



**DEBRA BOWEN** | SECRETARY OF STATE  
STATE OF CALIFORNIA | ELECTIONS

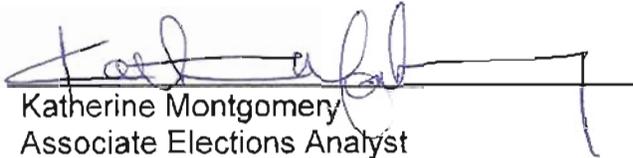
1500 11th Street, 5th Floor | Sacramento, CA 95814 | Tel (916) 657-2166 | Fax (916) 653-3214 | www.sos.ca.gov

September 8, 2009

County Clerk/Registrar of Voters (CC/ROV) Memorandum #09152

TO: All County Clerks/Registrars of Voters and Proponents

FROM:

  
Katherine Montgomery  
Associate Elections Analyst

RE: Initiative: 1374, Related to Marijuana

Pursuant to Elections Code section 336, we transmit herewith a copy of the Title and Summary prepared by the Attorney General on a proposed initiative measure entitled:

**CHANGES CALIFORNIA LAW TO LEGALIZE, REGULATE, AND TAX  
MARIJUANA. INITIATIVE STATUTE.**

The proponents of the above-named measure are:

Joe Rogoway  
Omar Figueroa  
James J. Clark  
506 Broadway  
San Francisco, CA 94133

(415) 946-5591

**CHANGES CALIFORNIA LAW TO LEGALIZE, REGULATE, AND TAX  
MARIJUANA. INITIATIVE STATUTE.**

**CIRCULATING AND FILING SCHEDULE**

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1. Minimum number of signatures required: .....433,971  
California Constitution, Article II, Section 8(b)
  
2. Official Summary Date: ..... Tuesday, 09/08/09
  
3. Petitions Sections:
  - a. First day Proponent can circulate Sections for  
signatures (Elec. Code § 336) ..... Tuesday, 09/08/09
  
  - b. Last day Proponent can circulate and file with the county.  
All sections are to be filed at the same time within each  
county. (Elec. Codes §§ 336, 9030(a)) ..... Friday, 02/05/10
  
  - c. Last day for county to determine total number of  
signatures affixed to petitions and to transmit total  
to the Secretary of State (Elec. Code § 9030(b)) ..... Friday, 02/19/10  
  
(If the Proponent files the petition with the county on a date prior to  
02/05/10, the county has eight working days from the filing of the petition  
to determine the total number of signatures affixed to the petition and to  
transmit the total to the Secretary of State) (Elec. Code § 9030(b)).
  
  - d. Secretary of State determines whether the total number  
of signatures filed with all county clerks/registrars of  
voters meets the minimum number of required signatures  
and notifies the counties ..... Sunday, 02/28/10\*
  
  - e. Last day for county to determine total number of qualified  
voters who signed the petition, and to transmit certificate  
with a blank copy of the petition to the Secretary of State  
(Elec. Code § 9030(d)(e)) ..... Monday, 04/12/10

\* Date varies based on the date of county receipt.

**INITIATIVE #1374**  
**Circulating and Filing Schedule continued:**

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(If the Secretary of State notifies the county to determine the number of qualified voters who signed the petition on a date other than 02/28/10, the last day is no later than the thirtieth working day after the county's receipt of notification). (Elec. Code § 9030(d)(e)).

- f. If the signature count is more than 477,369 or less than 412,273 then the Secretary of State certifies the petition as qualified or failed, and notifies the counties. If the signature count is between 412,273 and 477,369 inclusive, then the Secretary of State notifies the counties using the random sampling technique to determine the validity of **all** signatures (EC §9030(f)(g); 9031(a)).....Thursday, 04/22/10\*
  
- g. Last day for county to determine actual number of all qualified voters who signed the petition, and to transmit certificate with a blank copy of the petition to the Secretary of State. (Elec. Code § 9031(b)(c)). ..... Friday, 06/04/10

(If the Secretary of State notifies the county to determine the number of qualified voters who have signed the petition on a date other than 04/22/10, the last day is no later than the thirtieth working day after the county's receipt of notification.) (Elec. Code § 9031(b)(c).)

- h. Secretary of State certifies whether the petition has been signed by the number of qualified voters required to declare the petition sufficient (Elec. Code §§ 9031(d), 9033).....Tuesday, 06/08/10\*

\*Date varies based on the date of county receipt.

## IMPORTANT POINTS

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- California law prohibits the use of signatures, names and addresses gathered on initiative petitions for any purpose other than to qualify the initiative measure for the ballot. This means that the petitions cannot be used to create or add to mailing lists or similar lists for any purpose, including fundraising or requests for support. Any such misuses constitutes a crime under California law. Elections Code section 18650; *Bilofsky v. Deukmejian* (1981) 124 Cal.App.3d 825, 177 Cal.Rptr. 621; 63 Ops.Cal.Atty.Gen. 37 (1980).
- Please refer to Elections Code sections 100, 101, 104, 9001, 9008, 9009, 9021, and 9022 for appropriate format and type consideration in printing, typing and otherwise preparing your initiative petition for circulation and signatures. Please send a copy of the petition after you have it printed. This copy is not for our review or approval, but to supplement our file.
- Your attention is directed to the campaign disclosure requirements of the **Political Reform Act of 1974**, Government Code section 81000 et seq.
- When writing or calling state or county elections officials, provide the official title of the initiative which was prepared by the Attorney General. Use of this title will assist elections officials in referencing the proper file.
- When a petition is presented to the county elections official for filing by someone other than the proponent, the required authorization shall include the name or names of the persons filing the petition.
- When filing the petition with the county elections official, please provide a blank petition for elections official use.

EDMUND G. BROWN JR.  
Attorney General

State of California  
DEPARTMENT OF JUSTICE



1300 I STREET, SUITE 125  
P.O. BOX 944255  
SACRAMENTO, CA 94244-2550

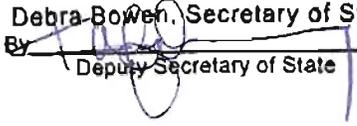
Public: (916) 445-9555  
Telephone: (916) 445-4752  
Facsimile: (916) 324-8835  
E-Mail: Krystal.Paris@doj.ca.gov

September 8, 2009

**FILED**  
In the office of the Secretary of State  
of the State of California

SEP 08 2009

Honorable Debra Bowen  
Secretary of State of the State of California  
State of California Elections  
1500 11th Street, 5th Floor  
Sacramento, CA 95814

Debra Bowen, Secretary of State  
By  Deputy Secretary of State

Attention: Ms. Katherine Montgomery  
Associate Elections Analyst

Re: Initiative 09-0022, "The Tax, Regulate, and Control Cannabis Act of 2010."  
Official Circulating Title: CHANGES CALIFORNIA LAW TO LEGALIZE, REGULATE,  
AND TAX MARIJUANA. INITIATIVE STATUTE.

Dear Secretary Bowen:

Pursuant to Elections Code sections 9004 and 336, you are hereby notified that on this day we mailed our title and summary for initiative 09-0022, "The Tax, Regulate, and Control Cannabis Act of 2010" to the proponents. A copy of that title and summary and text of the proposed measure is enclosed.

Please contact me if you have any questions.

Sincerely,



KRYSTAL M. PARIS  
Initiative Coordinator

For EDMUND G. BROWN JR.  
Attorney General

Proponents:

Joc Rogoway, Omar Figueroa, and James J. Clark  
506 Broadway  
San Francisco, CA 94133

Date: September 8, 2009  
Initiative No.: 09-0022

The Attorney General of California has prepared the following title and summary of the chief purpose and points of the proposed measure:

**CHANGES CALIFORNIA LAW TO LEGALIZE, REGULATE, AND TAX**

**MARIJUANA. INITIATIVE STATUTE.** Repeals state laws that make it a crime for people 21 years old or older to use, possess, sell, cultivate, or transport marijuana or industrial hemp, except laws that make it a crime to drive while impaired or to contribute to the delinquency of a minor. Expunges state convictions based on the repealed marijuana-related laws. Requires state and local governments to regulate and tax commercial production and sale of marijuana. Requires taxes to be spent on education, healthcare, environmental programs, public works, and state parks. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local governments: Savings in the several tens of millions of dollars annually to state and local governments on the costs of incarcerating and supervising certain marijuana offenders. Unknown but potentially major new excise, income, and sales tax revenues related to the production and sale of marijuana products. (09-0022.)

Joe Rogoway  
Omar Figueroa

James J. Clark  
506 Broadway  
San Francisco, CA 94133  
Phone: (415) 946-5591  
Fax: (415) 421-1331

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RECEIVED

JUL 15 2009

INITIATIVE COORDINATOR  
ATTORNEY GENERAL'S OFFICE

July 13, 2009

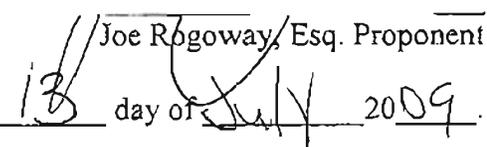
Office of the Attorney General  
ATTN: Initiative Coordinator  
1300 I Street  
Sacramento, CA 95814  
Phone : (916) 324-5490

To Initiative Coordinator:

The Undersigned respectfully requests that a title and summary of the chief purpose and points of the proposed initiative of the measure be prepared. Please find the enclosed text of the measure, and a check in the amount of \$200.00 dollars.

Thank you for your assistance, and please feel free to contact us with any questions.

I, Joe Rogoway, acknowledge that it is a misdemeanor under state law (Section 18650 of the Elections Code) to knowingly or willfully allow the signatures on an initiative petition to be used for any purpose other than qualification of the proposed measure for the ballot. I certify that I will not knowingly or willfully allow the signatures for this initiative to be used for any purpose other than qualification of the measure for the ballot. This statement shall be kept on file at the Attorney General's Office for not less than eight months after the certification of the results of the election for which the petition qualified or, if the measure did not qualify, eight months after the deadline for submission of the petition to elections officials.

 Joe Rogoway, Esq. Proponent

Dated this 13 day of July 2009.

I, Omar Figueroa, acknowledge that it is a misdemeanor under state law (Section 18650 of the Elections Code) to knowingly or willfully allow the signatures on an initiative petition to be used for any purpose other than qualification of the proposed measure for the ballot. I certify that I will not knowingly or willfully allow the signatures for this initiative to be used for any purpose other than qualification of the measure for

the ballot. This statement shall be kept on file at the Attorney General's Office for not less than eight months after the certification of the results of the election for which the petition qualified or, if the measure did not qualify, eight months after the deadline for submission of the petition to elections officials.

Omar Figueroa Esq. Proponent

Dated this 15<sup>th</sup> day of July 2009.

I, James J. Clark, acknowledge that it is a misdemeanor under state law (Section 18650 of the Elections Code) to knowingly or willfully allow the signatures on an initiative petition to be used for any purpose other than qualification of the proposed measure for the ballot. I certify that I will not knowingly or willfully allow the signatures for this initiative to be used for any purpose other than qualification of the measure for the ballot. This statement shall be kept on file at the Attorney General's Office for not less than eight months after the certification of the results of the election for which the petition qualified or, if the measure did not qualify, eight months after the deadline for submission of the petition to elections officials.

James J. Clark, Esq. Proponent

Dated this 15<sup>th</sup> day of July 2009.

**Address at which Each Proponent is Registered to Vote**

**The Tax, Regulate, and Control Cannabis Act of 2010**

**Section 1: Name**

This Act shall be known as the “The Tax, Regulate, and Control Cannabis Act of 2010.”

**Section 2: Findings**

This Act, adopted by the People of the State of California, is intended to:

- a. Prohibit furnishing cannabis to minors below the age of 21, unless for medical use.
- b. Repeal all existing state and local laws that criminally prohibit or punish cannabis and associated cannabis related activities.
- c. Permit the possession, use, sharing, cultivation, transportation, and other activities related to cannabis by persons over the age of 21.
- d. Mandate the State government to adopt reasonable laws to permit, license, control and issue taxes for the commercial cultivation and sales of cannabis.
- e. Permit the cultivation, processing, sales, transportation and distribution of industrial hemp.
- f. Authorize local governments to adopt ordinances, rules and regulations regarding such licensed businesses, including appropriate zoning, permits, licenses, safety, and environmental laws to protect the general health and welfare of the public.
- g. Punish those who violate this Act and prevent any state or local agency from prohibiting or obstructing the terms or spirit of this Act
- h. Make cannabis available for scientific, medical, industrial and research purposes.
- i. Permit the State of California to fulfill obligations under the United States Constitution to enact laws concerning health, morals, public welfare and safety.
- j. Continue to enforce all laws relating to driving and contributing to the delinquency of a minor.

**Section 3: Definitions**

For purposes of this Act:

- a. “Cannabis” means all parts from plants of the Genus Cannabis, whether growing or not; seeds thereof; resin extracted from any part of the plant; concentrated cannabis; edible products containing cannabis; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. The terms “Marijuana” and “Cannabis” are interchangeable for the purposes of this Act.
- b. “Industrial hemp” means an agricultural field crop that is limited to non-psychoactive varieties of the Cannabis plant having no more than three-tenths of one percent tetrahydrocannabinol contained in the dried flowering tops, that is cultivated and processed exclusively for the purpose of producing the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, or any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin or flowering tops extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.

#### **Section 4: Cannabis Control, Decriminalization, Regulation, and Taxation**

*Article 5 of Chapter 5 of Division 10 of the Health and Safety Code, commencing with section 11300 is added to read:*

##### *Section 11300: Laws Permitting Cannabis Activities by Adults Aged 21 and Over*

- (a) It is lawful, and not a crime or public offense under California law for persons aged 21 and older to engage in the following acts or activities related to the plant genus cannabis: possession, transportation, use, furnishing, sales, cultivation, or processing.
  - (1) Persons aged 21 and over may cultivate reasonable amounts of cannabis for their personal use. Amounts cultivated beyond personal use needs are subject to commercial restrictions, taxes and fees imposed pursuant to this Act.
  - (2) All persons aged 21 and over may possess objects, items, tools, equipment, products and material associated with activities permitted under this Act. This includes scales or other weighing devices.
- (b) This Act hereby repeals all state laws that prohibit cannabis possession, sales, transportation, production, processing, and cultivation, and removes cannabis from any other statutes pertaining to the regulation of controlled substances, whether now existing or enacted in the future, including but not limited to the following:
  - (1) Health and Safety Code Sections 11014.5 and 11364 [relating to drug paraphernalia]; 11054 [relating to cannabis or tetrahydrocannabinols]; 11357 [relating to possession]; 11358 [relating to cultivation]; 11359 [relating to possession for sale]; 11360 [relating to transportation and sales]; 11361 [related to minors]; 11366 and 11366.5 [related to maintaining a place for cultivation, sales]; 11370 [relating to punishment]; 11379.6 [relating to processing]; 11470 [relating to forfeiture]; 11479 [relating to seizure and destruction]; 11703 [relating to definitions regarding illegal substances]; 11705 [actions for use of illegal controlled substance]; Vehicle Code sections 23222 and 40000.15 [relating to possession].
- (c) This act is not intended to affect the application California Vehicle Code §23152 [relating to driving while impaired] and Penal Code §272 [relating to contributing to the delinquency of a minor].
- (d) This Act strictly prohibits all sales of cannabis outside the State of California unless such sales are not inconsistent with federal or international law.
- (e) This Act shall be retroactive, and by operation of law expunges the conviction of anyone previously convicted of a cannabis offense.
- (f) The Act prohibits any person from being denied any right or privilege for conduct in accordance with this article. No person shall be discriminated against regarding, but not limited to, healthcare, education, employment, retirement, and insurance, for conduct permitted by this Act.

*Section 11301: State and Local laws to Control and Regulate Commercial Cannabis*

California state and local governments shall adopt reasonable ordinances, regulations, or other acts having the force of law to control, license, regulate, permit or otherwise authorize the following:

- (a) Commercial cultivation, production, processing, distribution, and sales of cannabis for commercial and personal uses, including:
  - (1) Establishments, open to the public, that sell and/or allow on-premises smoking and other use of cannabis, and;
  - (2) Locations engaged in the commercial propagation, cultivation, processing and/or distribution of cannabis, and;
  - (3) Any other entity or location needed to further activities permitted and/or mandated by this Act.
- (b) Local governments may create regulations of any such establishment in accordance with this article including but not limited to environmental, accessibility, and zoning ordinances.
- (c) Local governments are prohibited from banning establishments, businesses, and other entities engaged in any conduct allowed by this Act.
- (d) The State shall create appropriate regulations to ensure uniform and orderly implementation of this Act including regulations, laws, and other acts having the force of law, requiring that any such permitted or licensed business, facility or premises:
  - (1) prevent any harm to the environment,
  - (2) have appropriate controls to ensure protection of minors,
  - (3) permit or license the commercial cultivation and sale of Cannabis,
  - (4) create and levy appropriate taxes or fees pursuant to section 11302,
  - (5) enact laws or create agencies consistent with the purposes of this Act.
- (e) The State shall enact labeling requirements in order to inform the public for all cannabis sold or offered for sale to the public that includes:
  - (1) City, county, or other appellation, and;
  - (2) Species, strain(s) and/or variety(ies) of packaged cannabis, and;
  - (3) General THC content, and;
  - (4) Organic certification, or, if not certified as organically grown, a listing of pesticides, herbicides, and/or additives used;
  - (5) Certification that the Cannabis is not genetically modified.

*Section 11302: Imposition and Collection of Taxes and Fees*

- (a) The Legislature shall create a system for the fair and orderly taxation of commercial production, sales and other cannabis business related activities within one year of the passage of this Act. The rate of taxation shall be initially set at no less than Fifty United States Dollars per ounce of Cannabis.
- (b) State and local governments shall create a system for the fair and orderly issuance of licenses or permits, and the collection of licensing or permitting fees.

- (c) In order to foster environmentally responsible practices for cannabis production, cultivation, processing, and other related activities, the Legislature shall enact preferential regulatory and tax treatment for entities engaged in organic and/or sustainable practices.
- (d) Taxes imposed pursuant to this Act must be spent on public education, healthcare, environmental programs, public works, and state parks.
- (e) Only Cannabis that is commercially cultivated, distributed, and/or sold shall be taxed.

*Section 11303: Industrial Hemp*

- (a) This Act hereby provides for the decriminalization of industrial hemp. The state and local governments shall enact laws and regulations promoting the cultivation, production, processing, sales, distribution, regulation, and taxation of industrial hemp and all derivatives thereof.

*Section 11304: Penalties for Violation of this Act*

- (a) Penalties for the furnishing of cannabis to a minor shall be consistent with penalties for similar alcohol related offenses in a manner to be determined by the Legislature.
- (b) Penalties to the minor for cannabis related offenses shall be non-custodial as determined by the Legislature.
- (c) Nothing in the Act shall permit the smoking of Cannabis:
  - (1) In or within 500 feet of the grounds of a school (other than university or college), or youth center, unless the personal use occurs within a residence.
  - (2) On a school bus.
  - (3) By the operator of a motorized vehicle, vessel, or aircraft during operation.
- (d) The unauthorized sale of cannabis shall be subject to civil and regulatory penalties to be determined by the Legislature.
- (e) Establishments, facilities, individuals and other entities that maliciously and repeatedly violate this Act are subject to civil, regulatory, and licensing penalties to be determined by the Legislature.
- (f) All civil penalties for violations of these new cannabis regulations shall be spent on public education, healthcare, environmental programs, public works, and state parks.

*Section 11305: Severability*

If any section, subdivision, sentence, clause, phrase, or portion of this Article is for any reason held invalid or unconstitutional by any court of competent jurisdiction, that portion shall be deemed a separate, distinct, and independent provision, and that holding shall not affect the validity of the remaining portion thereof.