

Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Edgardo Garcia

**SUBJECT: PROPOSITION 64 – THE
ADULT USE OF MARIJUANA ACT**

DATE: January 3, 2017

Approved

D. D. SyL

Date

1/5/17

INFORMATION

On November 8, 2016, the voters of California approved Proposition 64, the Adult Use of Marijuana Act. Key components of the initiative are:

- Legalizing nonmedical use of marijuana by persons aged 21 and older;
- Prohibiting the use of marijuana in public;
- Allowing personal cultivation of up to six marijuana plants at home in compliance with state and local regulations (in San José, these plants cannot be grown outdoors);
- Creating a state regulatory and licensing system for commercial cultivation, testing, distribution, and manufacture of nonmedical marijuana and nonmedical marijuana products. Note: the State is not required to issue licenses for nonmedical marijuana uses until 2018. Until the State is issuing licenses, commercial nonmedical marijuana activities are not legal in California.

Proposition 64 also allows local governments to put in place certain local guidelines and prohibitions. In San José, the only legal marijuana operations in San Jose are the 16 Registered Collectives already registered to dispense medical marijuana. They are allowed to dispense **medical marijuana only** to patients and caregivers who have a valid doctor's recommendation for medical use. All other marijuana enterprises are prohibited in San José at this time.

To help residents, property owners, cannabis entrepreneurs, and others understand the City's local regulations for nonmedical marijuana, staff has added an informational web page at www.sanjoseca.gov/prop64. Councilmembers are encouraged to share this page with constituents, on social media, and through newsletters. Additionally, if constituents have questions, they are encouraged to contact the San José Police Department Division of Medical Marijuana Control at dmmc@sanjoseca.gov.

/s/

EDGARDO GARCIA
CHIEF OF POLICE

For questions, please contact Sgt. David Woolsey, San José Police Department, Division of Medical Marijuana Control, at (408) 277-4115 or Michelle McGurk, Assistant to the City Manager, at (408) 535-8254.