

## Why Recreational and Medical Marijuana Laws Should Never Be Clumped Together.

By Dennis Peron

Now that Proposition 64 has passed in California, which makes recreational cannabis legal here, how will government effectively regulate and control both a recreational and a medical cannabis industry that in truth serves two distinctly different markets? You can't. The fundamental differences between the two is that the recreational cannabis user does not require, or rely on a physician consultation for treatment of a medical condition in which cannabis might help them whereas the patient seeking cannabis for treatment does. I see a relatively easy way to address this conundrum that should satisfy the majority of those who need to consider these issues by splitting the core cannabis industries into two parts. One set of laws under current Prop 64 law that would regulate the recreational, for-profit, cannabis industry and another set of laws that would regulate those non-profit entities serving the medical cannabis community.

I believe this requires another initiative making laws that would provide patients' rights relative to medical grade cannabis access and just as importantly make it so that those who wish to grow and manufacture products, that exclusively serve the medical cannabis market, would not have to be burdened by the rules and regulations that a for-profit entity would be responsible for under Prop 64 regulations. To that end I give you the Peron Act;

Proposition 151-The Peron Act: Regulation of Medical Marijuana, Compassion Services Exemptions, and Special Allowances for Use.

Here is how it would work:

- 1) As Medical Cannabis Products (MCP) expenses are not covered under traditional insurance programs, the costs associated with buying cannabis products are borne by the patient. To help keep those costs to the patient down the state would waive or greatly reduce the license fees for those businesses that qualified for these licenses.
- 2) Local governments would not be able to tax products at the point of sale that were certified as medical grade.
- 3) In the dispensaries recreational users would not be able to purchase medical grade cannabis products, identified by a special stamp, unless they had the physician's recommendation to do so. On the other hand a medical patient would not be prohibited from buying recreational products but would be taxed when choosing to do so.
- 4) A key component of the Peron Act would be the advancement of research and product development. As a medical cannabis industry how can we work to further these efforts while maintaining enough money to stay in business and to satisfy the regulatory agencies requirements with the work being done? I say we earn it. To that end I propose that the state regulations for the Medical Cannabis Cultivator (MCC) be such that when the MCC meets its



annual state relicensing requirements they are given an option to increase of 50% of the previous crop size from the previous year up to an established to be determined maximum crop size.

Why this will be important in the eyes of the state is by rewarding the players who play by the rules and maintain legitimate dispensing of their products the crop sizes are earned over years of the MCC playing by the rules. The likelihood of a licensed MCC redirecting their products for black market gains would be career and business suicide.

4.1) Recent research has shown the benefits of THC in the suppression of blood flow to cancer cells. For the purposes of Medical Cannabis Products there will be an increased maximum limitation of 19% THC for those flower products.

4.2) Recent research has shown there are increased benefits to the patient in terms of increased bioavailability when the concentrated form of the plant is brought to the patient in the form of a live resin extraction which due to the freshness and extraction techniques maintains the highest plant integrity and essential elements to the patient.

4.3) Those MCC's who use certified organically grown cannabis, that which does not use any synthetic nutrients pesticides, fungicides, insecticides or airocides would be given the opportunity to perform Live Resin Extraction (LRE) procedures at their farms in certified facilities that may use an approved extraction technique that meets state and local regulations. This is the only practical way to handle this beneficial extraction technique. Those products would then be fast track lab tested and given to the Type 11 Distributor for distribution to those dispensaries that would carry the products.

5) Unlike Prop 64, the Peron Act would not allow a 2/3 majority to change the language within it.

6) The Peron Act will require public and non-public schools and residencies/programs to develop a policy that:

6.1) Authorizes parents, guardians, and primary caregivers to administer medical marijuana to a student to receive such medication while on school grounds, aboard a bus or attending a school sponsored event.

6.2) A policy adopted pursuant to subsection a of this section shall, at a minimum: require that the student be authorized to engage in the medical use of marijuana and that the parent, guardian, or primary caregiver be authorized to assist the student with the medical use of marijuana.

6.3) Establish protocols for verifying the registration status and ongoing authorization concerning the medical use of marijuana for the student and the parent, guardian, or primary caregiver;

- a) expressly authorize parents, guardians, and primary caregivers of students who have been authorized for the medical use of marijuana to administer medical marijuana (oils, ingestibles, tinctures, sprays, etc. no raw plant smoking on public school grounds or by anyone under 21) to the student while the student is on school grounds, aboard a school bus, or attending a school-sponsored event;
- b) identify locations on school grounds where medical marijuana may be administered; and:

c) prohibit the administration of medical marijuana to a student by smoking or other form of inhalation while the student is on school grounds, aboard a school bus, or attending a school sponsored event.

d) Medical marijuana may be administered to a student while the student is on school grounds, aboard a school bus, or attending school-sponsored events, provided that such administration is:

Consistent with the requirements of the policy adopted pursuant to this section.

a. The chief administrator of a facility that offers services for persons with developmental disabilities shall develop a policy authorizing a parent, guardian, or primary caregiver authorized to assist a qualifying patient with the use of medical marijuana to administer medical marijuana to a person who is receiving services for persons with developmental disabilities at the facility.

b. A policy adopted pursuant to subsection a. of this section shall, at a minimum:

(1) require the person receiving services for persons with developmental disabilities be a qualifying patient authorized for the use of medical marijuana.

2) and, that the parent, guardian, or primary caregiver be authorized to assist the person with the medical use of marijuana.

3) establish protocols for verifying the registration status and ongoing authorization concerning the medical use of marijuana for the person and the Parent, guardian, or primary caregiver;

4) expressly authorize parents, guardians, and primary caregivers to administer medical marijuana to the person receiving services for persons with developmental disabilities while the person is at the facility; and

5) identify locations at the facility where medical marijuana may be administered.

6) Medical marijuana may be administered to a person receiving services for persons with developmental disabilities at a facility that offers such services while the person is at the facility,

7) provided that such administration is consistent with the requirements of the policy adopted pursuant to this section and the provisions of state law.

8) Nothing in this section shall be construed to authorize medical marijuana to be smoked in any place where smoking is prohibited.

9) nothing in this section shall be construed to authorize individuals under the age of 21 to receive medical marijuana for smoking purposes. Oils, edibles, capsules, or other non-smoked items only unless patient is over 21 and complying with all smoking regulation.

C) Grandfather clause: The current practices and procedures in such locations as listed in Item (6) shall be given 12 months to create policy while using current modality of use of Medicinal Marijuana at such locations. Notwithstanding, all state laws and requirements for medical recommendations apply to those qualifying for this subsection.

7) The allowance for compassion programs to supply patients that cannot otherwise afford, with Medicinal Marijuana, and:

a. Notwithstanding licensure requirements, qualifying compassion entities would be exempt from provisions of Proposition 64 in regards to taxes, tracking, and any other regulation deemed to interfere with the ability for compassion entities to supply qualified patients.

b. The legislature shall further define 'qualifying compassion entities' as individuals, companies, corporations in the medicinal marijuana business community that supply a percentage of clients, low income patients, with Medicinal Marijuana at no charge.

- c. Qualifying Compassion entities shall be exempt from any and all regulations that require taxation, tracking, or any other previous legislative intent that would, could, or does interfere with a patient receiving compassion services at no or reduced cost.
- d. Compassion patients must have valid recommendation for use of medicinal marijuana.

While I may not be around to see the Peron Act turned into law I do believe the issues cited herein represent goals worthy of implementation as they help define the real differences that exist between the recreational and medical marijuana markets and how the two will coexist amongst us long after I'm gone. That is what really matters. No doubt from the draft provided here there will be others who will contribute their own ideas and help craft the final version of the Peron Act that could make it more complete and see it turned into law. Thank you to everyone who shares in that vision and remember we must remain eternally vigilante. The rights we seek and those rights we achieve must be forever guarded against those who would take them from us for their own gain.

Blessings,

Dennis