 gallons of water per day.
- Streams diverted to grow sites kill flora and fauna downstream.
- Poisons and illegal fertilizers contaminate streams and forests.

"First, Do No Harm"
Marijuana is harmful



OPPOSING LEGALIZATION

American Medical Association
American Cancer Society
American Epilepsy Society
American Academy of Pediatrics
American M.S. Society
National Eye Institute
American Lung Association
and others

Is Marijuana really Medicine?

Whole plant marijuana and THC oils are not medicine:

- Components may have medicinal value, i.e. CBD (Cannabidiol)¹¹
- To protect the public, the FDA testing and approval process determines drug safety, dosing efficacy, side effects, potency, duration, interactions, etc.
- The potential for marijuana-based, FDA approved drugs does NOT require marijuana "legalization."

Effects on Driving Skills, Clin Chem 2013. 2 - T Coates, Atlantic Monthly, /The Case for Reparations/, June 2014. 3 - Dr. Forest Tennent. 4 - R Holmes MD, Florida Alliance for Drug Endangered Children; /Health Consequences of Using MJ: Effects on Infants, Children and Young Adults/ 5 - E. Frider, J Neuroendocrinol. 2008; 20:75-81 & EC Blume - UNC, Cancer Causes and Prevention 2015-2016 Full Budget, Alcohol tax revenue. 7 - Fatality Analysis Reporting System, 2014, National Highway Safety Transportation Administration. 8 - Senator Mike McGuire & Asm Mike Wood, 2015. 9 - E Sassenrath, UC Davis Primate Research Ctr and Neuropsychopharmacology, 2014 May 39 (6): 1315, 23. 10 - CASA - Behind Bars II - Research Project, NIDA, /The Science of Drug Abuse and Addiction/, by Dr. Nora Volkow referencing Monitoring the Future Study, 2010. 13 - Dr. M. Seal, Melbourne University, APP article, /MJ causes brain damage/, August 2012. 14 - VK Cortessis MSPH PhD 2012. 15 - E Silins, et al 2014, /Young Adult Sequelae of Adolescent Cannabis Use - an Integrative Analysis/ Cannabis Dependence ... A Longitudinal Cohort Study/. 18 - Washington Post, April 14, 2016, /Dozens arrested in Denver-area pot raids targeting exporters/. 19 - Dr. B Madras, Professor of Psychobiology, Dept of Psychiatry, Harvard School. 20 - California Fish & Game Warden Association, 2010. 21 - Keith Graves, PD - Graves & Associates. 24 - U.S. Dept. Health & Human Services - SAMSHA