

History of marijuana legalization in california



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Acting as the Government Relations Director of the Los Angeles police department, the legalization of recreational use of marijuana has created additional barriers for police officers to enforce illegal activities that are often related to the use, distribution and selling of marijuana not only by individuals but now include dispensaries that were selling for medical purposes only and then, only with a medical prescription. However, the federal legal status of marijuana is still considered illegal posing the question, when are marijuana crimes actionable in the state of California, and to what degree, or level of crime, will these potential violations be actionable.

In 1970 social stigmas and several attempts to regulate marijuana resulted with President Nixon signing the Comprehensive Drug Abuse Prevention and Control Act which included Controlled Substance Act (CSA). The CSA classified marijuana as a schedule I drug, meaning marijuana was unlawful for any person to deliberately or purposefully manufacture, distribute, dispense, or possess the controlled substance. This additional meant that as a schedule I drug, marijuana was deemed to not possess any accepted medical treatments in the United States and was considered to have a high potential for abuse. Over the next 20 years states would work towards reforming this law and decriminalizing the possession and use of marijuana being with medical use of which 35 states have participated in some form. These reforms would pave the way to legalization for recreational use of marijuana in the states.

For California this would begin with the Proposition 19 introduced in 1972, which would have limited the use of marijuana to those over the age of 18.

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The proponents of Proposition 19 would allow people to grow marijuana for personal use rather than forcing them to purchase it illegally due to the illegal status of the plant. Proposition 19 additional stance was that marijuana was not an addictive substance and was much safer for use than tobacco or alcohol. Opponents of Proposition 19 relied on the lack of research tetrahydrocannabinol (THC), which they argued made marijuana's effects unpredictable. Furthermore, to the opponents of Proposition 19 contended that legalizing marijuana would only further show support of open use which would result in encouraging the use of other drugs. This was supported by a study on 5000 heroin addicts that found that marijuana was the introductory drug of 95% of the addicted (Marchini & Parino, 2016). Proposition 19 would ultimately fail to be passed only receiving 33. 5% in favor of passing the law.

On November 8th , 2016 California voters passed Proposition 64, The Control, Regulate and Tax Adult Use of Marijuana Act (Prop 64). This law legalized the possession and growth of a specified amount of marijuana for recreational use to those 21 years of age and over. Proposition 64 also amended sections of the Penal Code, Business and Professions Code, Health and Safety Code, and the Revenue and Taxation Code to allow the legal use, possession, sale and distribution of marijuana. This created the need to reform and retrain organizations such as California Police departments, Border Patrol and the Drug Enforcement Administration (DEA) in order to properly follow in accordance with California state law. In conjunction with a need to reform and retrain certain departments to handle the new law state officials also needed to ensure that the state law would maintain the

requirements of the Cole Memo passed in 2013, which allowed states to legalize marijuana. The new law would allow adults 21 years of age and older to finally utilize marijuana in a recreational and responsible manner, while still protecting businesses' ability to refuse employment to marijuana users.

An association formerly known as Californians Against Legalizing Marijuana, (CALM) now known as Americans Against Legalizing Marijuana (AALM) opposes the approved Proposition 64, with a firm stance that it is an irresponsible action to allow marijuana to be legal for consumption. AALM states that it is extremely addictive to some people, that legalization has failed in other countries, marijuana is bad for mental and physical health, and decimates people's lives (AALM, 2016). In contrast supporters of recreational marijuana legalization state that it boosts the economy and is a much safer alternative to tobacco and alcohol. Furthermore, legalization would cut the cost of prosecuting the personal use of marijuana potentially saving millions in the process (Marchini & Parino, 2016).

The legalization of marijuana would go through several attempts to decriminalize the substance including, Senate Bill 95 (SB 95) which was a direct response to a study that showed that 90% of arrests for marijuana were for possession which was costing over \$100 million annually. SB 95 would reduce the mandatory sentence from ten years to and a fine of \$100 to no more than a six-month sentence and fine of \$500 dollars. In 1996 Proposition 215 introduced to the ballot an initiative to legalize the agricultural cultivation and possession of marijuana as prescribed medical use. In 2000, California Proposition 36 The Substance Abuse and Crime Prevention Act of <https://assignbuster.com/history-of-marijuana-legalization-in-california/>

2000 would be introduced. Prop 36 would further decriminalize the possession of marijuana removing the penalty of jail or prison time for offenders convicted of nonviolent drug possession. In 2003 the Senate Bill 420 would be approved the Medical Marijuana Program Act, which would require California's Department of Health Services to organize and implement a program for the identification of individuals who have been prescribed marijuana for medicinal purposes. In 2010 Governor Schwarzenegger approved the Senate Bill 1449 that would further decriminalize the possession of an ounce or less of marijuana from a misdemeanor offense to just an infraction, that would not soil one's public record. Additionally, in 2010 proposition 19 would be revived and place on the ballot once again only to not be approved this time only receiving 46.5 in support (Marchini & Parino, 2016).

In 2014 the marijuana initiative titled the Control, Regulate and Tax Marijuana Act, began to organize support however, postponed presenting it on the ballot until 2016, in order to Provide more time to reach out to elected officials, public health leaders and law enforcement. Additionally, it was believed that taking advantage of the presidential election would bring about more younger voters who are historically known for having greater support for marijuana legalization (Marchini & Parino, 2016). In 2015, Governor Brown would sign a collection of bills that would organize the Bureau of Medical Marijuana Regulation. Medical Marijuana would open the door to support what would be considered the next obvious step in the future of marijuana legalization. Sponsors of Prop 64 included extensive collection of newspapers, politicians, and organizations including Lieutenant Governor

Gavin Newsom, Sean Parker the former President of Facebook, and the California Medical Association, in addition to hundreds of other entities.

The Bureau of Marijuana Control would be placed within the California Department of Consumer Affairs and handled by three separate organizations, the Department of Consumer Affairs; the Department of Food and Agriculture; and the Department of Public Health. The Department of Consumer Affairs would hold exclusive authority over the issuing, renewing, discipline, suspension of a license for the transportation, distribution, or sale of marijuana. The Department of Food and Agriculture holds responsibility for managing the requirements relating to the cultivation of marijuana and have the authority to produce, issue, suspend or revoke a cultivation license. Lastly the Department of Public Health would be tasked with implementing and enforcing requirements related to the manufacturing and testing of marijuana and obtain the authority to create, issue, and suspend or revoke manufacturing and testing licenses for violations of set requirements (Marchini & Parino, 2016).

The initial proposed tax of 25% percent would be reformed to 15% and cultivations be imposed by a tax of \$9.25 per ounce this in addition to standing federal and state taxes. Prop 64 would also provide both cities and counties with the ability to add additional taxes to marijuana cultivation and sales. These taxes collected would 1st be used to cover the cost of implementing Prop 64 after which a disbursement of \$10 million annually would be given to California colleges in order to study the effects of Prop 64 and make recommendations for possible amendments. Next the taxes will be spent in a total of \$3 million annually, to the Department of California

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Highway Patrol to advance policies and procedures to determine whether a person is operating a vehicle while under the influence of marijuana.

Furthermore, the taxes will be used at a cap of \$50 million to mental health and job placement service to those who have been affected by the war on drugs. A \$2 million annual disbursement would be given to the University of California in San Diego for research on both the negative and positive effects marijuana. The remaining funds would be split among sub groups in the form of percentages. “ 60%–Would be attributed to youth drug prevention, treatment, and education.

“ 20%–Would go to environmental restoration projects. 20%–Would go to State and Local law enforcement accounts for programs testing, detecting, and enforcing laws against driving under the influence of alcohol and other drugs, including marijuana. However, if a local government bans the cultivation or retail sale of marijuana, they will not be eligible to receive these funds” (Marchini & Parino, 2016).

Legislative Analyst’s Office is required to provide a report by January 1 of 2020 with any recommendations of taxes to achieve the laws objective undercut illegal sales and discourage the use of those under the age of 21.

Proposition 64 is imperfect, with allowing both cities and counties the ability to ban the selling of marijuana with in their given districts it has left a sort of loop hole that marijuana dispensaries tend to find. The loop hole allows marijuana dispensaries to open in cities that have banned marijuana sales for a few short months only to pay the fine to the city and open up show in a different location with in the city and under a new name they except to be

shut down, but it tends to just be considered the cost of business. Other issues that arise is the lack of audits that occur in these businesses, business is supposed to follow a strict guideline however, more often than not dispensaries will sell a customer over the legal amount of 28.5 grams at a time, often providing customers with whatever they can afford. This results with products not being properly reported and taxed correctly. This also make it difficult for police to enforce the legal use of marijuana when it is uncertain which dispensaries are maintaining legal operations and which are not. Additionally, these pop-up dispensaries tend to not follow an array of guidelines provide in the laws including setting up near schools and areas where children are present. Many issues regarding the actual procedure in which these customers obtain their recreational drug must be better managed and observed. The law needs to be reformed to restrict the amount of fines any one company or entity can acquire without losing the license to sell.

Many of the public are happy with the legalization of marijuana as California's pot using community is not free from the restrictions of illegal consumption. It brings about more job creation as the need for budtenders and security for dispensaries continues to bloom. Additionally, jobs are created around the process of researching the various aspects of marijuana including health, policy, and social impact. This is in addition to the amount of people that will want to move to California simply for the law and the freedom it would provide is going to result in an economic boost for California. It would encourage other states to follow in the foot steps of California in an attempt to maintain their population and individual economy,

by adopting legalization of marijuana it would provide states with job creation and law reforms that would remove the cost of persecuting and incarcerating marijuana possession offenders. The cost of implementing Prop 64 is to be covered by the estimated \$1 billion in tax revenues made of this new enterprise. Of which was mostly directed towards covering what effects the public itself would suffer by the passing of this proposition however, no studies have shown that the legalization of marijuana has resulted in any major public problem other than it not being regulated correctly by businesses.

The biggest issue with marijuana legalization at this time is in fact stemming from the businesses themselves rather than the public that sets out to use it. Dispensaries are not supposed to allow marijuana to be used on the premises however, many offer the option of a dab hit right in the store and extra freebies as an incentive to get more customers to go into the store. Even some delivery services aren't following the law of 28.5 grams being the maximum amount allowed to customers following the general operation of selling what the customer can afford. This has brought about the problem of having too many sellers not following the restrictions of amounts which brings up the need to either remove the restrictions on the amount a customer can purchase and legally possess or to have stricter manners in which sellers are managed in order to secure the correct amount of taxes per business.

In summary marijuana after almost 35 years of preparation has finally been legalized for not only medical purposes but recreational use in the state of California. This has effectively created new branches of organization such as <https://assignbuster.com/history-of-marijuana-legalization-in-california/>

Bureau of Marijuana Control in which authorities have been provided to regulate and mandate the sale, cultivation and consumption of marijuana. Business, counties and cities have maintained their ability to protect themselves if they wish against the consequences of marijuana legalization. The public has gained the ability to protect themselves from the repercussions of legal actions due to their choice to participate in marijuana use and been given assurances that the products they do consume, when obtained legally, are of a safe and regulated status that was not otherwise previously available. Research and prevention measures for addicts have also been further supported by receiving funding not previously available to the sole purpose of furthering studies on the effects in various fields and capacities. Job creation has occurred by opening up the business of recreational marijuana much further than medical marijuana ever had. The support for the legalization of marijuana has just continued to grow over the years prior to Prop 64 being implemented and is believed to only grow across the United States even potentially moving to change the federal status of the drug, despite its current status of being a schedule I drug. Regulations and changes need to be made to ensure the delivery mechanisms of the product are being maintained. Regulations must be managed better in regard to what businesses are and are not allowed to do within a business including selling over the legal amount of possession. Additionally, taxes need to be better managed to ensure that businesses are providing the correct amount of taxes for products being sold to the public. Despite the discrepancies in company regulations of the selling of marijuana it appears that in the short time marijuana has become recreational the general public appear to be content with the laws as they stand, except for the limitation of only allowing

28. 5 grams to be the legal amount to possess. Marijuana users seem to want to be able to buy more at once because it will often result in a discount compared to buying their weed at the price of the individual sale of each gram. This fact is something that needs to be addressed and change should be implemented to either become stricter on this limit by not allowing dispensaries to discount large purchases or by increasing the legal amount of possession.

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