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## California Marijuana Laws

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California marijuana laws changed drastically with the decriminalization of possession (under 28.5 grams) and legalization of [medical marijuana](http://criminal.findlaw.com/criminal-charges/medical-marijuana-an-overview.html) (<http://criminal.findlaw.com/criminal-charges/medical-marijuana-an-overview.html>) in 1996. The state's marijuana laws were drastically relaxed once again in 2016 after voters approved Proposition 64, the [Adult Use of Marijuana Act](http://vig.cdn.sos.ca.gov/2016/general/en/pdf/prop64-title-sum-analysis.pdf) (<http://vig.cdn.sos.ca.gov/2016/general/en/pdf/prop64-title-sum-analysis.pdf>). Under this law, adults 21 and over may purchase, possess, and consume up to 28.5 grams of marijuana in their private residence or in an establishment licensed for marijuana consumption. While most criminal sanctions for marijuana were lifted immediately after the general election, licensing to legally sell and produce recreational marijuana began in January 2018. There are also new [cannabis taxes](http://www.cdtfa.ca.gov/industry/cannabis.htm) (<http://www.cdtfa.ca.gov/industry/cannabis.htm>): a 15% excise and a cultivation tax.

### Commercial Marijuana Activity

The Medicinal and Adult-Use Cannabis Regulation and Safety Act provides the general framework for the regulation of commercial cannabis activity in California. This law requires anyone engaged in commercial cannabis activity to be licensed, and allows local governments to control what activities are permitted in their jurisdiction. As the lead agency in developing regulations for medical and adult-use cannabis in California, the [Bureau of Cannabis Control](http://bcc.ca.gov/) (<http://bcc.ca.gov/>) (BCC) is responsible for licensing retailers, distributors, testing labs and microbusinesses. The BCC provides an [online licensing system](https://aca5.accela.com/bcc/Welcome.aspx) (<https://aca5.accela.com/bcc/Welcome.aspx>) where people can apply for a license, search for a license, or file a complaint. While the new law requires medical marijuana dispensaries to obtain a new license, it generally leaves the existing medical marijuana laws intact. One change to medical marijuana laws is that certain medical marijuana sales are exempt from sales and use tax.

### California Marijuana Laws Overview

The basics of California marijuana laws are highlighted in the table below.

<b>Statute(s)</b>	<p>Business &amp; Professions Code Sections <u><a href="http://codes.findlaw.com/ca/business-and-professions-code/bpc-sect-26000.html">26000, et seq. (http://codes.findlaw.com/ca/business-and-professions-code/bpc-sect-26000.html)</a></u></p> <p>Health &amp; Safety Code Sections <u><a href="http://codes.findlaw.com/ca/health-and-safety-code/hsc-sect-11000.html">11000, et seq. (http://codes.findlaw.com/ca/health-and-safety-code/hsc-sect-11000.html)</a></u>; <u><a href="http://codes.findlaw.com/ca/health-and-safety-code/hsc-sect-11357.html">11357, et seq. (http://codes.findlaw.com/ca/health-and-safety-code/hsc-sect-11357.html)</a></u>; <u><a href="http://codes.findlaw.com/ca/health-and-safety-code/hsc-sect-11362-7.html">11362.7, et seq. (http://codes.findlaw.com/ca/health-and-safety-code/hsc-sect-11362-7.html)</a></u></p>
<b>Possession</b>	<ul style="list-style-type: none"> <li>• Those 21 and over may possess up to 28.5 grams of cannabis, or up to 8 grams of concentrated cannabis. It's an infraction for those under 21.</li> <li>• Those 18 and over who possess more than 28.5 grams of cannabis, or more than 8 grams of concentrated cannabis may be imprisoned in county jail for up to 6 months and/or fined up to \$500.</li> </ul>
<b>Sale</b>	<ul style="list-style-type: none"> <li>• Sale by someone who does not possess a license to sell cannabis is a misdemeanor, which can result in up to 6 months in jail and/or fines up to \$500.</li> <li>• A person who engages in commercial cannabis activity without a license will be subject to civil penalties of up to three times the amount of the license fee for each violation, with each day of operation constituting a separate violation.</li> </ul>
<b>Additional Limitations</b>	<p>There are additional limitations to smoking and possessing marijuana even if a person is over 21. The limitations include (but are not limited to) smoking or ingesting cannabis in public, (except in accordance with § 26200 of the Business &amp; Professions Code), smoking/ingesting while operating a vehicle, and possessing an open container while operating or riding as a passenger in a vehicle.</p>

**Note:** State laws are always subject to change through the passage of new legislation, rulings in the higher courts (including federal decisions), ballot initiatives, and other means. While we strive to provide the most current information available, please consult an attorney or conduct your own legal research to verify the state law(s) you are researching.

### California Marijuana Laws: Related Resources

- [California Drug Possession Laws \(http://statelaws.findlaw.com/california-law/california-drug-possession-laws.html\)](http://statelaws.findlaw.com/california-law/california-drug-possession-laws.html)
- [California Drug Distribution Laws \(http://statelaws.findlaw.com/california-law/california-drug-distribution-laws.html\)](http://statelaws.findlaw.com/california-law/california-drug-distribution-laws.html)
- [California Drug Cultivation and Manufacturing Laws \(http://statelaws.findlaw.com/california-law/california-drug-cultivation-laws.html\)](http://statelaws.findlaw.com/california-law/california-drug-cultivation-laws.html)
- [California Drug Courts \(http://www.courts.ca.gov/5979.htm\)](http://www.courts.ca.gov/5979.htm)

**Questions About California Marijuana Laws? Get Legal Help Today**

The legalization of marijuana in California -- despite its continued prohibition at the federal level -- has no doubt created some confusion. But keep in mind that there are still ways to be in violation of state law, such as possessing or growing more than is allowed or failing to comply with regulations governing commercial marijuana activities. If you're facing criminal charges under California's marijuana laws, even if your actions were unintentional, consider speaking with an [experienced criminal law attorney \(http://lawyers.findlaw.com/lawyer/practicestate/criminal-law/california\)](http://lawyers.findlaw.com/lawyer/practicestate/criminal-law/california) to ensure that your rights are protected. If you're planning on opening your own legal cannabis shop, speaking with a [local business law attorney \(http://lawyers.findlaw.com/lawyer/practicestate/business-commercial-law/california\)](http://lawyers.findlaw.com/lawyer/practicestate/business-commercial-law/california) can not only save you time and money but can also ensure that you're in full compliance with the law.

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