

# California Marijuana Legalization Initiatives

## The (California) Medical Marijuana Regulation, Control, and Taxation Act

*Tracking Number and Title:* 1571. (11-0098) Marijuana. Regulation and Taxation of Medical Use Industry. Reduced Criminal Penalties. Initiative Statute.

*Status as of 02/15/12:* Cleared for Circulation

*Proponents:* Ron Lind, President, UFCW Local 5 and Don Duncan, California Director, Americans for Safe Access, 1322 Webster Street, Suite 402, Oakland, CA 94612, 510.251.1856, [Info@SafeAccessNow.org](mailto:Info@SafeAccessNow.org)

*Circulation Deadline:* 07/13/12

*Signatures Required:* 504,760

*Attorney General's Summary:* Establishes new government agency to regulate medical marijuana cultivation, manufacture, distribution, testing, and sale. Imposes agency fees, and 2.5% tax on medical marijuana retail sales. Allocates new revenues to agency administration, any remainder primarily to medical marijuana research and grants. Preempts local regulation of medical marijuana, except for zoning of medical marijuana dispensaries. Requires one dispensary per 50,000 residents unless limited or banned by local initiative. Bars state and local assistance to federal enforcement against medical marijuana. Reduces criminal penalties for marijuana possession, cultivation, transport, or sale. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local government: Savings potentially up to several tens of millions of dollars annually to state and local governments from reductions in various criminal justice costs related to enforcing marijuana crimes. Additional state tax revenues in the low tens of millions of dollars annually from a new supplemental tax on medical marijuana sales, used for various regulatory, research, education, and health care purposes generally related to medical marijuana. Increased costs to regulate medical marijuana potentially in the tens of millions of dollars annually, offset by fees and/or taxes authorized by the measure. (11-0098) ([Full Text](#))

## **The (California) Cannabis Hemp and Health Initiative 2012**

*Tracking Number and Title:* 1544. (11-0073) Marijuana Legalization. Initiative Statute.

*Status as of 01/15/12:* Cleared for Circulation

*Proponents:* Michael Jolson, [hemp2012@me.com](mailto:hemp2012@me.com) and Berton Duzy, [bduzy@prodigy.net](mailto:bduzy@prodigy.net), [The California Cannabis Hemp and Health Initiative 2012.](#)

*Circulation Deadline:* 06/04/12

*Signatures Required:* 504,760

*Attorney General's Summary:* Decriminalizes marijuana and hemp use, possession, cultivation, transportation, or distribution. Provides persons arrested or serving time for non-violent marijuana offenses shall be immediately released from prison, jail, parole or probation, and arrest records and convictions for non-violent marijuana offenses shall be erased. Authorizes Legislature to adopt laws to license and tax commercial marijuana sales. Allows doctors to approve or recommend marijuana to patients, regardless of age. Limits testing for marijuana for employment or insurance purposes. Bars state from aiding enforcement of federal marijuana laws. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local government: Savings potentially in the low hundreds of millions of dollars annually to state and local governments on the costs of enforcing certain marijuana-related offenses, handling the related criminal cases in the court system, and incarcerating and supervising certain marijuana offenders. Potential net additional tax revenues in the low hundreds of millions of dollars annually related to the production and sale of marijuana. ([Full Text](#))

## **The (California) Repeal Cannabis Prohibition Act of 2012**

*Tracking Number and Title:* 1524. (11-0046) Marijuana Legalization. Initiative Statute.

*Status as of 01/15/12:* Cleared for Circulation

*Proponents:* Joe Rogoway, Frank H. Lucido, Pebbles Trippet, William Panzer, and Omar Figueroa, Yes on Proposition \_\_, [Sensible California](#), P.O. Box 282, Santa Rosa, CA 95402, 707-520-4205.

*Circulation Deadline:* 04/19/12

*Signatures Required:* 504,760

*Attorney General's Summary:* Decriminalizes marijuana use, possession, cultivation, transportation, distribution, or sale for adults aged 19 and older. Creates California Cannabis Commission to regulate commercial cultivation, processing, testing, transport, distribution, sale, facilities for on-premises consumption, and smoking in public, but authorizes local governments to permit conduct otherwise prohibited by state law and regulations. Exempts from regulation or taxation up to three pounds of marijuana for personal use. Retains laws prohibiting marijuana-related conduct that contributes to the delinquency of a minor and driving while impaired by marijuana. Summary of estimate by

Legislative Analyst and Director of Finance of fiscal impact on state and local government: The fiscal effects of this measure are subject to considerable uncertainty depending on the extent to which the federal government continues to enforce federal marijuana laws and depending upon how, and to what extent, the state chooses to regulate the commercial production and sale of marijuana. Savings potentially in the low hundreds of millions of dollars annually to state and local governments on the costs of enforcing certain marijuana-related offenses, handling the related criminal cases in the court system, and incarcerating and supervising certain marijuana offenders. Costs potentially up to the low tens of millions of dollars annually to the state to regulate the commercial production and sale of marijuana. Potentially hundreds of millions of dollars in net additional tax revenues related to the production and sale of marijuana products. ([Full Text](#))

### **The (California) Marijuana Penalties Act of 2012**

*Tracking Number and Title:* 1518. (11-0040) Reduced Marijuana Penalties Initiative Statute.

*Status as of 01/15/12:* Cleared for Circulation

*Proponent:* Bill Zimmerman, [Zimmerman and Markman](#), 212 26<sup>th</sup> Street, Suite 145, Santa Monica, CA 90402, 310-451-2522.

*Circulation Deadline:* 04/05/12

*Signatures Required:* 504,760

*Attorney General's Summary:* Limits punishment to \$250 fine or community service for possession, cultivation, sale, or transportation of up to two ounces of marijuana; limits punishment to six months in county jail and/or \$500 fine if violator is less than 21. Retains existing penalties for marijuana offenses on school grounds and for offenses involving sale to a minor, employment of minor in criminal marijuana enterprise, or driving under influence of marijuana. Makes property forfeiture laws inapplicable to marijuana offenses involving two ounces or less. Retains laws regarding marijuana in the workplace, driving under influence, and medical marijuana. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local government: Unknown savings to state and local governments on the costs of enforcing certain marijuana-related offenses, handling the related criminal cases in the court system, and incarcerating and supervising certain marijuana offenders. ([Full Text](#))

### **The (California) Regulate Marijuana Like Wine Act of 2012**

*Tracking Number and Title:* 1516. (11-0039) Marijuana Legalization. Initiative Statute.

*Status as of 01/15/12:* Cleared for Circulation

*Proponents:* James P. Gray, William McPike, Stephen Collett, and Steve Kubby, [Regulate Marijuana Like Wine Committee](#), Post Office Box 13591, South Lake Tahoe, California 96151, 415 830-6070.

*Circulation Deadline: 03/26/12*

*Signatures Required: 504,760*

*Attorney General's Summary:* Decriminalizes marijuana sales, distribution, possession, use, cultivation, and transportation. Dismisses pending court actions inconsistent with its provisions. Retains laws forbidding use while driving or in workplace. Establishes regulation of commercial marijuana trade to match regulation of wine and beer. Allows noncommercial production up to 24 flowering plants per household, or more with local approval. Authorizes retail sales of marijuana with THC level of .3% or more to persons 21 or older; if less, no age limit. Directs state and local officials to not cooperate with federal enforcement of marijuana laws. Bans development of genetically modified marijuana. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local government: The fiscal effects of this measure are subject to considerable uncertainty depending on: (1) the extent to which the federal government continues to enforce federal marijuana laws and (2) the specific taxes applied to marijuana. Savings of potentially several tens of millions of dollars annually to state and local governments on the costs of incarcerating and supervising certain marijuana offenders. Potentially hundreds of millions of dollars in net additional tax revenues related to the production and sale of marijuana products. ([Full Text](#))

# Colorado Marijuana Legalization Initiative

## The (Colorado) Regulate Marijuana Like Alcohol Act of 2012

*Tracking Number and Title:* Initiative 30. Use and Regulation of Marijuana.

***Status as of 02/27/12: On ballot as Amendment 64.***

*Proponents:* [Campaign to Regulate Marijuana Like Alcohol](#), P.O. Box 40332, Denver, Colorado 80204, (303) 861-0033, [info@regulatemarijuana.org](mailto:info@regulatemarijuana.org).

The Campaign to Regulate Marijuana Like Alcohol is a coalition spearheaded by [Safer Alternative For Enjoyable Recreation \(SAFER\)](#) and [Sensible Colorado](#), which includes the [Marijuana Policy Project](#), the [Drug Policy Alliance](#), the [National Organization for the Reform of Marijuana Laws \(NORML\)](#), [Students for Sensible Drug Policy](#), [Law Enforcement Against Prohibition \(LEAP\)](#), and the [Women's Marijuana Movement](#), among others.

*But What about the Children's Summary:* Legalizes personal marijuana possession and use of up to an ounce. Legalizes indoor home growing of up to six plants. Legalizes commercial production, distribution, and retail sales of marijuana. Legalizes development, production, and sale of marijuana products such as edibles, ointments, and tinctures. Legalizes marijuana paraphernalia. Makes state department of revenue responsible for establishing regulations to license growers, product manufacturers, and sellers. Makes General Assembly responsible for levying a 15 percent excise tax on commercial marijuana production and sales. Specifies that first \$40 million raised annually from excise tax be designated to public school construction fund. Enables localities to act if department of revenue does not promulgate regulations. ([Full Text](#))

*Age Restriction:* Age 21

*Administrative Agency:* Colorado State Department of Revenue

# Michigan Marijuana Legalization Initiative

## 2012 Michigan Ballot Initiative to End Marijuana Prohibition

*Tracking Number and Title:* Pending

*Status as of 01/15/12:* Awaiting approval of initiative language by Board of Canvassers; preparing to collect signatures.

*Proponents:* [Committee for a Safer Michigan](#), 2930 E. Jefferson Avenue, Detroit, MI 48207, 313-446-2235.

*Current Full Text of Initiative:* Constitutional Amendment To End Marihuana Prohibition In Michigan. A Petition to amend the Michigan Constitution, Article 1, to add: Article 1 Section 28. Repeal of Marihuana Prohibition. For persons who are at least 21 years of age who are not incarcerated, marihuana acquisition, cultivation, manufacture, sale, delivery, transfer, transportation, possession, ingestion, presence in or on the body, religious, medical, industrial, agricultural, commercial or personal use, or possession or use of paraphernalia shall not be prohibited, abridged or penalized in any manner, nor subject to civil forfeiture; provided that no person shall be permitted to operate an aircraft, motor vehicle, motorboat, ORV, snowmobile, train, or other heavy or dangerous equipment or machinery while impaired by marihuana.

# Missouri Marijuana Legalization Initiative

## Constitutional Amendment to Article IV

*Tracking Number and Title:* Constitutional Amendment to Article IV, Relating to Cannabis, version 3, 2012-082

*Status as of 01/15/12:* Cleared for Circulation

*Proponents:* Dan Viets and [Show Me Cannabis Regulation](#), P.O. Box 5963, Kansas City, MO 64171.

*Circulation Deadline:* 05/06/12

*Signatures Required:* 150,000

*Secretary of State's Summary:* Shall the Missouri Constitution be amended to: 1) legalize cannabis (commonly known as marijuana) for individuals 21 years or older; 2) make medical cannabis available to individuals with a physician's recommendation including those under 21 with parental or legal guardian consent and physician supervision; 3) create licensing processes for operation of cannabis establishments; 4) release individuals incarcerated or on probation or parole for non-violent, cannabis-only offenses which would no longer be illegal and expunge all records related to such offenses; and 5) allow the legislature to enact a tax on the retail sale of dried cannabis up to \$100 per pound? Annual state government operating costs would increase by at least \$1 million with the total increase being unknown. Those costs would be offset by an unknown increase in fee and tax revenues. The fiscal impact to local governmental entities is unknown with some increase in revenue possible. ([Full Text](#)) Editor's note: A nearly identical ballot initiative, 083, contains the same provisions, but is a statutory rather than a constitutional amendment. Proponents have decided to pursue 082.

# Montana Marijuana Legalization Initiative

*Tracking Number and Title:* Constitutional Initiative 110

*Status as of 01/15/12:* Cleared for Circulation

*Proponents:* Barb Trego, [Montana First](#), PO Box 9145, Missoula, MT 59807.

*Circulation Deadline:* 06/22/12

*Signatures Required:* 48,673

*Secretary of State's Summary:* CI-110 amends Article II, Section 14, of the Montana Constitution to establish that “adults have the right to responsibly purchase, consume, produce, and possess marijuana, subject to reasonable limitations, regulations, and taxation. Except for actions that endanger minors, children, or public safety, no criminal offense or penalty of this state shall apply to such activities.” Federal criminal laws regarding marijuana will not be changed by the passage of this initiative. This initiative, if passed by the electorate, will become effective on July 1, 2013.

FOR amending Article II, Section 14, of the Montana Constitution to establish a right for adults to marijuana subject to reasonable state law limitations.

AGAINST amending Article II, Section 14, of the Montana Constitution to establish a right for adults to marijuana subject to reasonable state law limitations. ([Full Text](#))

## Related Organizations

[Montana Cannabis Industry Association](#)

[Montana NORML](#)

# Nebraska Marijuana Legalization Initiative

## Nebraska Proposition 19

*Tracking Number and Title:* Initiative Petition

*Submitted:* 06/21/11

*Status as of 01/15/12:* Cleared for Circulation

*Proponent:* Frank Shoemaker, 41522 Highway 6\34, Holbrook, NE 68948, 303-344-3440, [Nebraska Cannabis Coalition](#).

*Secretary of State's Summary:* The Nebraska Cannabis Initiative seeks to add Proposition XIX to the Nebraska Constitution whose object is to regulate and tax all commercial uses of cannabis, also known as marijuana, and to remove all laws regulating the private, noncommercial use of cannabis. ([Full text](#))

# Oregon Marijuana Legalization Initiative

## The Oregon Cannabis Tax Act of 2012

*Tracking Number and Title:* Initiative Petition Number 9

*Status as of 01/15/12:* Cleared for Circulation

*Proponents:* Douglas P. Stanford, 4720 NE Davis Street, Portland, OR 97213; William N. Appel, 8025 SE Reedway Street, Portland, OR 97206; Phillip R. Allen, 182 Old Cabin Drive, Portland, OR 97443, [Oregon Cannabis Tax Act Campaign](#).

*Circulation Deadline:* 07/06/12

*Signatures Required:* 87,213

*Secretary of State's Summary:* Allows personal marijuana, hemp cultivation/use without license; commission to regulate commercial marijuana cultivation/sale. *Result of a "Yes" Vote:* "Yes" vote allows commercial marijuana (cannabis) cultivation/sale to adults through state-licensed stores; allows unlicensed adult personal cultivation/use; prohibits restrictions on hemp (defined). *Result of a "No" Vote:* "No" vote retains existing civil and criminal laws prohibiting cultivation, possession and delivery of marijuana; retains current statutes that permit regulated medical use of marijuana. *Summary:* Currently, marijuana cultivation, possession and delivery are prohibited; regulated medical marijuana use is permitted. Measure replaces state, local marijuana laws except medical marijuana and driving under the influence laws; distinguishes "hemp" from "marijuana"; prohibits regulation of hemp. Creates commission to license marijuana cultivation by qualified persons and to purchase entire crop. Commission sells marijuana at cost to pharmacies, medical research facilities, and to qualified adults for profit through state-licensed stores. Ninety percent of net goes to state general fund, remainder to drug education, treatment, hemp promotion. Bans sales to, possession by minors [under age 21]. Bans public consumption except where signs permit, minors barred. Commission regulates use, sets prices, other duties; Attorney General to defend against federal challenges/prosecutions. Provides penalties. Effective January 1, 2013; other provisions.

# Washington State Marijuana Legalization Initiatives

## Washington State Initiative Measure 502

*Tracking Number and Title:* Initiative Measure 502 Concerns  
Marijuana

***Status as of 01/27/12: Certified by the Washington Secretary of State, sent directly to the Legislature which took no action, therefore Measure 502 will appear on the November 2012 ballot.***

*Proponents:* John McKay, Kim Marie Thorburn, MD, Peter Holmes, Rick Steves, Robert Wood, MD, Roger Roffman, Salvador Mungia. [New Approach Washington](#), 1914 N. 34<sup>th</sup> Street, Suite 409, Seattle, WA 98103, 206-633-2012.

*Signatures Required:* 241,153

*Secretary of State's Summary: Concise Description*—This measure would license and regulate marijuana production, distribution, and possession for persons over twenty-one; remove state-law criminal and civil penalties for activities that it authorizes; tax marijuana sales; and earmark marijuana-related revenues. Should this measure be enacted into law? Yes [ ] No [ ] *Ballot Measure Summary*—This measure would remove state-law prohibitions against producing, processing, and selling marijuana, subject to licensing and regulation by the liquor control board; allow limited possession of marijuana by persons aged twenty-one and over; and impose 25% excise taxes on wholesale and retail sales of marijuana, earmarking revenue for purposes that include substance-abuse prevention, research, education, and healthcare. Laws prohibiting driving under the influence would be amended to include maximum thresholds for THC blood concentration. ([Full Text](#))

*Age Restriction:* Age 21

*Administrative Agency:* Washington State Liquor Control Board

## Washington State Safe Cannabis Act of 2012

*Tracking Number and Title:* Not Yet Assigned

*Status as of 01/12/012:* Submitted 01/06/12

*Proponent:* Mimi Meiwes, 232 Bonneville Drive, Kelso, WA 98626, 360-425-5908, [mimimeiwes@gmail.com](mailto:mimimeiwes@gmail.com), see [Sensible Washington](#) blog.

*Circulation Deadline:* 07/06/12

*Signatures Required:* 241,153

*Press Reports' Summary:* This is a counter initiative to Measure 502, filed in behalf of medical marijuana patients, who oppose what they view as the measure's overly strict blood test limits for driving under the influence of marijuana. Proponents argue that patients may have more marijuana in their systems than the amount established in Measure 502. This measure decriminalizes marijuana for patients, protects them from

arrest, and legalizes hemp by classifying it as an agricultural product.  
([Full text](#))

### Washington State Initiative Measure No. 492

*Tracking Number and Title:* Initiative Measure No. 492 concerns marijuana

*Status as of 01/15/12:* Cleared for Circulation

*Proponents:* Donna Davis, 301 W. Holly St. Bellingham, WA 98225, 770-557-9910, [donna@tnwwc.com](mailto:donna@tnwwc.com).

*Submitted:* 04/05/11

*Secretary of State's Summary: Concise Description—* This measure would remove certain state criminal and civil penalties, including asset-forfeiture, relating to manufacture, possession, use, and distribution of marijuana and paraphernalia. Marijuana possession by persons under eighteen would be a misdemeanor. Should this measure be enacted into law? Yes [ ] No [ ] *Ballot Measure Summary:* This measure would remove marijuana from the definition of “controlled substances” under state law, and would remove certain state criminal and civil penalties regarding manufacture, possession, use, and distribution of marijuana and marijuana-related drug paraphernalia. It would also preclude the seizure or forfeiture of any property based on marijuana-related offenses. The measure would make marijuana possession by persons under the age of eighteen a misdemeanor. ([Full text](#))

### Washington State Initiative Measure 505

*Tracking Number and Title:* Initiative Measure No. 505 concerns marijuana.

*Submitted:* 07/29/2011

*Status as of 01/15/12:* Cleared for Circulation

*Proponent:* Ronald Lawson, PO Box 3334, Renton, WA 98056, 425-572-0899, [sensiblenorthwest@gmail.com](mailto:sensiblenorthwest@gmail.com).

*Secretary of State's Summary: Concise Description—* This measure would remove certain state civil and criminal penalties regarding manufacture, delivery, and possession of marijuana by persons over 18 years old and revise criminal penalties for persons under 18 years old. Should this measure be enacted into law? Yes [ ] No [ ]. *Ballot Measure Summary--* This measure would remove state law restrictions and forfeiture provisions relating to manufacture, possession, or delivery of marijuana by persons over 18 years old. It would prohibit persons over 18 from delivering marijuana to persons under 18 who are at least three years younger. It would impose criminal penalties on manufacture, possession, and delivery of marijuana and counterfeit marijuana by persons under 18. Persons under 18 could possess marijuana obtained pursuant to a physician's prescription. ([Full text](#))

