Medical And Recreational Marijuana

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What Do You Need to Know

Which States Have Both?

Changes In Governing Agency?

What's Important in Your State?

Does Recreational Impact Federal Laws?

Are the Governing Regulations Very Different?

Is The Tax Structure Different?

Is The Building Code Different?

Are the Potency, Serving or Weight Rules Different?

Does the packaging Need to Be Different?

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What States Have Medical and Voting For Recreational

- Washington, Oregon, Colorado and Alaska
- On the ballot: Nevada, California and 6 others

Entities need local permit, then apply for state license. The regulations come from three departments: building, health and newly created MCRSA for testing

- Existing law allows cities and counties—LA's Prop D has allowed most types of entities
- AMMA is the recreational marijuana law-many differences

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Expectations For California

- Consensus for all rec laws is that they are written for corporate America
- Vertical integration is not allowed now, but the new law includes this option with a larger grow license-and a larger grow license
- No residency requirement currently, but in the new law they have to have established residency since 2015
- Distribution-current says there has to be a distribution licens product for processing; the new law does not require

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Washington and Oregon

- Washington-prior medical marijuana regulation was very loose, untaxed.
- Medical has been consumed by recreational, but patients are charged a different tax rate and some deduction options.
- Oregon will probably be the model for California, with two existing programs. The state will be looking at both systems to ensure each generates some tax incomes, but medical marijuana has decreased taxes for patients everywhere

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Expectations for California

- Potential state licenses should start now working on compliance with local laws and regulations, by-laws and SOP's
- Entities who plan to apply for the state license they will need should be working on local compliance now because those in compliance will have priority for licenses. Unlike current and past programs, the number of licenses granted will be limited.
- State law will allow one business can do medical and recreational
- Both will be governed by the bureau of marijuana

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Oregon Contrasts

Most Major Issues Are Different For Recreational

Labelling, THC limits, Packaging, Tax and Regulations Differ

Two different sets of regulations, even under bureau of Marijuana, medical and recreational will exist,

Indian tribes have to have federal approval-

Probably medical only

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Financing

In CA they are supposed to be non-profit; entities use management companies, but it cannot be a straw corp.

IRS will scrutinize the set-up; new laws may allow profit

Some cities/counties are already planning for it; trans.

Out of state investors need to know residency req.

In AL, CO, WA, and new CA Law residency is required

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Expectation for NV

Medical is regulated by Division for Health and Human Service; recreational is regulated by Dep't of Taxation

Medical has excessive patient protections; critics are concerned because the law, as drafted for November, contains nothing to address health and public safety

The media has Cover of marijuana from the perspective that the businesses will make a profit and tax income

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Expectations for NV

Significant thought and preparation has gone into the taxation scheme and plans for spending the money, but critics say that this might be premature.

As in Colorado and Oregon, the companies who distributed alcohol have been written into the law as the transportation agents for recreational cannabis

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Expectations for NV

There has been no money earmarked for health or regulations of any kind, but many facets of the law guarantee certain businesses will make a profit

For example, the law contains a provision that tax income will go to Nevada schools, which is important to many Nevadans

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Advertising in WA

Advertising in recreational stores and products cannot make claims of medical benefits; but WA state has a patent

U.S. Patents at this time do not apply to cannabis, so people try to protect through ancillary goods. PTO proposed rule making committee wants proof that the company is using the trademark on ancillary goods

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Nevada Advertising

Most States will not allow use of characters appealing to children, in Nevada that is generalized to include any cartoon

Like Washington, Nevada does not allow claims of cures or specific health improvement

For now, there can be no reference to partying, 'getting high' or similar phrases

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Expectations for NV

However, the law does not account for budgeting or control for regulations to educate Nevada's youth about the side effects of regular cannabis use

In contrast to OR, where medical and recreational are completely divided, including suppliers, etc., NV Has a provision for licensing recreational in existing medical facilitIes and an 18 month wait for new licenses

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Tips For Running Your Dispensary Like A Pharmacy

- Documentation: releases, inserts and warning labels
- Professional dress and attitudes-treat your employees as you expect them to behave in your dispensary
- Have a pharmacist on staff who knows about drug interactions with Cannabis – – this will be the standard of care before we know it so be with it
- Invest in a access plan to Medscape, or some other website that has only professional journals, published and peer reviewed articles to keep you and your staff up-to-date with the most recent research