



## THE RESTORATION ACT - SUMMARY VERSION

11/30/21

In November 1996, the voters passed Prop 215, legalizing the non-profit, cultivation, distribution and possession of cannabis for medical purposes.

In October 2003, the CA Senate passed SB 420, which codified Prop 215 as a system of regulation for the non-profit cultivation, distribution and possession of cannabis for medical purposes. SB 420 specifically banned for-profit commerce in medical cannabis.

In July 2015, Lieutenant Governor Gavin Newsom chaired a Blue-Ribbon Steering Committee whose purpose was to make recommendations as to the future of cannabis regulation in CA. These recommendations were titled the [Pathways Report](#).

In November 2016, [Prop 64](#), The Adult Use of Marijuana Act (AUMA), was approved by the voters. Prop 64 was falsely presented to the voters as a system of regulation which would somehow immunize state licensees from the jeopardy of federal criminal prosecution under the Controlled Substances Act (CSA) and as NOT being in POSITIVE CONFLICT with federal law. This was simply not true!

On July 19, 2021, in a letter to [California Attorney General Robert Bonta](#), Gubernatorial Candidate Nickolas Wildstar provided statements to AG Bonta as to why Prop 64 **was an illegal initiative and as such must be repealed. The state cannot be in the business of violating higher federal law where they are protected under 10th amendment claims while mandating cannabis licensees violate higher federal law and not be afforded those same protections.**

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Prop 64 **was, and remains**, an illegal initiative that was brought to the voters under Governor Jerry Brown's administration. It was allowed to reach the ballot by then CA Attorney General Kamala Harris. CA-AG Harris had a duty, as an attorney to not break higher federal and to protect the citizens' rights as established under the United States Constitution, specifically the [10th](#) and [14th](#) Amendments to that Constitution.

There are those who would argue we need to repeal Prop 64 and return to the way cannabis was run prior to 64 being enacted into law. In effect restoring the chaos that our legislative bodies allowed to exist because cannabis law and regulation as a not-for-profit industry was the third rail of their political careers. Reform brought no benefits to them financially or politically that is until Prop 64 came along. The reality is we cannot go back to an unregulated version of cannabis to what we had pre-Prop 64. In other words we need to create a system that protects medical cannabis patient's rights while embracing a regulatory framework that is fee, not tax based. The RESTORATION ACT does that. It includes language from the Herer Initiative and the Cannabis Hemp Heritage Act of 2020 (CHHA2020) as well as numerous others who have and continue to have a say in how cannabis will look in the State of California once Prop 64 is repealed and people who have been damaged by it will be made whole through pending state court litigation. We respectfully ask you to consider the RESTORATION ACT as a return to what was lost with the passing of Prop 64.