



Bay Area Planning Directors Association:

The History of Cannabis

Presented by:

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The logo for SCI Consulting Group features a green, curved line above the text 'SCI Consulting Group' in a bold, sans-serif font.

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Dynamic History of Cannabis in US

- Medical & Industrial use of Cannabis until 1937...
- Post Prohibition attitude changes -



Harry Anslinger

- Federal Bureau of Alcohol Prohibition
- Federal Bureau of Narcotics



- Marihuana Tax Act of 1937
 - *(This Ban was Opposed by American Medical Association)*



Illegal Cannabis in US

- Boggs Act of 1951
- Narcotics Control Act of 1956
 - First-time cannabis possession with no stamp tax:
 - 2 – 10 years
 - Up to \$20,000 fine
- Controlled Substances Act of 1970
 - Schedule 1 classification



“Legalization” of Cannabis in US

- The Cole Memo (2013)
 - 8 criteria to maintain State’s right to control
- The Rohrabacher-Farr Amendment (2014) or Rohrabacher–Blumenauer
 - Prevents funding for the DOJ or DEA to use for arresting or prosecuting patients, caregivers, and businesses that are acting in compliance with state medical cannabis laws
- U.S vs. McIntosh (2016)
 - 9th Circuit Court of Appeals reaffirms Rorabacher-Farr



Legalization Trends

- Medical cannabis is currently legal in 29 States
- Recreational Cannabis
 - 2012 Colorado and Washington
 - 2014 Alaska, Oregon and Washington D.C.
 - 2016 California, Maine, Massachusetts and Nevada



Recent History of Cannabis in California

- 1996 - Proposition 215
 - Authorized medical cannabis use
- 2003-4 MMPA (SB 420)
 - Collectives and cooperatives
 - Statewide voluntary ID program
- 2015 - The Medical Marijuana Regulation and Safety Act
 - Known as the “MCRSA”
 - Three bills co-joined AB 243, AB 266, SB 643
- 2016 - Proposition 64
 - Known as the “AUMA”
 - Authorized non-medical cannabis use



The Marijuana Policy Blue Ribbon Commission Hearings

- Formed by the ACLU and led by Lt. Governor Gavin Newsom
- Enlisted the assistance of many professionals from education, law enforcement, attorneys and the cannabis industry
- Workshops held throughout the State
- Assisted in the formation of the MMRSA
- Was pre-cursor to the harmonization of Prop. 64 and MMRSA



More Recent History of Cannabis in California

- 2017 - SB 94
 - Known as the “MAUCRSA”
 - Replaced MCRSA and integrates medical and non-medical regulations and license types
- 2017 AB 133
 - Allows multiple licensees on the same premises
- 2017 TBD – Implementing emergency regulations
 - Bureau of Cannabis Control (BCC)
 - California Department of Food and Agriculture (CDFA)
 - California Department of Public Health (DPH)



Prohibition

- Federal prohibition of alcohol
 - 1920 – 1933 = 13 years
- Federal prohibition of cannabis
 - 1937 – 20?? = ?? Years
- California prohibition of cannabis
 - 1951 – 2018 = 67 years



Federal vs. State Law

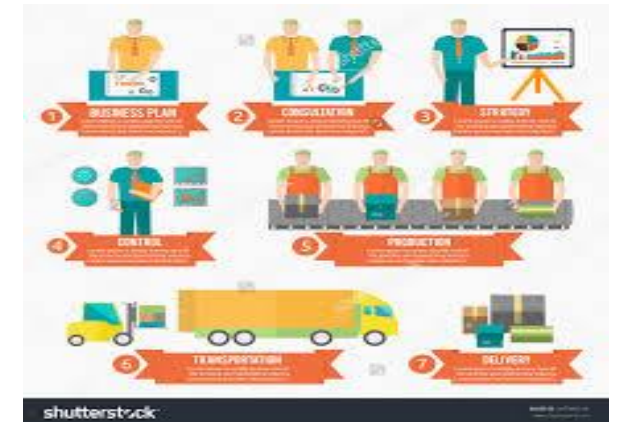
The incongruity between federal and state law has given rise to understandable confusion, but no legal conflict exists merely because state law and federal law treat marijuana differently. Indeed, California's medical marijuana laws have been challenged unsuccessfully in court on the ground that they are preempted by the CSA. (County of San Diego v. San Diego NORML (July 31, 2008) --- Cal.Rptr.3d ---, 2008 WL 29301 17.)

Congress has provided that states are free to regulate in the area of controlled substances, including marijuana, provided that state law does not positively conflict with the CSA. (21 U.S.C. § 903.) Neither Proposition 215, nor the MMP, conflict with the CSA because, in adopting these laws, California did not "legalize" medical marijuana, but instead exercised the state's reserved powers to not punish certain marijuana offenses under state law when a physician has recommended its use to treat a serious medical condition. (See City of Garden Grove v. Superior Court (Kha) (2007)]57 Cal. App Ath 355,371-373,381-382.)



5 License Categories and Responsible Agency

1. Retail, including delivery - Bureau of Cannabis Control
2. Manufacturing - Department of Public Health
3. Cultivation - Department of Food and Agriculture
4. Distribution - Bureau of Cannabis Control
5. Testing - Bureau of Cannabis Control



License Type (Slide 1)

Type 1—Cultivation; Specialty outdoor; Small

Type 1A—Cultivation; Specialty indoor; Small

Type 1B—Cultivation; Specialty mixed-light; Small

Type 1C—Cultivation; Specialty cottage; Small

Type 2—Cultivation; Outdoor; Small

Type 2A—Cultivation; Indoor; Small

Type 2B—Cultivation; Mixed-light; Small

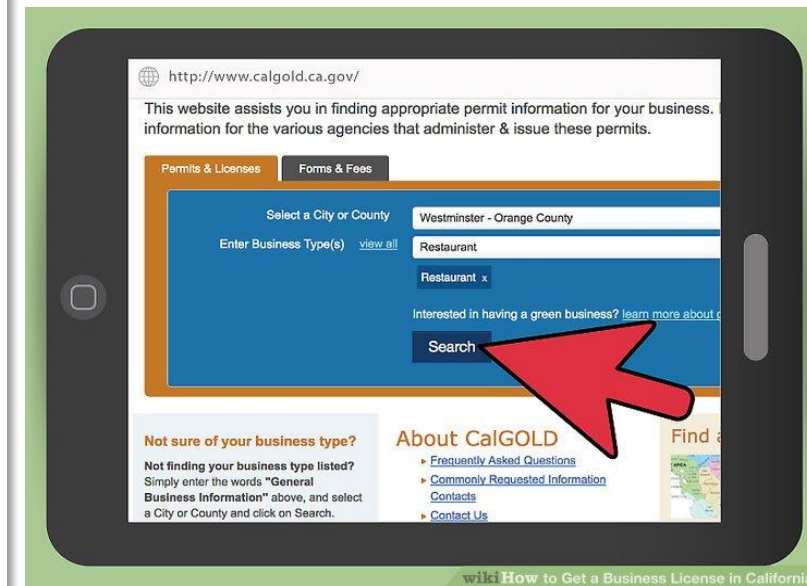
Type 3—Cultivation; Outdoor; Medium

Type 3A—Cultivation; Indoor; Medium

Type 3B—Cultivation; Mixed-light; Medium

Type 4—Cultivation; Nursery.

**Type 5, A, B —Cultivation; Large (not available until 2023)
outdoor, indoor, mixed light**



License Type (Slide 2)

Type 6 — Manufacturer 1 – non-volatile extractions

Type P -packaging and labelling

Type N -edibles, topicals

Type 7— Manufacturer 2 – volatile extractions

Type 8 — Testing laboratory

Type 10 — Retailer

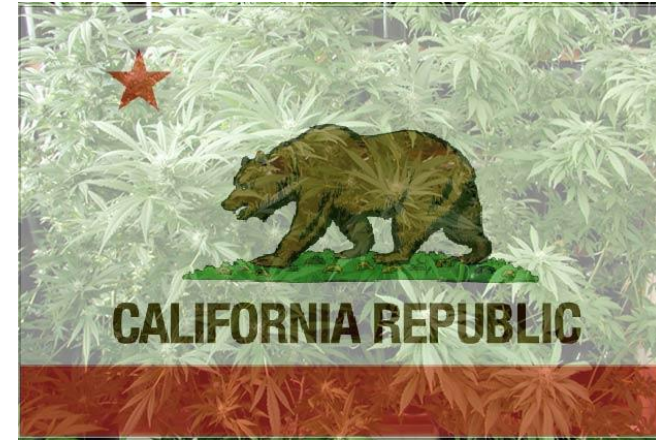
Type 11— Distributor

Type 12— Microbusiness



Some MAUCRSA highlights

- Creates the Bureau of Cannabis Control
- Allows vertical integration of everything but testing
- Eliminates transportation licenses
- Allows special permits for county fairs and agricultural events for the sale and onsite consumption of cannabis
- Provides CEQA exemption for local ordinances that require discretionary approval for permitting a commercial cannabis business



Q & A

