



LOS ANGELES COUNTY  
**CONSUMER &  
BUSINESS AFFAIRS**


# CANNABIS IN THE ERA OF REGULATION

JOSEPH M. NICCHITTA, INTERIM DIRECTOR

LOS ANGELES COUNTY ANNUAL DRUG COURT CONFERENCE

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Q. PROPOSITION  
64 LEGALIZED  
CANNABIS IN  
CALIFORNIA


A. TRUE

B. FALSE

# Why False?

- Proposition 64 allows adults age 21 and over to possess, consume, and cultivate cannabis, but only in limited amounts and in certain places
- Proposition 64 eliminated and reduced some cannabis-related crimes, but many cannabis-related crimes are still on the books
- Proposition 64 does not apply to medical cannabis
- Cannabis remains in illegal under federal law

<b>Cannabis Use Activity</b>	<b>Before November 9, 2016</b>	<b>After Proposition 64 passed on November 9, 2016</b>			
Possess up to 1 ounce of cannabis	\$100 ticket	<b>Legalized</b>			
Possess up to 8 grams concentrate	One year, \$500 or both	<b>Legalized</b>			
Transport up to 1ounce /8grams	\$100 misdemeanor	<b>Legalized</b>			
Give away up to 1 ounce / 8 grams	\$100 misdemeanor	<b>Legalized</b>			
Homegrow 1 cannabis plant	16 months, two/three years	<b>Legalized</b>			
Homegrow up to 6 cannabis plants	16 months, two/three years	<b>Legalized</b>			
Smoking where tobacco is banned	\$100 ticket	\$250 ticket			
Public smoking or underage use	\$100 ticket	\$100 ticket			
Age 18-20 grow up to 6 plants	16 months, two/three years	\$100 ticket			
Age 18-20 up to 4 g. concentrate	One year, \$500 or both	\$100 ticket			
Offenses by minors up to age 18	Same as adults	Counseling, community service, drug education			
Age 18 and up, grow over 6 plants	16 months, two/three years	Six months, \$500 or both			
Possess over 1 ounce of cannabis	Six months, \$500 or both	Six months, \$500 or both			
Possess over 8g of concentrate	One year, \$500 or both	Six months, \$500 or both			
Transport or give away over 1 ounce	Two/three/four years	Six months, \$500 or both			
Third or aggravated over 6 plants	16 months, two/three years	<b>Felony or Misdemeanor</b>			
Sales involving minors	Three to seven years	Three to seven years			
<b>Key:</b>	<b>Felony</b>	<b>Felony or Misdemeanor</b>	<b>Misdemeanor</b>	<b>Infraction</b>	<b>Legalized</b>



Q. CALIFORNIA'S  
CANNABIS LAWS ARE  
EASY FOR THE  
AVERAGE PERSON TO  
UNDERSTAND

- A. TRUE
- B. FALSE
- C. VERY FALSE
- D. B AND C

# Brief history of cannabis laws in California: MEDICAL CANNABIS

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## 1996: PROP. 215

- **“Compassionate Use Act”**
- **Approved by California voters**
- **Allowed “qualified patients” with a valid doctor’s recommendation to possess and cultivate cannabis for personal medical use**

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- **No consumer protection standards**
- **No labeling or packaging requirements**
- **No pesticide rules**
- **Ineffective control over doctor recommendations**

## 2015-16: MCRSA

- **“Medical Cannabis Regulation and Safety Act”**
- **Adopted by California Legislature**
- **Established the first regulatory framework for medical cannabis**

## Post Prop. 215, Pre-MCRSA

- Pesticides, mold and other contaminants
- Mislabeling and inaccurate product information
- Unsafe and confusing products
- Potency and homogenization

“The caramel-chocolate flavored candy bar looked so innocent, like the Sky Bars I used to love as a child. Sitting in my hotel room in Denver, **I nibbled off the end and then, when nothing happened, nibbled some more**...For an hour, I felt nothing...But then I felt a scary shudder...I barely made it from the desk to the bed, where **I lay curled up in a hallucinatory state for the next eight hours**...The next day, a medical consultant at an edibles plant where I was conducting an interview mentioned that candy bars like that are supposed to be **cut into 16 pieces for novices**; but that recommendation hadn't been on the label.”

- Maureen Dowd, *The New York Times*



## Post Prop. 215, Pre-MCRSA

- Overconcentration and rampant confusion by consumers



# Brief history of cannabis laws in California: ADULT-USE OR “RECREATIONAL” CANNABIS

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## 2016: PROP. 64

- Legalized adult-use or “recreational” cannabis possession, cultivation and use (limits apply)
- Established regulatory framework for adult-use cannabis
- Required State of California to license commercial adult-use cannabis businesses by Jan. 1, 2018

## 2017: MAUCRSA

- “Medical and Adult-Use Cannabis Regulation and Safety Act”
- Adopted by California Legislature as a cleanup bill
- Repealed MCRSA and amends AUMA to include regulations for medical cannabis (MCRSA + AUMA = MAUCRSA = one regulatory framework)

## STATE REGULATIONS

- Hundreds of pages of regulations span at least three State agencies:
  - Bureau of Cannabis Control (Department of Consumer Affairs)
  - CalCannabis (Department of Food and Agriculture)
  - Manufactured Cannabis Safety Branch, Department of Public Health



# Don't forget about federal law...

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1970: federal **Controlled Substances Act**

- Cannabis in Schedule 1: no valid medical uses and a high potential for abuse


2013: **“Cole Memorandum”**

- Obama era guidance to federal prosecutors to de-prioritize prosecution of state-compliance cannabis businesses
- **Rescinded** by Attorney General Jeff Sessions on January 4, 2018

December 2014: **Rohrabacher-Farr** (now, Rohrabacher-Blumenauer) Budget Amendment

- Prevents Justice Department from spending funds to interfere with the implementation of state **medical marijuana** laws
- Extended until September 2018

April 13, 2018: Trump **“commitment”** to cannabis legal states?



Q. CALIFORNIA'S  
CANNABIS LAWS ARE  
EASY FOR LAW  
ENFORCEMENT TO  
POLICE

- A. TRUE
- B. FALSE
- C. CRAZY TALK

# Medical v. Adult-Use

- One regulatory framework (MAUCRSA) does not mean the rules for medical and adult-use cannabis are the same

	Adult-use	Medical
<b>MINIMUM AGE TO PURCHASE CANNABIS</b>	Adults ages 21 or older. <sup>1</sup>	Adults ages 18 or older, with either a valid physician's recommendation or a valid county-issued medical marijuana identification card. <sup>A, 2</sup>
<b>TAXES ON CANNABIS SALES</b>	State excise tax (15%) + State/local sales tax (varies) + Local tax (where applicable; varies). <sup>3</sup>	Exempt from state/local sales tax, if purchaser presents a valid county-issued medical marijuana ID card. <sup>4</sup>
<b>AMOUNT YOU CAN POSSESS</b>	Up to 1 ounce (28.5 grams) of cannabis and 8 grams of concentrate. <sup>1</sup>	Up to 8 ounces of dried cannabis. <sup>B, 5</sup>
<b>AMOUNT YOU CAN GROW</b>	Up to 6 cannabis plants, inside or on the grounds of your private residence (subject to local restrictions). <sup>C, 6</sup>	Up to 6 mature cannabis plants or 12 immature plants (subject to local restrictions). <sup>5</sup>
<b>PLACES WHERE SMOKING AND/OR CONSUMPTION IS PROHIBITED</b>	<p>In any public place, or anywhere that tobacco smoking is prohibited.<sup>7</sup></p> <p>Within 1,000 feet of a school, recreation center, or youth center, if the smell can be detected on the grounds of that facility while children are present.<sup>7</sup></p> <p>While riding in or driving a vehicle or boat.<sup>7</sup></p> <p>On federal lands, such as national parks.<sup>8</sup></p>	<p>Anywhere that tobacco smoking is prohibited.<sup>9</sup></p> <p>Within 1,000 feet of a school, recreation center, or youth center, unless within a residence.<sup>9</sup></p> <p>While riding in or driving a vehicle or boat.<sup>9</sup></p> <p>On federal lands, such as national parks.<sup>8</sup></p>
<b>LANDLORD AND EMPLOYER RIGHTS</b>	<p>Property owners may ban the use and possession of cannabis on their privately owned properties.<sup>10</sup></p> <p>Employers have the right to prohibit the use of cannabis by their employees.<sup>10</sup></p>	<p>Property owners may ban the use and possession of cannabis on their privately owned properties.<sup>10</sup></p> <p>Employers have the right to prohibit the use of cannabis by their employees.<sup>11</sup></p>

# Possession limits – difficult in practice

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# Driving under the influence of cannabis


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- Enforcement is challenging due to the **lack of widely accepted thresholds** for what constitutes impairment.
- Cannabis can be detected in a person's blood for days or even weeks after use.
- Level of impairment from a given amount of THC can vary widely between individuals.
- Cannabis is sometimes used in conjunction with alcohol and other drugs, which can make it difficult to determine to what extent (if any) cannabis played a role in a car crash.
- DREs (Drug Recognition Experts) are needed to evaluate impairment.

# Thriving illegal market

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- The State of California and some cities and counties have started to permit and license cannabis businesses, but the **pace of licensing is relatively slow**.
- Consumers largely **believe it is legal to purchase** cannabis and will shop for best prices, closest stores, etc., without thinking about whether a shop is licensed or permitted.
- Sometimes **difficult for law enforcement to verify** whether cannabis being transported is legal and licensed.
- Cannabis **delivery** is difficult to track, enforce, and stop.
- “Hiding in plain sight.”



Q. PROPOSITION 64  
ALLOWS SOME  
INDIVIDUALS  
CONVICTED OF  
CANNABIS CRIMES TO  
PETITION FOR  
RESENTENCING OR  
DISMISSAL

A. TRUE


B. FALSE

# Decriminalization is a priority for the LA County Board of Supervisors

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- February 13, 2018 – The Board directed OCM to develop a **Countywide Cannabis Resentencing Plan**. OCM has been working closely with justice departments to assure qualified individuals receive the relief they are due per Proposition 64.
- The motion included direction on **monitoring disparate enforcement** of the new cannabis laws.
- In other jurisdictions where cannabis was legalized, communities of color continue to bear the burden of cannabis arrests, although consumption remains relatively equal amongst whites, blacks and Latinos.
- May 22, 2018 – The Board voted to support **AB 1793**, which as currently drafted would require the State DOJ to initiate the expungement process for all eligible individuals by July 1, 2019.
- LA County could have between **40,000 to 100,000 individuals eligible for relief**.





CANNABIS AND  
PUBLIC HEALTH  
CONSIDERATIONS

# Impacts to youth

- **Harms** associated with regular or heavy cannabis use by youth:
  - **Reduced educational attainment** and educational development
  - Adverse **changes in the brain** impacting memory and learning
  - Increased **truancy and dropout** rates for high-schoolers
  - Tendency to engage in **high-risk activities**

Source: California Department of Public Health, *Marijuana and Tobacco Use – Fact Sheet* (May 2017)

# Youth-targeted advertising

- **“This is a time in life of great vulnerability to social influences**, and the pervasive presence of tobacco product marketing—including everything from sleek ads in magazines to youth-generated posts on social networking sites, to images of smoking in the movies—conveys messages that make tobacco use attractive to youth and young adults.”

- U.S. Surgeon General, *“Preventing Tobacco Use Among Youth and Young Adults”* (2012)

- **Branded characters, product placement, and celebrity endorsements** (particularly by athletes) can induce children to purchase certain products.

# State law advertising restrictions

- No advertising **within 1,000 feet of schools, day care centers, “youth centers” and playgrounds** (Bus. & Prof. Code 26152(g))
- No advertising that is **“attractive to children”** or intended to encourage youth use (Bus. & Prof. Code 26152(e)-(f))
- No billboard ads by licensees along **interstate highways and state highways that cross into another state** (Bus. & Prof. Code 26152(d))
- Broadcast, digital, and print ads are restricted to audiences where at least **71.6 percent** of audience members are reasonably expected to be 21 or older (Bus. & Prof. Code 26151(b))

# Contemporary cannabis marketing

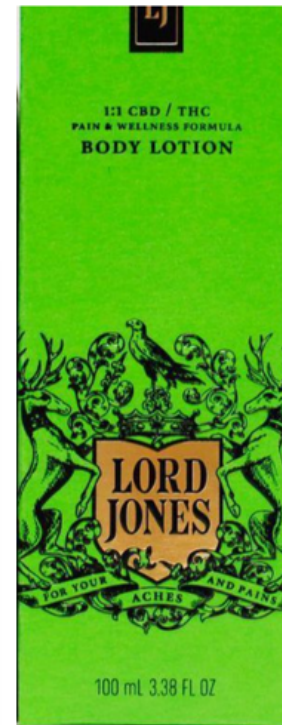


# Health-related claims for adult-use cannabis

THE  
NEW YORKER

## CALIFORNIA MAKES MARIJUANA A WELLNESS INDUSTRY

*In a state heavily invested in optimizing personal experience, cannabis offers a new path to sublime good health.*



<http://www.latimes.com/health/la-he-health-roundup-20170429-story.html>

<https://www.newyorker.com/culture/photo-booth/california-makes-marijuana-a-wellness-industry>

# Health-related claims?



# Flavored products

CANNABIS

## Vapers Get New Flavors

Flavored vape pens are making mouths water across America.





# Branded merchandise

(not this Oscar!)

I am made of marijuana.



CULTURE

## Oscars goodie bags had the ultimate swag: free marijuana

MARCH 8, 2018 CAROLYNE ZINKO



# Secondhand smoke

**Exposure to smoke from marijuana is harmful to health just as exposure to tobacco smoke is.** If the state of California takes the step of legalizing recreational marijuana, the state's laws related to smoke-free indoor spaces, public smoking, and public consumption and intoxication from alcohol could be reviewed as possible guidelines in relation to public smoking or consumption of marijuana.

*--Pathways Report; Policy Options for Regulating Marijuana in California, California Blue Ribbon Commission on Marijuana Policy*

## Rights of non-smokers

- Landlords and property owners **can prohibit** cannabis consumption on private property
- Tenants may have private rights of action against smoke that rises to the level of a **nuisance** under tort law
- What if it is **medical cannabis**?

# Public consumption

- Remains **illegal** to:
  - Consume cannabis in public
  - Smoke cannabis within 1000 feet of schools, day cares, or youth centers when children present, except in a private residence and only if smoke is not detectable on the grounds of the school, day care, or youth center
- Will public consumption rules result in **inequity**?
- What if it's **medical** cannabis?


# Home delivery

- Cannabis delivery is allowed under state law
- Concerns about youth access via delivery services
- **Alcohol:** One study found that nearly half of all attempts by underage buyers to purchase alcohol online were successful



<https://jamanetwork.com/journals/jamapediatrics/fullarticle/1149402>

Williams RS, Ribisl KM. Internet Alcohol Sales to Minors. *Arch Pediatr Adolesc Med*. 2012;166(9):808–813



WHAT'S NEXT  
FOR LOS ANGELES  
COUNTY?

# Board priorities for cannabis regulation

- **February 2017:** Board of Supervisors established the LA County Office of Cannabis Management, now under the umbrella of the Department of Consumer and Business Affairs, to work with Public Health, Regional Planning, and other departments to prepare regulations to allow, license, and regulate all types of cannabis businesses
- **Priority areas** from February 2017 motion
  - Transition from an unlicensed market to a regulated market
  - Protect county neighborhoods
  - Prevent overconcentration and ensure equity in siting
  - Youth prevention
  - Consumer protection
  - Among others...

# Focus on health equity

- **November 7, 2017:** Board directed OCM, DPH/Center for Health Equity, and County Counsel to **incorporate health equity models to reduce disparate impacts of cannabis** in forthcoming regulations
- **Discretionary hearing process** for cannabis retailers
- **Grant program** to bolster youth development programs, substance use disorder treatment, drug prevention, and community development in high-needs areas
- **Strategic phased-in licensing** that balances need to transition from an unlicensed market to a regulated one with a precautionary approach to licensing



# What's next for LA County

- On June 19, 2018, Office of Cannabis Management is slated to provide the Board with a report of options for regulating commercial cannabis in unincorporated areas. The report is based on:
  - Recommendations from an Advisory Working Group of experts and stakeholders
  - 20 workshops in unincorporated communities
  - Over 30 community meetings in unincorporated areas to obtain feedback on concerns



MORE INFORMATION

[cannabis.lacounty.gov](http://cannabis.lacounty.gov)

[cannabis@lacounty.gov](mailto:cannabis@lacounty.gov)