

# COMPARISON OF 2016 CANNABIS LAW REFORM MEASURES

	The Safe Communities and Parks Act (SCPA)	Community Restoration Act of 2016 to Regulate, Control and Tax Cannabis (CRA RCTC)	Marijuana Control, Legalization and Revenue Act 2.0 (MCLR)	CA Craft Cannabis Initiative (CCI)	California Cannabis Hemp Initiative (CCHI)
Age requirement for legal possession	21 for Public Possession; Private Possession Unrestricted (HS §11721, §11727).	21 for Possession and Purchase (HS §11362.3(f))	21 for Possession and Purchase (BPC §27100(a)).	21 for Possession and Purchase (HS §11426(b)).	21 for Purchase, no age specified for possession (HS §11362.3(f)).
Home Grows and Possession Restrictions	6 mature plants or 25 square feet per adult, whichever amount is greater. Statewide arrest protections for up to 2oz dried; but may possess and transport any amount in excess reasonably related to his or her personal use ( <i>similar to MMJ possession laws today</i> ). May keep any amount grown on private property. (HS §11721).	One ounce in public. 25 square feet per residence/parcel (HS §11300). Affirmative defense for possession greater than one ounce.	No statewide plant limit; cultivation regulated by local government; bans personal-use outdoor cultivation statewide except in fully-fenced areas and greenhouses. No defined dried limit (BPC §27710).	6 total cannabis plants (mature +immature), provided that such plants are not seen, smelled, or perceived by non-consenting neighbors or the public. No defined dried limit (HS §11429(a)).	99 mature female plants per year per adult (HS §11362.3(f)).
DUI	Maintains current law. Requires the DOT to conduct trials of cannabis consumption to determine a scientifically acceptable and uniform standard of impairment (HS §11739.1).	Maintains current law.	Changes statewide standard for Impairment. Must be proven by videotaped, admissible evidence of observations, and no presumptions shall arise from any chemical test of blood, breath, hair, saliva or urine (BPC §27870).	Maintains current law (HS §11441).	Requires Legislature to develop a standard of impairment based on scientifically acceptable performance testing (Init. SEC. III(3)).
Tax Structure	\$8/oz (2017) incrementing to \$16/oz (2021) flat-rate excise tax on the initial sale, payable by anonymous cash-based tax stamp or deli-style metered impression. Caps local voter-approved taxes on retail sale to 5% total. Exempts patients from sales tax and local retail taxes, and terminally ill from all tax (RTC Part 14.5, §34001).	10% Producer Tax, 10% Processor Tax, 10% Retailer Tax, 8.44% Sales Tax, Uncapped local taxes. No medical marijuana exemption, even for terminally ill. Imposes an extensive "track-and-trace" system to ensure tax compliance. Uncapped local taxation upon voter approval (RTC §31050 & §31200)	Defers to Legislature to create up to a 10% excise tax on retail sale. Allows Legislature to increase the excise tax by 1% annually after 2020. Other taxes may be imposed similar to alcohol. Qualified patients exempted from sales tax. No caps on voter-approved general or special taxes (BPC §27300(f)).	Defers to Legislature to impose up to a 30% tax on either/both the processing and sale of cannabis. Sales tax not applicable to patients. (HS §11440(a)).	Defers to Legislature to create up to a 10% excise tax on retail sale. Other taxes may be imposed similar to the wine industry such as sales tax (Init. SEC. III(2).).
Distribution of Excise Tax Revenue	Drug Prevention and Substance Abuse Programs, Restoration of our State Parks, Watershed Protection and Restoration Projects, and Medical Cannabis Research (RTC §34031).	Minimum of 50% to "nonprofit entities whose principal objectives are to ensure the political, educational, social and economic equality of minority citizens related to substance abuse education and prevention. (RTC §31105)	Higher Education, Universal Preschool and K-12 Public Education, Drug Abuse Education and Treatment, Water Conservation, Local Governments, and Police and Fire Services (BPC §27300(a)).	Unspecified.	50% for research, development and promotion of diverse industrial, nutritional, and medicinal hemp industries in California.
Licensing Agency	Diverse Cannabis Regulatory Control Board under the Department of Consumer Affairs. Includes one member from the industry as well as a member of the public. (BPC §26002).	Board of Equalization (BPC §22992.4).	"Cannabis Control Commission", with over 50% of commission members having various levels of involvement or experience with medicinal cannabis in CA. May require at least one member to admit that he/she violated Federal law to use medical cannabis (BPC §27510).	"California Cannabis Commission" to regulate similar to alcohol (HS §11427(c)).	Unspecified. Potentially Department of Alcoholic Beverage Control based on references to the wine industry.
Licensing Regime	Commercial Cultivator, Wholesaler, Adult-Use Collective "Cannabusiness", Medical-only Collective, Testing Facility, and Retailer. Vertical integration with one license (BPC §26020-26034).	Commercial Producer, Processor, Wholesaler, Retailers and Transporters (BPC §22992.4).	Two-tier Commercial Cultivator licenses, as well as licenses for Distributor, Processor, Retailer. Vertical integration requires multiple licenses (BPC §27610).	Cultivator, Distributor, Retail licenses. Vertical integration appears to require two licenses (HS §11427).	Defers to Legislature to enact regulations similar to the wine industry.
State License Costs	\$250-1000/year max (BPC §26020-26034). \$5,000 enforcement fee for cultivation of more than 1000 plants.	Unspecified	\$1000-\$10,000+/year minimum. Commercial cultivation subject to a \$65,000/year fee per acre (BPC §27610).	Unspecified/Uncapped.	\$1000/year max (Init. SEC. III(1)(A)).
Treatment of Commercial MMJ	Tax-free purchases for patients. Regulated by same agency. Segregated MMJ license available for full tax exemption, integrated adult/medical use for sales, general and special tax exemption (BPC §26020-26034)	Increases taxes on medical marijuana, as described in Tax Structure section. No protection of cannabis as medicine, and potentially pre-empting existing MMJ collective laws with the licensing laws.	Tax-free purchases for patients. Creates a license for medical operations, but also allows for MMJ operations in compliance with 2008 AG guidelines (BPC §27100(r)).	Tax-free purchases for patients. Keeps existing unregulated MMJ environment, but prohibits the local ban of medical collectives (HS §11437(a)).	Tax-free purchases for patients. Treats all businesses reasonably the same under future unknown regulations enacted by the Legislature (HS §11362.3(c)).

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<b>On-Site Consumption</b>	Yes by state default for licensees, subject to final local control (BPC §26076(b)).	Local governments may regulate on-site consumption (HS §11301).	Allowed in verified "restricted areas" and in other places similar to alcohol. Local governments likely allowed final approval. (BPC §27710).	Leaves to California Cannabis Commission to decide whether or not to implement (HS §11431(a)).	Presumably Yes.
<b>Public Smoking</b>	Permitted statewide, but local governments may adopt a \$50 fine on non-medical smoking in public. Smoking on school grounds remains prohibited for all (HS §11722-11723).	Prohibited in public except for in outdoor designated smoking sections on the premises of recreational cannabis-only facilities (HS §11300(b)).	Lawful in public in a manner similar to alcohol (subject to potential local prohibition). No statutory limit on fines or punishment (BPC §27100, §27400).	Prohibited on public lands (HS §11423(a)(7)). Further restrictions possible by Legislature (HS §11441).	Permitted statewide, subject to future unknown regulations by Legislature.
<b>Local Control</b>	Local governments may restrict home grows in non-agricultural zones that exceed more than three persons, and may restrict the unlicensed outdoor (non-greenhouse) cultivation of cannabis in public view. Restrictions or bans on licensees or outdoor cultivation may occur upon majority vote of the local voters (HS §11736.1, BPC §26050).	Cities and counties have complete local control (See Part B of SEC 2 of initiative; Findings, Intents and Purposes)	Requires a floor of one dispensary per 25,000 residents, except that further restrictions or full bans on licensees may occur upon majority vote of the local voters (BPC §27480).	A local government entity may further provide for the zoning of businesses selling or otherwise distributing medical or adult-use cannabis pursuant to existing authority but may not ban the sale of cannabis (HS §11437(a)).	Treats all businesses reasonably the same under future unknown regulations enacted by the Legislature (Init. SEC. III(1)(A)). Bans likely prohibited under this measure.
<b>Employment Discrimination Protection</b>	No. Defers issue to Legislature, or local ordinance. (Current Law; codified in HS §11739.2)	May not be denied any right or privilege for any conduct permitted by Act, unless it impairs job performance (HS §11305(c)).	Yes, for non-safety sensitive positions (BPC §27420).	No. Defers issue to Legislature.	Yes (HS §11362.3(e)(2)).
<b>Regulatory Features</b>	Integrates medical and adult-use markets, cutting down the overall hassle that the consumer faces in purchasing legal cannabis. Automatically-increasing excise tax rate as the price of cannabis drops. Confidential tax collection through a stamp. Allows adults to sell their personal use amounts to a licensed collective (similar to MMJ).	Separate licenses for each stage, but allows for entities to have multiple licenses. Implements a track-and-trace program to collect the various excise taxes. Merges medical and recreational markets, without distinction or tax exemption for seriously or terminally ill patients.	Offers a licensing scheme for the cultivation, processing, distribution and retail sale of cannabis for adult-use. Allows for unlicensed medical-use sales through existing MMJ establishments, which allows the license program to mature separately. Unregulated MMJ not subject to quality controls or grower certification.	Regulates cannabis mostly like alcohol, without providing too many specifics. The California Cannabis Genetic Repository will maintain germplasm of all reasonably available strains of the plant genus Cannabis for the purpose of documenting and preserving the genetic diversity of cannabis.	Defers to Legislature to enact regulations similar to the wine industry.
<b>Self-Enacting Tax and Regulations</b>	Yes. Fully implementable without any further action by the Legislature. The Governor must appoint seven members to the Board; however, until the state issues licenses, local governments may regulate or ban commercial operations accordingly.	Mostly implementable without any further action by the Legislature.	No. Defers enacting an excise tax on the sale of adult-use cannabis to Legislature, which may stall the commercial regulations due to 2/3 requirement. Most regulations will need to be determined by the Commission or by the Legislature in order to begin the program.	No. The California Cannabis Commission has no pre-determined funding source for an initial loan. Defers enacting an excise tax on the sale of adult-use cannabis to Legislature, which may stall the commercial regulations. Most regulations will need to be determined by the Commission or by the Legislature in order to begin the program.	No, requires Legislature to enact a reasonable tax and regulation policy before any commercial sales can occur.
<b>Common Complaints</b>	(1) Doesn't provide any explicit protections in employment or in receiving organ transplants. (2) Defers the creation of scientific impairment standards to the Legislature. (3) Allows cities to ban outdoor cultivation (excluding greenhouses/ enclosed structures) and licensed establishments upon local majority voter approval (versus pre-empting local bans)	(1) Saddles medical marijuana patients with higher costs due to 10% tax at each level, and no exemption of Sales Tax. (2) Burdensome track-and-trace system that may expose identifying taxpayer information to federal authorities. (3) Excessive tax rates may encourage a high rate of non-compliance. (4) Possession and home grow protections too restrictive. (5) Tax revenues go directly to organizations like the NAACP. (6) Incorporates the text of Prop 19 nearly word-for-word, including all of its many faults.	(1) License fees and regulations favor existing MMJ business owners, and create a high buy-in starting point for new businesses (seemingly anti-competitive). (2) Home grow protections wildly subject to local control. (3) Imposes restrictions on introducing evidence of DUI, which would likely mean the measure would face significant opposition from law enforcement and public safety groups. (4) Prohibits any commercial medical marijuana regulations in the future.	(1) 30% tax on the processing and/or sale of adult-use cannabis would create disparate markets since medical marijuana would be tax-exempt. Likely a continued black market. (2) Regulations promote existing MMJ business owners, (3) Most regulations, including fees, regulations, and other commercial policy is left to the Commission and/or the Legislature to develop. (4) Home grow regulations are the most restrictive of all proposed initiatives.	(1) Lacks an initial regulatory structure. Largely up to the Legislature to determine a "reasonable" licensing structure, which offers little guidance to state and local governments attempting to regulate a multibillion dollar industry. (2) Too loosely worded and permissive in its personal allowances to effectively regulate.