

Overview of Key Marijuana-Related Policies and Regulations

Marijuana policies remain a patchwork of conflicting Federal, State and local laws. At the Federal level, marijuana remains a Schedule I drug under the Controlled Substance Act. However, the State of California has permitted qualified patients to use marijuana for medical purposes since 1996. The passage of Proposition 64 in November 2016 allows for adults 21 years of age or older to legally grow, possess, and use marijuana for recreational purposes. This document provides a detailed history of marijuana policies at the federal, state and local level that have shaped the current marijuana landscape in San Diego County.

1996. California voters passed Proposition 215, also known as the Compassionate Use Act. The voter initiative was supported by 56% of voters and gave Californians the right to use marijuana for medical reasons if recommended by a doctor. California was the first state to pass a medical marijuana law.

2001. The U.S. Supreme Court ruled there was no medical exception to federal marijuana laws, meaning that it was still illegal to sell or distribute the drug even when state laws, like those in California, allow it.

2004. The Medical Marijuana Program (MMP) Act (SB 420) required the California Department of Public Health to develop a program to voluntarily register medical marijuana users and their caregivers. County participation in the program was mandated.

2005. The San Diego County Board of Supervisors filed a lawsuit to overturn Proposition 215 and SB 420. The California Supreme Court rejected the lawsuit in November 2006. Two years later, the San Diego County Board of Supervisors filed an appeal, which was also rejected. The U.S. Supreme Court refused to hear the case on May 19, 2009.

2008. Then-Attorney General Jerry Brown established the “Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use.” The guidelines were issued to ensure that marijuana grown for medical purposes would remain secure and would only be used by authorized patients. It also aimed to help patients and caregivers understand how to cultivate, transport, possess, and use marijuana legally and to guide law enforcement in enforcing California laws.

2009. San Diego County implemented the Medical Marijuana Program (MMP), as mandated by the State, and began issuing Medical Marijuana Identification Cards (MMIC) on July 6. San Diego County issued a total of 582 MMICs during FY 2014-15.

2010. The County of San Diego approved the Medical Marijuana Collective Program Facilities Ordinance. The ordinance outlines how and where medical marijuana collectives can operate, under the supervision of the Sheriff’s Department, in the County’s unincorporated areas.

2010. Governor Arnold Schwarzenegger reduced marijuana possession to an infraction.

2011. San Diego County amended the existing Medical Marijuana Collective Facilities Ordinance to specify zones of operation. There are 150 designated locations in unincorporated San Diego County where medical marijuana facilities can operate.

2014. The City of San Diego adopted an ordinance allowing four dispensaries in each of the municipality's nine council districts.

2014. On November 5, California voters approved Proposition 47, which reduced the penalties for many drug possessions charges, from a felony to a misdemeanor.

2015. In September, California statewide marijuana regulatory policies were adopted with the passage of packaged legislation (CA AB 243, AB 266 and SB 643). The new Medical Marijuana Regulation and Safety Act (MMRSA) will establish California's first statewide regulatory system for medical marijuana businesses. The new legislation will govern processing, cultivation, testing, transportation and distribution of medical marijuana. Subsequently, CA AB 21, a critical MMRSA clean-up bill, has passed to remove a previous deadline and ensure sufficient time for local control by cities and counties.

2016. San Diego County extended a moratorium on new medical marijuana dispensaries in unincorporated areas through March 2017; this gives the County more time to modify existing regulations for medical marijuana businesses.

2016: California voters approved Proposition 64, The Adult Use of Marijuana Act (AUMA) on November 8, 2016. Proposition 64 allows for adults 21 years of age or older to legally grow, possess, and use marijuana for recreational purposes.

2017: Creation of the California Bureau of Cannabis Control (BCC). The BCC is responsible for licensing retailers, distributors, testing laboratories, microbusinesses, and temporary cannabis events.

2017: San Diego County unincorporated areas placed a ban on new medical and recreational marijuana facilities from opening. The three dispensaries that were operating at the time of the ban are required to be closed by 2022. Additionally, two facilities currently in the permitting process at the time of the ban may be allowed to open but would be required to close within five years. This item was approved at the Board of Supervisors meeting on [March 5, 2017 \(agenda item 2\)](#).

2017: The City of San Diego began accepting permit applications to grow, manufacture and/or sell recreational marijuana products.

2017: The City of Chula Vista became one of several cities in San Diego County to update their Social Host Ordinance to include marijuana and controlled substances. Local municipalities that have amended their SHO to include marijuana are Carlsbad, Chula Vista, Coronado, County of San Diego, El Cajon, Escondido, Imperial Beach, National City, Poway, San Marcos, Santee, Solana Beach and Vista.

2017: Canada legalizes recreational sales of marijuana.

2018: Recreational marijuana sales began on January 1, 2018.

2018: The 2018 Farm Bill or **Agriculture Improvement Act** was signed into law on December 20, 2018. The Farm Bill legalized the cultivation and sale of hemp at the federal level, effective January 1, 2019. The bill allows for the transfer of hemp-derived products across state lines for commercial and other purposes. Additionally, the bill puts no restrictions on the sale, transport or possession of hemp-derived products, so long as those items are produced in a manner consistent with the law.

2018: Former Attorney General Jeff Sessions rescinded the [Cole memo](#). This allowed for greater Federal enforcement of marijuana laws established by Congress under the Controlled Substances Act (CSA) of 1970. Additionally, this allowed investigators to follow well-established protocols when pursuing prosecutions related to marijuana activities.

2019: In June 2019, several States began to report lung injuries and death associated with vaping. By September 2019, California health officials had identified 57 suspected cases of acute lung disease among individuals with a recent history of vaping THC containing products. By December there was a total of 2,561 cases of **E-cigarette, or vaping, product use-associated lung injury** (EVALI) reported to the Centers for Disease Control (CDC) throughout the United States. Among these cases, 55 resulted in death. The condition was later determined to be caused by vitamin E acetate added to THC cartridges.

2019: The United States Surgeon General, Jerome Adams, issued an advisory emphasizing the importance of protecting youth and pregnant women from the health risks of marijuana use.

2019: The Proposition 64 Advisory Committee was developed under the California Department of Health Care Services (DHCS). The Advisory Committee had their first meeting on August 29, 2019. The purpose of the Prop 64 Advisory Group is to share emerging trends in youth substance use, make recommendations to DHCS on best practices for youth substance prevention, and provide feedback on the Youth Education Prevention, Early Intervention and Treatment Account (YEPEITA)-funded program assessment, implementation and evaluation.

2019: Twenty-five California cities filed lawsuits in Fresno County arguing that the state delivery regulations violate the promise for local control of Proposition 64. The trial date is currently set for April 2020.

2020: The San Diego County Board of Supervisors voted to ban the sale of vaping product in the San Diego County unincorporated areas on [January 14, 2020 \(agenda item 13\)](#). The measure placed a one-year moratorium on the sale of vaping devices and permanently bars flavored nicotine. The final decision will be made sometime in 2020.