



DEBRA BOWEN | SECRETARY OF STATE
STATE OF CALIFORNIA | ELECTIONS

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July 25, 2011

County Clerk/Registrar of Voters (CC/ROV) Memorandum #11050

TO: All County Clerks/Registrars of Voters and Proponents

FROM:


Katherine Montgomery
Initiative Program Manager

RE: Initiative: 1490, Related to Marijuana

Pursuant to Elections Code section 9004 (c), we transmit herewith a copy of the Title and Summary prepared by the Attorney General on a proposed initiative measure entitled:

**MARIJUANA LEGALIZATION.
INITIATIVE STATUTE.**

The proponents of the above-named measure are:

James P. Gray
Steve Kubby
William McPike
P.O. Box 13591
South Lake Tahoe, CA 96151

(415) 830-6070

#1490

**MARIJUANA LEGALIZATION.
INITIATIVE STATUTE.**

CIRCULATING AND FILING SCHEDULE

1. Minimum number of signatures required: 504,760
California Constitution, Article II, Section 8(b)

2. Official Summary Date: Friday, 07/22/11

3. Petitions Sections:
 - a. First day Proponent can circulate Sections for
signatures (Elections Code § 336) Friday, 07/22/11

 - b. Last day Proponent can circulate and file with the county.
All sections are to be filed at the same time within each
county. (Elections Codes §§ 9014, 9030(a)) Monday, 12/19/11

 - c. Last day for county to determine total number of
signatures affixed to petitions and to transmit total
to the Secretary of State (Elections Code § 9030(b)) Friday, 12/30/11

(If the Proponent files the petition with the county on a date prior to
12/19/11, 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) (Elections 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, 01/08/12*

 - 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
(Elections Code §§ 9030(d)(e)) Wednesday, 02/22/12

* Date varies based on the date of county receipt.

INITIATIVE #1490

Circulating and Filing Schedule continued:

(If the Secretary of State notifies the county to determine the number of qualified voters who signed the petition on a date other than 01/08/12, the last day is no later than the thirtieth working day after the county's receipt of notification). (Elections Code §§ 9030(d)(e).)

- f. If the signature count is more than 555,236 or less than 479,522 then the Secretary of State certifies the petition as qualified or failed, and notifies the counties. If the signature count is between 479,522 and 555,236 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)) Saturday, 03/03/12*

- 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. (Elections Code §§ 9031(b)(c)). Friday, 04/13/12

(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 03/03/12, the last day is no later than the thirtieth working day after the county's receipt of notification.) (Elections 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 (Elections Code §§ 9031(d), 9033)... Tuesday, 04/17/12*

*Date varies based on the date of county receipt.

IMPORTANT POINTS

- 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 § 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 §§ 100, 101, 104, 9008, 9009, 9013, 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.

KAMALA D. HARRIS
Attorney General

State of California
DEPARTMENT OF JUSTICE



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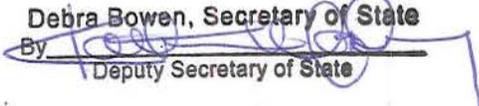
July 22, 2011

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

JUL 22 2011

VIA
EMAIL
5:26pm

The Honorable Debra Bowen
Secretary of State
Office of the Secretary of State
1500 11th Street, 6th Floor
Sacramento, CA 95814

Debra Bowen, Secretary of State
By 
Deputy Secretary of State

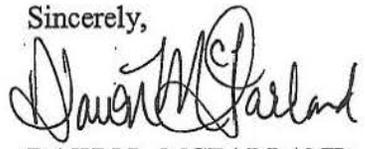
Attention: Ms. Katherine Montgomery
Elections Analyst

Dear Secretary Bowen:

Pursuant to Elections Code section 9004, you are hereby notified that on this day we sent our title and summary for the following proposed initiative to the proponent:

- 11-0011, Amdt. #1-S "The Regulate Marijuana Like Wine Act of 2012"

A copy of that title and summary and text of the proposed initiative is enclosed. Please contact me if you have questions.

Sincerely,

DAWN L. MCFARLAND
Acting Initiative Coordinator

For **KAMALA D. HARRIS**
Attorney General

DLM:

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

MARIJUANA LEGALIZATION. INITIATIVE STATUTE. Decriminalizes marijuana sales, distribution, possession, use, cultivation, processing, and transportation by persons 21 or older. Dismisses pending court actions inconsistent with its provisions. Prohibits advertising, except medical marijuana. Prohibits zoning restrictions on marijuana cultivation and processing. Applies existing agricultural taxes and regulations to marijuana; exempts noncommercial production up to 25 flowering plants or 12 pounds processed marijuana annually. Authorizes retail sales of marijuana with one percent THC or more to persons 21 or older; if less, no age limit. Directs state and local officials to not cooperate with enforcement of federal laws inconsistent with its provisions. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local governments: **The fiscal effects of this measure could vary substantially depending on: (1) the extent to which the federal government continues to enforce federal marijuana laws and (2) the specific taxes and regulations 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. (11-0011.)**

Amdt. #1 S

The Regulate Marijuana Like Wine Act of 2012

SPONSORED BY THE REGULATE MARIJUANA LIKE WINE COMMITTEE
JAMES P. GRAY, CHIEF PROPONENT Retired Superior Court Judge and author
STEVE KUBBY, CHIEF OFFICER Managing Partner and CEO, Kubby Patents and Licenses
WILLIAM McPIKE, COUNSEL Nationally recognized attorney and legal authority
STEVE COLLETT, TREASURER President, Collett & Company, Inc., Certified Public Accountants
EMAIL: Info@RegulateMarijuanaLikeWine.com STATE CAMPAIGN ID NUMBER 1336887
415 830-6070 • POST OFFICE BOX 13591, SOUTH LAKE TAHOE, CALIFORNIA 96151

May 24, 2011

Attorney General's Office
California Department of Justice
Attn: Public Inquiry Unit
P.O. Box 944255
Sacramento, CA 94244-2550

RECEIVED

JUN 01 2011

INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

Dear Attorney General Kamala D. Harris,

Please accept my written request to amend the text we previously submitted on May 18, 2012. The new text removes Section 1(f) regarding Harm Reduction Officers, approximately 400 words.

A copy of the new text is enclosed.

Respectfully submitted,

The People of the State of California do enact as follows: Amdt. #1 S
The Regulate Marijuana Like Wine Act of 2012

SECTION 1. Findings, Declarations, Purpose, Directives, and Orders

New Section 11362.95 is added to the Health and Safety Code:

11362.95. This section shall be known as and may be cited as the "Regulate Marijuana Like Wine Act of 2012," known hereinafter as the "Act."

(a) The People of the State of California hereby find and declare:

(1) Outlawing marijuana has not reduced its availability and has actually resulted in making it easier for minors to acquire.

(2) Marijuana is an untapped revenue source for the State of California, and that the best way to tap into that source for the benefit of all Californians is to tax and regulate it.

(3) The regulation of marijuana will benefit the People of the State of California by reducing criminal gang activity, promoting agriculture, creating jobs by creating a new hemp industry in the State of California, and reduce the fiscal and overpopulation burdens on the Department of Corrections and Rehabilitation.

(b) The purposes of this Act are as follows:

(1) To amend the California Health and Safety Code sections 11357, 11358, 11359, 11360, 11366, 11366.5, 11485, and Vehicle Code section 23222(b), such that persons 21 years of age or older shall no longer be prohibited from the use, possession, trade, gifting, sales, distribution, storage, transportation, production, or cultivation of marijuana.

(2) Marijuana, THC, and CBD explicitly and/or by inference, shall be removed from Health and Safety Code section 11054, except for those statutes pertaining to:

(A) Operating a motor vehicle;

(B) Using marijuana or being impaired in the workplace or public nonsmoking areas.

(C) Providing, transferring, or selling marijuana to a person under 21 years of age; and

(D) The use, possession, cultivation, processing, sales, distribution, transporting, or storing on premises of marijuana by persons under 21 years of age.

(3) The amendment of statutes that criminalize the use, possession, cultivation, processing, transportation, storage, distribution, gifting and/or selling of marijuana in any form, or method of ingestion by persons 21 years of age or older, to legalize all such for-profit or non-profit activity by those persons, groups, or by approved business entities, and does not subject these persons/entities to search, arrest, prosecution, seizure, asset forfeiture, and/or any criminal or civil penalty or sanction.

(4) That these enumerated activities are not punishable herein.

(5) That all pending court actions under said amended statutes that conflict with the provisions of this Act shall be dismissed with prejudice.

(c) The People of the State of California hereby declare that this Act expressly prohibits the following:

(1) The search, arrest, prosecution, seizure of marijuana, asset forfeiture, or imposition of any criminal or civil penalties or fines for persons 21 years of age or older or entities for acting within the provisions of this Act. Without limiting any other greater immunity or rights granted herein, these persons/entities are also granted the immunity specified in Health and Safety Code section 11367, subject to its provisions.

(2) Any and all commercial advertising of the sales, distribution, and use of marijuana, except for medical marijuana and products that contain less than one percent THC. This provision shall be enforced hereafter by penalties to be set forth by the Legislature.

(d) The People of the State of California hereby expressly declare that this Act does not repeal, modify, or change any present medical marijuana statutes as set forth in California Proposition 215 and its progeny.

(e) The People of the State of California hereby declare:

(1) This Act adopts the definitions of marijuana and THC as they are presently set forth in Health and Safety Code Sections 11018 and 11006.5, but those definitions shall be broadly interpreted to include the species *Cannabis Indica*, *Ruderalis*, and *Americana*, as well as any plant part, derivative, interspecies hybrids or cross-breeds, and all non-genetically-modified strains of the *Cannabis* genus and plant.

(2) Existing taxes and regulations for the establishment of the farming, industry, distribution, retail sales, and wholesale transactions of agricultural crops and products shall apply to marijuana, regardless of THC level, using the grape winery industry as a model, so long as the results support these declarations, purposes and goals.

(3) All marijuana or hemp products with a THC level below one percent shall be authorized for normal retail sales. All marijuana or hemp products with a THC level of one percent or above shall be restricted for normal retail sales to persons 21 years of age or older and regulated in a manner similar to wine, so long as the results support these declarations, purposes and goals.

(4) The State of California, and all branches of its government, shall liberally construe the meaning and implementation of this Act to favor and benefit individuals, and qualifying business entities regarding the following:

(A) No taxes, fees, laws, rules, regulations, or local city or county zoning requirements may be adopted or enacted to defeat, deny, or prohibit the purposes of this Act, or to defeat, deny, or prohibit persons 21 years of age or older, associations, organizations commercial, agricultural, or industrial businesses from engaging in the activities protected by this Act, and all civil rights apply as set forth in Civil Code Sections 52.1 et seq., 54, Food and Agricultural Code Sections 54033 through 54035, inclusive.

(B) As per the winery regulations of the alcohol industry model that allow for non-commercial home brewing, any person, association, or collective group not producing more than 25 flowering plants or 12 pounds of dried processed marijuana per adult, per year, shall be exempt from any winery regulations of the alcohol industry model, excises, fees, and taxes, except for income taxes and sales taxes, if they apply.

(C) No regulations, taxes, or fees shall be enacted or imposed for marijuana for qualifying persons and entities, which are more severe or restrictive than those for comparable and reasonable usage in the commercial wine grape farming and winery regulations of the alcohol industry model, including for farming, planting, cultivating, irrigating, harvesting, processing, brokering, storing, selling, distributing, and establishing of cooperatives or collective associations.

(5) Regardless of jurisdictional arguments, all state, local, elected, appointed, hired employees, officers, and officials shall refuse to and shall not cooperate with or assist federal, state, or local officials or employees

who would eradicate marijuana, act for seizure or forfeiture, or defeat any liberally construed purpose of this Act, or to operate under any contract or arrangement to repeal or circumvent this Act directly or indirectly, or to follow or to abide by any federal laws or regulations that are in conflict with this Act. Further, no such person acting alone, or with any other person or legislative or executive body, may contract or agree to cooperate with or to assist federal officials, employees, agencies or departments to obtain any money, property, gain, or advantage by the arrest, prosecution, conviction, or deprivation or seizure of property of anyone acting within the age provisions of this Act.

(6) Within 30 days of passage of this Act, the offices of both the state Attorney General and the Department of Public Health shall inform the United States Department of Health and Human Services, the United States Attorney General, Congress, Drug Enforcement Agency, and Food and Drug Administration that in 1996 the state of California recognized the current medical use of marijuana in treatment in the United States, and since 1996 is a state-regulated medical practice. Physicians have evaluated thousands of patients who have used marijuana with no adverse consequences, and for that reason demands or petitions as is appropriate (see 21 CFR 1308.43, 21 USC 811-812) that marijuana and tetrahydrocannabinols as defined in §21 USC 802(16) be removed from Schedule I of the Controlled Substances Act, 21 USC 800 et. seq., where it is currently listed as a drug with no accepted medical use.

(7) The State of California is ordered to protect and defend all provisions of this Act from any and all challenges or litigation, whether from individuals, officials, cities, counties, the state or federal governments.

(f) This Act shall become effective immediately upon passage.

SECTION 2. Severability

If any of the provisions of this Act, or any part thereof, is for any reason held to be invalid or unconstitutional, the remaining provisions shall not be affected, but shall remain in full force and effect, and to this end the provisions of this Act are severable.

SECTION 3. Conflicting Measures

If this Act is approved by the voters but superseded by law by any other conflicting ballot measure approved by the voters at the same election, and the conflicting measures are later held invalid, this Act shall be self-executing and given the full force of law.