

## CANNABIS REGULATIONS

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The Medical Cannabis Regulation and Safety Act (MCRSA) was established through a series of bills passed by the California State Legislature in 2015 and 2016.

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The MCRSA established the Bureau of Medical Cannabis Regulation under the California Department of Consumer Affairs, creating the framework for the licensing, regulation, and enforcement of commercial medicinal cannabis activity.

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**The Control, Regulate and Tax Adult Use of Marijuana Act (AUMA) was established with the passage of Proposition 64**

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**AUMA legalized the non-medical adult use of cannabis;  
established the framework for the licensing, regulation, and enforcement of commercial non-medical cannabis activity;  
January 1, 2018, Bureau to start issuing licenses.**

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**In June 2017, Legislature passed budget trailer bill Senate Bill 94;  
Integrating MCRSA with AUMA;  
Created the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA).  
(Bus. & Prof. Code, §26000 et seq.)**

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**The Medicinal and Adult-Use Cannabis Regulation and Safety Act:**

**Business and Professions Code: Division 10. Cannabis (26000-26321.2)**

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11362.1 H&S

(a)Subject to Sections 11362.2, 11362.3, 11362.4, and 11362.45, but notwithstanding any other provision of law,

It shall be lawful under state and local law, and shall not be a violation of state or local law, for persons 21 years of age or older to:

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11362.1 H&S

Possess, process, transport, purchase, obtain, or give away to persons 21 years of age or older without any compensation whatsoever,

not more than 28.5 grams of marijuana not in the form of concentrated cannabis;

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Cannabis Legislation of California



11362.1 H&S

Not more than eight grams of marijuana in the form of concentrated cannabis, including as contained in marijuana products;

Possess, plant, cultivate, harvest, dry, or process not more than six living marijuana plants and possess the marijuana produced by the plants;

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Cannabis Legislation of California



11362.1 H&S

Smoke or ingest marijuana or marijuana products;

Possess, transport, purchase, obtain, use, manufacture, or giveaway marijuana accessories to persons 21 years of age or older without any compensation whatsoever.

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Cannabis Legislation of California



11362.2 H&S

A person shall plant, cultivate, harvest, dry, or process plants in accordance with local ordinances, if any, adopted in accordance with subdivision (b).

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Cannabis Legislation of California



11362.2 H&S

The living plants and any marijuana produced by the plants in excess of 28.5 grams are kept within the person's private residence,

or upon the grounds of that private residence (e.g., in an outdoor garden area),

are in a locked space, and are not visible by normal unaided vision from a public place.

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Cannabis Legislation of California



11362.2 H&S

A city, county, or city and county may enact and enforce reasonable regulations to reasonably regulate the actions and conduct in paragraph (3) of subdivision (a) of Section

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Cannabis Legislation of California



11362.2 H&S

Not more than six living plants may be planted, cultivated, harvested, dried, or processed within a single private residence, or upon the grounds of that private residence, at one time.

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Cannabis Legislation of California



11362.2 H&S

(a)Nothing in Section 11362.1 shall be construed to permit any person to:

Smoke or ingest marijuana or marijuana products in any public place, except in accordance with Section 26200 of the Business and Professions Code.

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Cannabis Legislation of California



11362.2 H&S

Smoke marijuana or marijuana products in a location where smoking tobacco is prohibited.

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Cannabis Legislation of California



11362.3 H&S

Smoke marijuana or marijuana products within 1,000 feet of;  
a school, day care center, or youth center while children are present at such a school, day care center, or youth center;  
except in or upon the grounds of a private residence;  
and only if such smoking is not detectable by others on the grounds of such a school, day care center, or youth center while children are present.

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Cannabis Legislation of California



11362.3 H&S

Possess an open container or open package of marijuana or marijuana products while;  
driving, operating, or riding in the passenger seat or compartment of;  
a motor vehicle, boat, vessel, aircraft, or other vehicle used for transportation.

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Cannabis Legislation of California



11362.3 H&S

Possess, smoke or ingest marijuana or marijuana products in or upon the grounds of a school, day care center, or youth center while children are present.

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Cannabis Legislation of California



11362.3 H&S

Manufacture concentrated cannabis using a volatile solvent, unless done in accordance with a license under Chapter 3.5 of Division 8 or Division 10 of the Business and Professions Code.

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Cannabis Legislation of California



11362.3 H&S

Smoke or ingest marijuana or marijuana products while;

driving, operating a motor vehicle, boat, vessel, aircraft, or other vehicle used for transportation.

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Cannabis Legislation of California



11362.3 H&S

Smoke or ingest marijuana or marijuana products while;  
riding in the passenger seat or compartment of;  
a motor vehicle, boat, vessel, aircraft, or other vehicle used for transportation except as permitted on a motor vehicle, boat, vessel, aircraft, or other vehicle used for transportation that is operated in accordance with Section 26200 of the Business and Professions Code;  
and while no persons under the age of 21 years are present.

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Cannabis Legislation of California



11362.4 H&S

A person who engages in the conduct described in paragraph (1) of subdivision (a) of Section 11362.3 (smoking cannabis in public) is guilty of;

an infraction punishable by no more than a one hundred dollar (\$100) fine;

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Cannabis Legislation of California



11362.4 H&S

persons under the age of 18 shall instead be required to complete;

four hours of a drug education program or counseling;

and up to 10 hours of community service;

over a period not to exceed 60 days once the drug education program or counseling and community service opportunity are made available to the person.

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Cannabis Legislation of California



11362.4 H&S

A person who engages in the conduct described in paragraphs (2) through (4) of subdivision(a) of Section 11362.3 (smoking prohibited for tobacco, w/i 1000 feet school, day or youth center, while driving) shall be guilty of;

an infraction punishable by no more than a two hundred and fifty dollar (\$250) fine, unless such activity is otherwise permitted by state and local law;

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Cannabis Legislation of California



11362.4 H&S

persons under the age of 18 shall instead be required to;

complete four hours of drug education or counseling,

and up to 20 hours of community service, over a period not to exceed 90 days.

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Cannabis Legislation of California



11362.4 H&S

The drug education program or counseling hours required by this section shall be mandatory unless the court makes a finding that such a program or counseling is unnecessary for the person or that a drug education program or counseling is unavailable.

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Cannabis Legislation of California



11362.4 H&S

The drug education program required by this section for persons under the age of 18 must be free to participants and provide at least four hours of group discussion or instruction based on science and evidence-based principles and practices specific to the use and abuse of marijuana and other controlled substances.

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Cannabis Legislation of California



11362.45 H&S

Nothing in Section 11362.1 shall;

be construed or interpreted to amend, repeal, affect, restrict, or preempt:

Laws constitute negligence or professional malpractice to undertake any task while impaired from smoking or ingesting marijuana or marijuana products.

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Cannabis Legislation of California



11362.45 H&S

The rights and obligations of public and private employers;  
maintain a drug and alcohol free workplace;

or require an employer to permit or accommodate the use,  
consumption, possession, transfer, display, transportation,  
sale, or growth of marijuana in the workplace;

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Cannabis Legislation of California



11362.45 H&S

or affect the ability of employers to have policies prohibiting  
the use of marijuana by employees and prospective  
employees, or prevent employers from complying with state  
or federal law.

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Cannabis Legislation of California



11362.45 H&S

Nothing in Section 11362.1 shall be construed or interpreted to amend, repeal, affect, restrict, or preempt:

The ability of a state or local government agency to prohibit  
or restrict any of the actions or conduct otherwise  
permitted under Section 11362.1 within a building owned,  
leased, or occupied by the state or local government  
agency.

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Cannabis Legislation of California

**Cannabis**

11362.45 H&S

The ability of an individual or private entity to prohibit or restrict any of the actions or conduct otherwise permitted under Section 11362.1 on the individual's or entities privately owned property.

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Cannabis Legislation of California

**Cannabis**

11362.45 H&S

The status and conduct of a qualified patient who acts in accordance with the Compassionate Use Act shall not, by itself, be used to restrict or abridge custodial or parental rights to minor children in any action or proceeding under the jurisdiction of family or juvenile court.

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**Cannabis**

AN ORDINANCE OF THE SACRAMENTO  
COUNTY CODE RELATING TO MARIJUANA.

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**Breakdown of Regulations Per City/County**

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**Personal Cultivation Restrictions.**

**The consumption of Cannabis prohibited:**

**Anywhere smoking tobacco is prohibited**

**On any public property;**

**Sac Co, City of Sacramento, Rancho Cordova, Folsom,  
Citrus Heights, Elk Grove, Galt**

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**Personal Cultivation Restrictions.**

**Within 1,000 feet of a school, day care center, or youth  
center while children are present;**

**Except in or upon the grounds of a private residence and  
only if such smoking is not detectable by others on the  
grounds of such a school, day care center, or youth  
center while children are present.**

**Sac Co, City of Sacramento, Rancho Cordova, Folsom,  
Citrus Heights, Elk Grove, Galt**

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**Cannabis**

**Personal Cultivation Restrictions.**

In or within 100 feet of any building or facility to which members of the public have access, except in a health facility or clinic.

City of Sacramento

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**Cannabis**

**Personal Cultivation Restrictions.**

Within 100 feet of any person, other than a "primary caregiver."

Park – all parks, parkways, malls, plazas, greenbelts, gardens, lakes, or other property owned by the city and used, operated and maintained for recreational purposes.

City of Sacramento

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**Cannabis**

**Personal Cultivation Restrictions.**

The personal cultivation of a maximum of six (6) marijuana plants, whether immature or mature.

Sac Co, City of Sacramento, Rancho Cordova, Folsom, Elk Grove, Citrus Heights, Galt

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**Cannabis**

**Personal Cultivation Restrictions.**

**Outdoor cultivation of cannabis prohibited.**

**Sac Co, City of Sacramento, Rancho Cordova, Folsom, Elk Grove, Citrus Heights, Galt**

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**Cannabis**

**Personal Cultivation Restrictions.**

**Within a single private residence:**

**Sac Co, City of Sacramento, Rancho Cordova, Folsom, Elk Grove, Citrus Heights, Galt**

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**Cannabis**

**Personal Cultivation Restrictions.**

**Within a single room:**

**City of Sacramento**

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**Cannabis**

**Personal Cultivation Restrictions.**

Inside a fully enclosed and secure structure located upon the grounds of a private residence.

Sac Co

Can be Greenhouse not visible from public view

Folsom

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**Cannabis**

**Personal Cultivation Restrictions.**

Cultivation requires Permit

Rancho Cordova, Folsom

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**Cannabis**

**Personal Cultivation Restrictions.**

The cultivation secured by lock and key or other security device which prevents unauthorized entry and is inaccessible to minors (under 21) and while not occupied.

Sac Co, City of Sacramento, Rancho Cordova, Folsom, Citrus Heights, Galt

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**Cannabis**

**Personal Cultivation Restrictions.**

The cultivation and signs of cultivation not visible from the public right of way.

Sac Co, City of Sacramento, Folsom, Rancho Cordova, Elk Grove, Citrus Heights, Galt

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**Cannabis**

**Personal Cultivation Restrictions.**

The cultivation areas, including any lighting, plumbing, or electrical components used, meet code.

Sac Co, Rancho Cordova, Citrus Heights, Elk Grove, Galt

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**Cannabis**

**Personal Cultivation Restrictions.**

The cultivation areas must be properly ventilated so as not create humidity, mold, or other related problems. Lighting shall not exceed 1,000 watts per light.

Sac Co

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**Cannabis**

**Personal Cultivation Restrictions.**

The use of gas products (CO2, butane, etc.) or CO2 and ozone generators for marijuana cultivation is prohibited.

Sac Co, Folsom, Elk Grove, Citrus Heights, Galt

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**Cannabis**

**Personal Cultivation Restrictions.**

Cultivation is not conducted in a manner that constitutes a public nuisance.

A public nuisance may be deemed to exist if the cultivation produces light, glare, heat, noise, odor, or vibration that is or whose effect is either detrimental to public health, safety, or welfare or interferes with the reasonable enjoyment of life or property.

Sac Co

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**Cannabis**

**Personal Cultivation Restrictions.**

Cultivation must not create offensive odors, excess dust, heat, noise, smoke, or other impacts that are disturbing people of normal sensitivity residing or present on adjacent property or nearby property or areas open to the public; or be hazardous due to the use or storage of materials, processes, products, or wastes.

City of Sacramento

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**Cannabis**

**Personal Cultivation Restrictions.**

The primary use of the property remains at all times as a residence, with legal and functioning cooking, sleeping, and sanitation facilities with proper ingress and egress. No room shall be used for marijuana cultivation where such cultivation will impair or prevent the primary uses of cooking of meals, sleeping, and bathing.

Sac Co, Rancho Cordova, Folsom, Elk Grove, Citrus Heights, Galt

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**Cannabis**

**Personal Cultivation Restrictions.**

Written consent of the property owner is obtained prior to any cultivation commencing. Said consent must be evidenced by a signed and notarized statement from the property owner permitting cultivation on the affected parcel.

Sac Co, Rancho Cordova, Folsom, Citrus Heights, Galt

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**Cannabis**

**Personal Cultivation Restrictions.**

Structure must be ventilated to prevent any cannabis odors from exiting interior of structure.

City of Sacramento, Rancho Cordova, Folsom, Citrus Heights

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### Personal Cultivation Restrictions.

- **Person cultivating – full time resident on the premises**

[illegible]

**Personal Cultivation Restrictions.**

**Cannot participate in other cultivations in City.**

[illegible]

**Personal Cultivation Restrictions.**

**Living plants and marijuana produced in excess of 28.5 grams kept in locked space not visible by normal unaided vision from public view**

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**Personal Cultivation Restrictions.**

**Must have fire extinguisher in cultivation area**

**Citrus Heights**

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**Personal Cultivation Restrictions.**

**Identified chemicals not used or stored in cultivation area,  
must be stored in leak and fire proof container.**

**Galt**

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**Questions?**

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