

Regulating Marijuana in California

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With research support from Talib Jabbar



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If California decides to legalize recreational marijuana use, it should:

- Begin with a relatively tight regulatory strategy
 - Create a single market
- Build into legislation and regulations a capacity to change
- Require reporting and data collection to guide future policy decisions

Nationwide trend of relaxing marijuana prohibitions

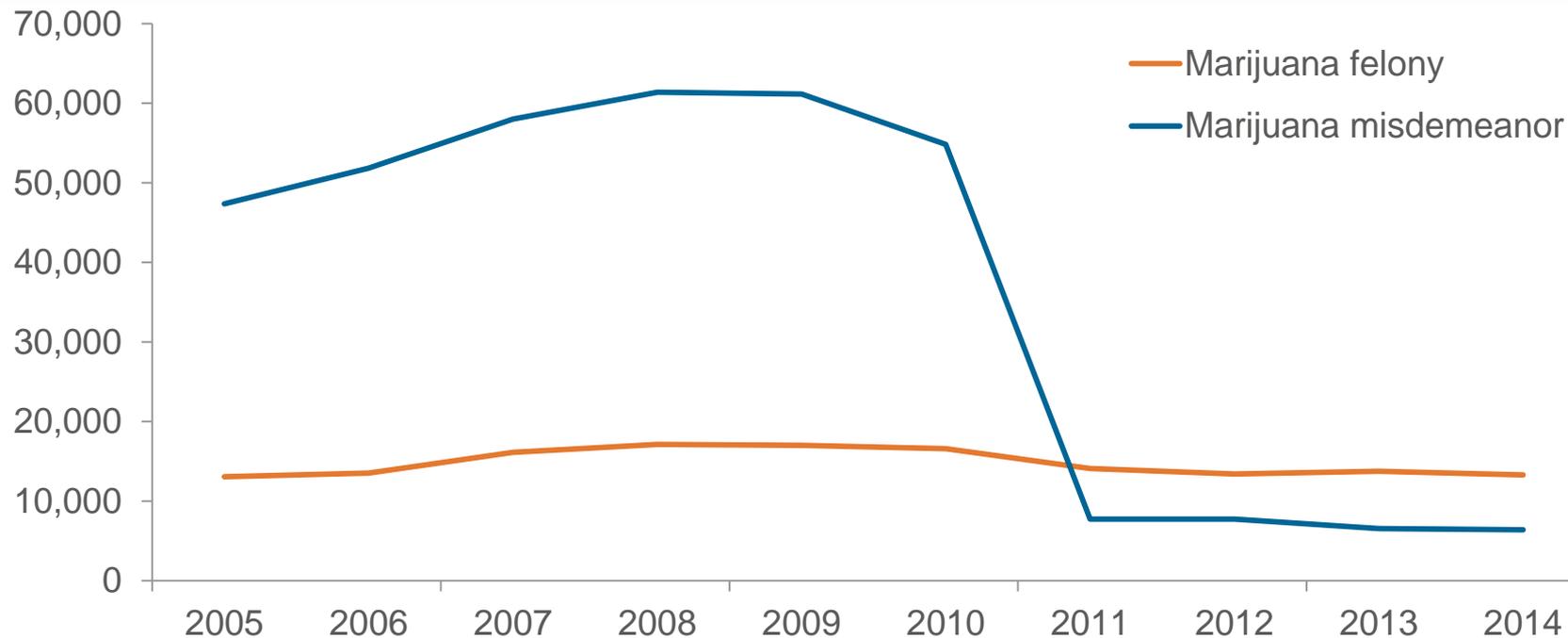
- Medical
 - In 1996, California passes medical marijuana
 - Today, 24 states and DC permit medical use; almost one-half of the population
- Recreational
 - Four states and DC have legalized recreational use; 5.6% of the population
 - California and as many as 11 other states could have 2016 ballot initiatives
- 58% of the population could have access to medical use, recreational use, or both by end of 2016



California's approach to marijuana differs from federal law

- Federal government makes marijuana a controlled substance (1970)
- California has gradually relaxed marijuana laws
 - 1 oz. possession = misdemeanor (1975)
 - Medical marijuana legalized (1996)
 - 1 oz. possession = citation/fine (2010)
 - Medical marijuana dispensaries regulated by legislature (2015)
- Current federal position remains unclear

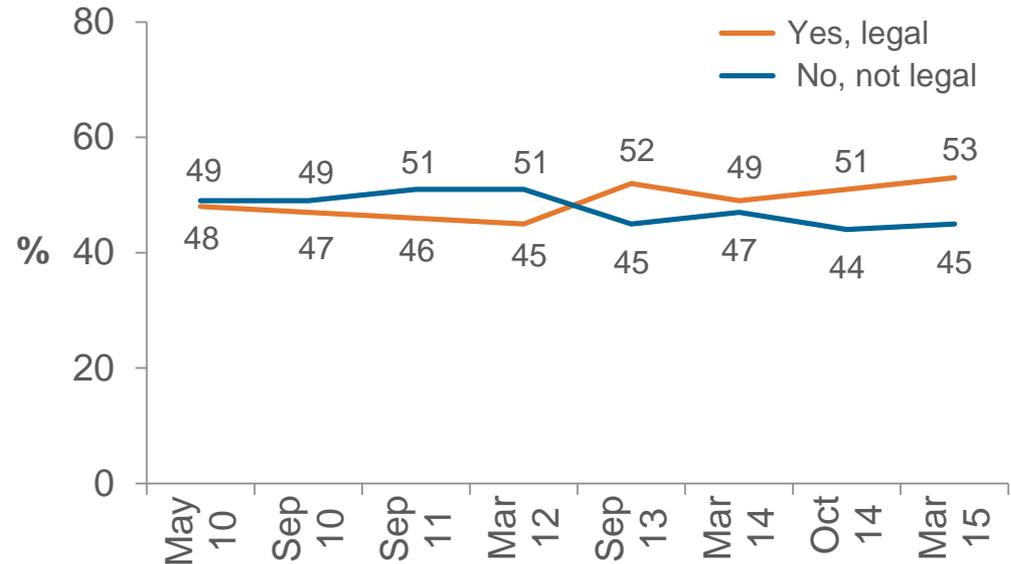
Dramatic drop in marijuana-related misdemeanor arrests



Support for legalization in California has grown

- Likely voter support rose from 49 percent (2010) to 55 percent (2015)
- Several 2016 ballot initiatives have been filed; one likely to emerge

Californians' support for marijuana legalization has risen slightly since 2010



A regulatory framework needs to cover five key areas

- Cultivation, production, processing
- Sales, consumption, and possession
- Taxes and finance
- Public health and safety
- Governance

Cultivation, production, and processing

- Multiple goals in this area:
 - Reduce illegal market, limit diversion, protect environment, reduce criminalization
- How did other states approach the problem?
 - Both states restrict the number of licenses
 - CO allows ownership in both production and retail
 - WA does not
 - Both require strict product tracking and reporting
 - Neither state include environmental provisions

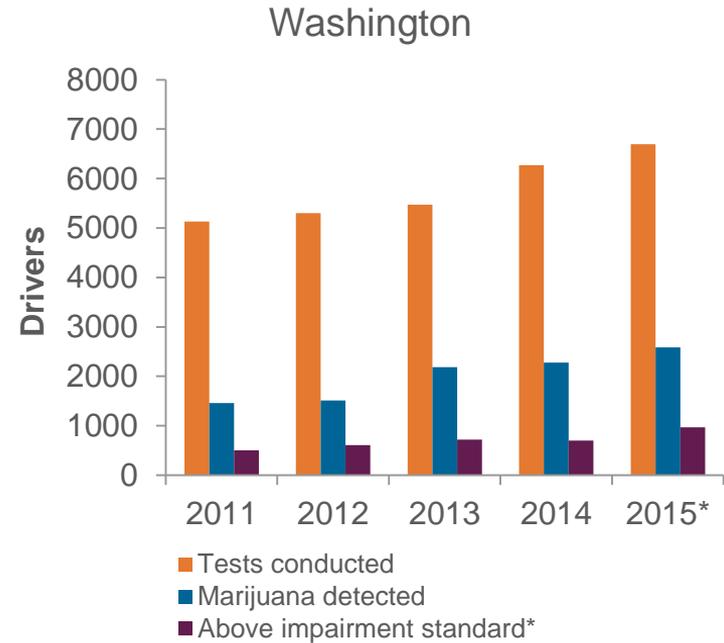
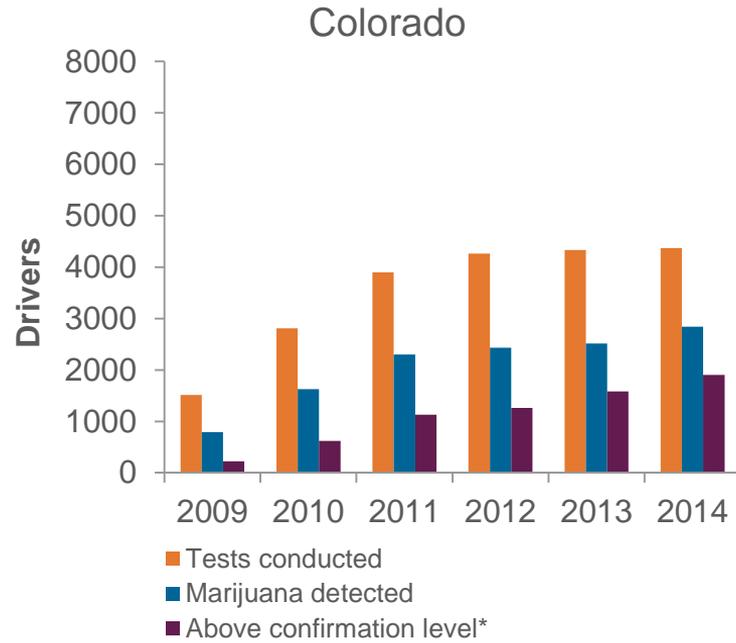
Restrictions provide control, carry tradeoffs

- A tightly regulated market would
 - Limit number of licenses
 - Limit size of cultivation
 - Track “seed-to-sale” production
 - Establish strict environmental and water use requirements
- Trade-off: A tighter market means more production remains illegal and unregulated

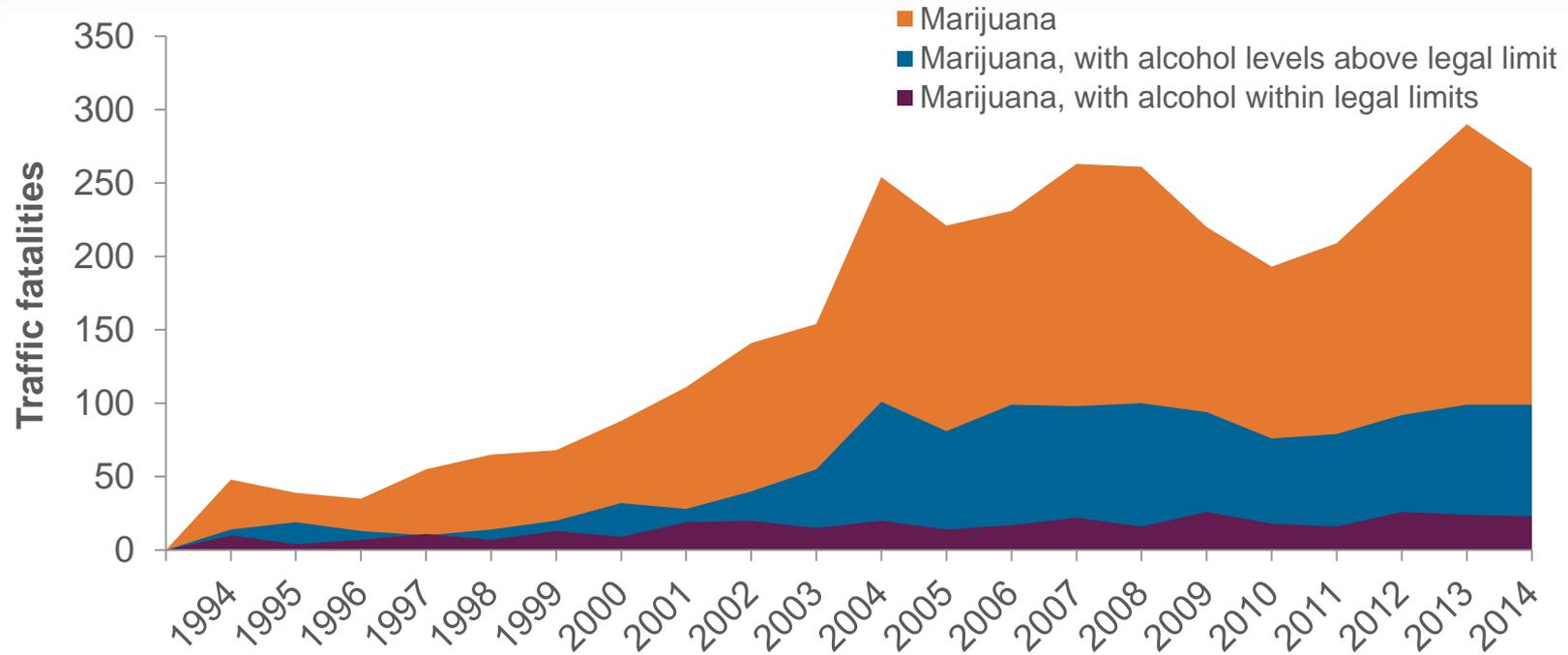
Public health and safety

- Multiple goals in this area
 - Limit abuse and dependence, protect public safety, prevent impaired driving
- How did other states approach the problem?
 - Both WA and CO established impairment standard
 - Both have supported development of prevention and education efforts
 - Both have seen increases in number of drivers testing positive

More drivers test positive in Colorado and Washington



Californians already use marijuana and drive; state will need to educate and deter



Elements of a tightly regulated marijuana market

Regulatory area	Recommendations
Cultivation and production	Limited number of licenses and size of cultivations; seed-to-sale tracking; strict environmental and water use requirements.
Sales, use, and consumption	Sales limited to individuals 21 and older; retail outlets restricted to marijuana-only stores; home grows prohibited.
Taxes and finance	A sales and/or excise tax as a percentage of selling price.
Public health and safety	Aggressive prevention/education campaign aimed at youth; funded research to develop an impairment standard; substance abuse treatment for the uninsured.
Governance	A single regulatory system that requires reporting and data collection across many indicators; built in reporting and impact assessment.

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Notes on the use of these slides

These slides were created to accompany a presentation. They do not include full documentation of sources, data samples, methods, and interpretations. To avoid misinterpretations, please contact:

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Thank you for your interest in this work.