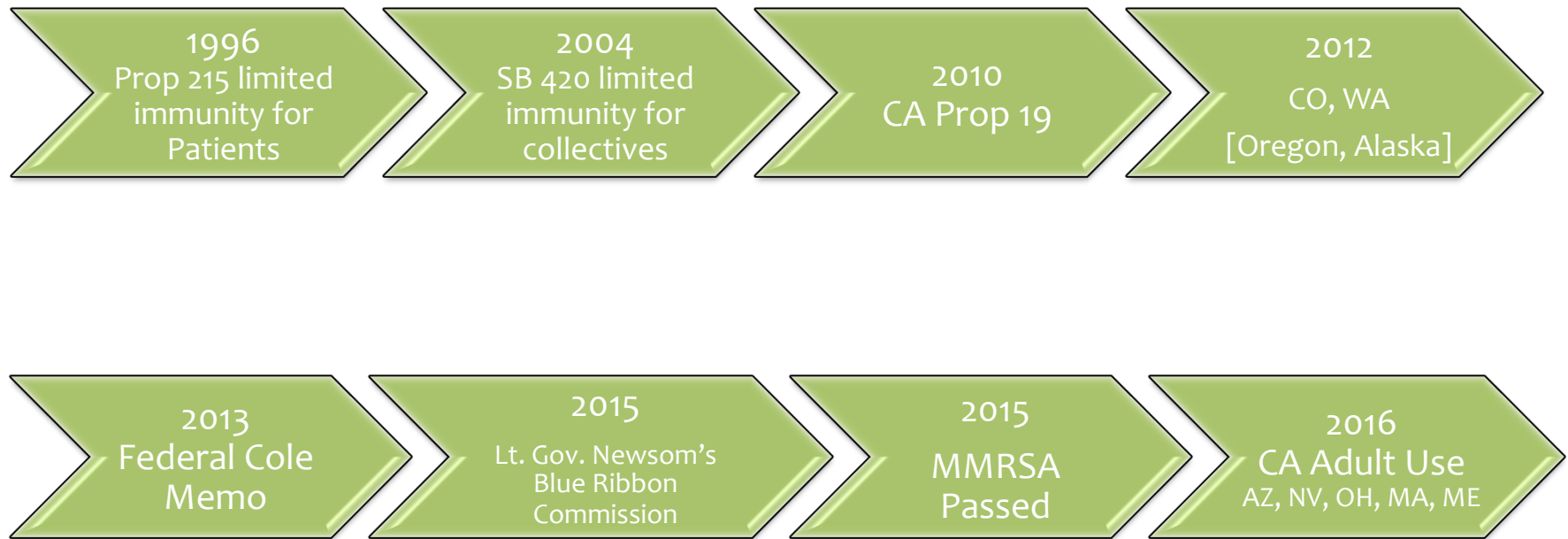


*The Adult Use of Marijuana Act*  
**AUMA Explained**

Prepared by Chris Conrad  
With Mikki Norris & Lauren Vazquez

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# The Road to Cannabis Legalization



**Election Day!**  
**November 8, 2016**

# *Outline of the Adult Use Act*

1. Creates a legal right for adults to nonmedical marijuana possession, transportation, sharing, enclosed gardens
2. Significantly reduces most of the remaining penalties
3. Protects the rights of cannabis patients under Prop 215
4. Creates a legal privilege to conduct cannabis commerce with statewide agency to review and revise regulations
5. Provides for taxes and the use of tax revenues
6. Allows local governments wide latitude in licensing businesses but they can't restrict personal rights
7. Allows legislature to reduce penalties and repeal statutes, but cannot recriminalize new rights or change Prop 215

# *Legalization; not prohibition repeal*

- Takes conservative approach on quantities allowed
- Makes it legal for adults to possess, share, transport, process and give away limited amounts at age 21
- One ounce / eight grams adult, six plants per residence and you can keep the entire harvest or give it away
- More than those amounts still needs medical approval
- Localities cannot ban home-grows up to 6 plants in a fully enclosed space — indoor / greenhouse
- No jail for minors, reduces most penalties for adults 18-20, retroactive effect, restorative justice
- Civil and criminal penalties for violations, see chart

# California penalties now as compared to Adult Use of Marijuana Act

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

**Retroactive • Resentencing • Release from incarceration • Expungement of criminal records**

<i>Adult cannabis use activity</i>	<i>Current criminal penalties</i>	<i>AUMA 2016 voter initiative</i>
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 <i>or</i> 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

**Key:** Felony Wobbler: Felony or Misdemeanor Misdemeanor Infraction Legal

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**Retroactive • Resentencing • Release from incarceration • Expungement of criminal records**

<i>Adult cannabis use activity</i>	<i>Current criminal penalties</i>	<i>AUMA 2016 voter initiative</i>
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/>  
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**Key:** Felony Wobbler: Felony or Misdemeanor Misdemeanor Infraction Legal

# *AUMA and medical marijuana law*

- Protects Prop 215 rights cover possession, cultivation for larger quantities, all ages
- **Overturms** all local bans on enclosed, discreet gardens up to six plants, legalizes sharing
- Expands parental & privacy rights for patients
- Relieves patients with state MMID card from paying state sales tax; other taxes still apply
- Caps the MMID Card at \$100, less for Medi-Cal

# *Creates a dual regulatory system*

- Statewide commercial licensing plan parallels MMRSA
- Allows local governments to license, zone, ban businesses
- Regulates as an agricultural product — water, pesticides
- Licenses: 13 types of cannabis cultivation plus retail, manufacture, testing, distribution, and microbusiness
- No excessive concentration of licenses in a city or county
- Testing, labeling, packaging, dosage rules
- Advertising restrictions
- Regulations must be evidence based and feasible



# *Favors small California businesses*

- Must be a CA resident to get a license (1/2019)
- Prior marijuana convictions not an obstacle to getting licenses or work in cannabusinesses
- Fees kept proportionate to business size
- Small micro-licensees can be vertically integrated but not larger scale licensees
- Five year delay on issuing large scale licenses
- Anti-monopoly provisions, no price fixing, can't sell at a loss to undercut competitors

- 26070. (3) "**Microbusiness,**" for the cultivation of marijuana on **an** area less than 10,000 square feet and to act as a licensed **distributor, Level 1 manufacturer, and retailer** under this division, provided such licensee complies with all requirements imposed by this division on licensed cultivators, distributors, Level 1\* manufacturers, and retailers to the extent the licensee engages in such activities.

\* Sites that manufacture marijuana products using nonvolatile solvents, or no solvents.

*Retailers & Distributors*

## *Levies commercial taxes for state*

- Production tax \$9.25 ounce bud, \$2.75 per ounce of leaf paid by commercial grower
- Production tax to be reviewed & revised based on market rates
- 15% excise tax included in consumer's retail sales price, plus state sales tax
- Requires vote of people to increase local tax (Patients with MMID Card Exempt)

# *Provides for the use of tax revenues*

- 4% for Administrative costs of commercial licensing
- No CMT tax revenues go to localities with bans
- \$50 million / year Grants for economic development of communities affected by prohibition
- \$10 mil for CA Universities to study implementation
- \$3 mil to CHP to study impairment testing
- \$2 mil to Center for Medicinal Cannabis research
- Balance: 60% youth, education and prevention
- 20% Environmental restoration and preservation
- 20% Local law enforcement grants

## *Other points of special interest*

- Sets fines for smoking or vaping in public
- On-Site Consumption Licenses
- Local government can license “cup” events
- Allows hemp production & manufacturing
- Does not authorize driving impaired, “open container,” or smoking in driver’s compartment
- ‘Drug Free Workplace’ — can still drug test
- Landlords don’t have to allow cultivation

# *Social Justice Restored*

- Makes many misdemeanors legal
- Reduces many felonies to misdemeanors
- Retroactive relief for cannabis offenders who are already facing prosecution or sentencing
- Allows priors to be reduced and/or expunged
- No jail for under-age offenders, records closed
- Prior convictions may not prevent licensing
- Legal cannabis no longer grounds for police search

# *Recap and Conclusion*

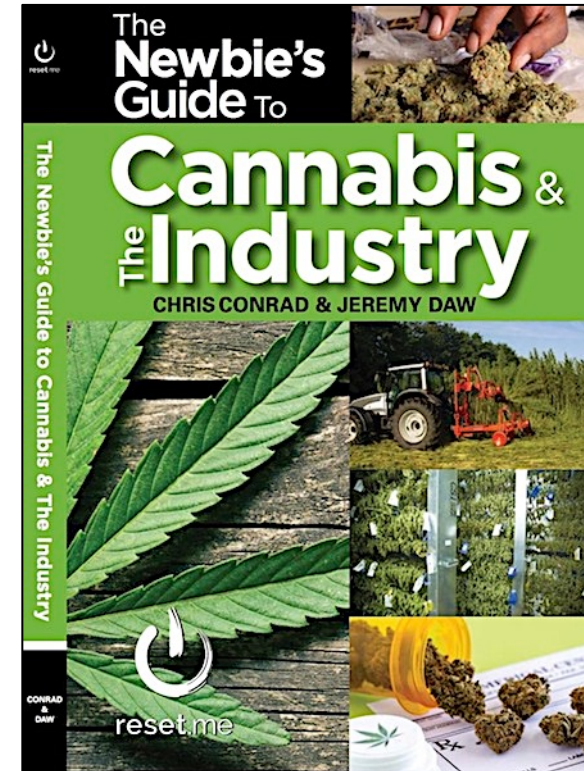
- Legalizes for patients and non-medical adults
- Takes consumers out of the closet
- Sends a message to the world that people want cannabis to be treated more like alcohol
- Complies with Federal “Cole Memo” guidelines
- Emboldens other states, nations to legalize
- Undermines drug cartels’ market grip
- Opens world’s largest cannabis market to you

Prepared by cannabis expert Chris Conrad

AUMA2016.com • LegalizeCA2016.com  
LetsGetItRightCA.com  
ChrisConrad.com  
FiredUpLawyer.com

#### Books by Chris Conrad

- *The Newbie's Guide to Cannabis & the Industry*
- *Cannabis Yields and Dosage*
- *Shattered Lives: Portraits From America's Drug War*
- Oaksterdam University
- Consultation services
- Expert witness in court



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