

Cannabis Legislation of California

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.

The MCRSA established the Bureau (known in that legislation as the Bureau of Medical Cannabis Regulation) under the California Department of Consumer Affairs and created California's first framework for the licensing, regulation, and enforcement of commercial medicinal cannabis activity.

Cannabis Legislation of California

The Control, Regulate and Tax Adult Use of Marijuana Act (AUMA) was established with the passage of Proposition 64, a voter initiative, in November 2016.

AUMA legalized the nonmedicinal adult use of cannabis; established California's framework for the licensing, regulation, and enforcement of commercial nonmedicinal cannabis activity; and set a date of January 1, 2018, for the Bureau to start issuing licenses.

Cannabis Legislation of California

In June 2017, the California State Legislature passed a budget trailer bill, Senate Bill 94, that integrated MCRSA with AUMA and created the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA). (Bus. & Prof. Code, §26000 et seq.)

The Medicinal and Adult-Use Cannabis Regulation and Safety Act:
Business and Professions Code: Division 10. Cannabis (26000-26321.2)

Cannabis Legislation of California

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:

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;

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;

Smoke or ingest marijuana or marijuana products;

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

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).

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.

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.

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

Cannabis Legislation of California

11362.3 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.

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

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** or in accordance with Section 26200 of the Business and Professions Code or Chapter 3.5 (commencing with Section 19300) of Division 8 of the Business and Professions Code 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.**

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.

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.

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.

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.

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.

Cannabis Legislation of California

11362.4 H&S Penalties

A person who engages in the conduct described in paragraph (1) of subdivision (a) of Section 11362.3 is guilty of an infraction punishable by no more than a one hundred dollar (\$100) fine; provided, however, that 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.

Smoke cannabis in public place

Cannabis Legislation of California

11362.4 H&S Penalties

A person who engages in the conduct described in paragraphs (2) through (4) of subdivision(a) of Section 11362.3 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; provided, however, that 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 once the drug education program or counseling and community service opportunity are made available to the person.**

Smoke in areas prohibited for smoking tobacco.

Within 1000 feet of school, day care center, youth center.

While driving, operating, riding in passenger seat or compartment of motor vehicle, boat, vessel, aircraft or other vehicle used for transportation.

Cannabis Legislation of California

11362.4 H&S Penalties

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.

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.

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 providing that it would constitute negligence or professional malpractice to undertake any task while impaired from smoking or ingesting marijuana or marijuana products.

The rights and obligations of public and private employers to 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, 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.

11362.45 H&S

Cannabis Legislation of California

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.

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.

11362.84. H&S

Cannabis Legislation of California

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.

**AN ORDINANCE OF THE SACRAMENTO COUNTY CODE
RELATING TO MARIJUANA.**

6.87.030 Prohibition.

The consumption of marijuana otherwise permitted under state law is hereby prohibited anywhere smoking tobacco is prohibited, including, but not limited to, on any public property, in any facility or space to which members of the public have access, 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.

**AN ORDINANCE OF THE SACRAMENTO COUNTY CODE
RELATING TO MARIJUANA.**

6.88.050 Personal Cultivation Restrictions.

The personal cultivation of a maximum of nine (9) marijuana plants, whether immature or mature, is permitted in the unincorporated area of Sacramento County to the extent such cultivation is authorized by State law if it is in strict compliance with all of the requirements set forth below:

- A. The cultivation occurs either: 1) within a single private residence; or 2) inside a fully enclosed and secure structure located upon the grounds of a private residence. Outdoor cultivation on any parcel is prohibited. Cultivation for commercial use is also prohibited.
- B. The cultivation is contained within a fully enclosed structure secured by lock and key or other security device which prevents unauthorized entry and is inaccessible to minors.

**AN ORDINANCE OF THE SACRAMENTO COUNTY CODE
RELATING TO MARIJUANA.**

6.88.050 Personal Cultivation Restrictions.

C. The cultivation areas are not visible from the public right of way.

D. The cultivation areas, including any lighting, plumbing, or electrical components used, meet code
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. The use of gas products (CO2, butane, etc.) or CO2 and ozone generators for marijuana cultivation is prohibited.

**AN ORDINANCE OF THE SACRAMENTO COUNTY CODE
RELATING TO MARIJUANA.**

6.88.050 Personal Cultivation Restrictions.

E. 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.

F. 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.

G. 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.

Sacramento City Code
Chapter 9.08 Public Consumption of Marijuana

9.08.20 Places where consumption of marijuana is prohibited:

- 1) On or within 1000 feet of the grounds of a school (K-12) or park
- 2) 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
- 3) 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.

First Offense – Infraction, second and subsequent – misdemeanor

Sacramento City Code
Chapter 8.132 Residential Cultivation of Cannabis

8.132.030 Outdoor Cultivation of Cannabis Prohibited - Residential

8.132.040 Indoor Cultivation of Cannabis

- a) All cultivation must take place in a single room
- b) Only six plants total allowed
- c) (controls on lighting)
- d) Structure must be ventilated to prevent any cannabis odors from exiting interior of structure. (system has to be approved by building inspector)

Sacramento City Code
Chapter 8.132 Residential Cultivation of Cannabis

8.132.030 Outdoor Cultivation of Cannabis Prohibited - Residential

8.132.040 Indoor Cultivation of Cannabis

- e) Cultivation must be concealed from public view at all stages of growth and no exterior signs of cultivation occurring at premises from public right-of-way or adjacent parcel
- f) 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
- g) Cannabis cultivation areas, whether in a detached building or inside a residence, must be kept locked when not occupied

**City of Rancho Cordova Municipal Code
6.90 Cannabis Cultivation**

6.90.030 Outdoor Cultivation of Cannabis Prohibited - Residential

6.90.040 Indoor Cultivation of Cannabis Prohibited – Unless city permit

- Person 18 as patient or qualified caregiver, or 21 may cultivate
- Person cultivating – full time resident on the premises
- Permission of property owner
- Fully enclosed and secured structure and must be inaccessible by minors, minimum set back of ten feet from property line, must have a minimum 6 ft fence around property

**City of Rancho Cordova Municipal Code
6.90 Cannabis Cultivation**

6.90.030 Outdoor Cultivation of Cannabis Prohibited - Residential

6.90.040 Indoor Cultivation of Cannabis Prohibited – Unless city permit

- Only one cultivation per property
- No more than six plants total per parcel
- No one under 18 allowed to have access to cultivation area
- No cultivation on carpets

**City of Rancho Cordova Municipal Code
6.90 Cannabis Cultivation**

6.90.030 Outdoor Cultivation of Cannabis Prohibited - Residential

6.90.040 Indoor Cultivation of Cannabis Prohibited – Unless city permit

- Use of gas products prohibited
- Residence shall be occupied with functioning bathroom and kitchen, bedrooms used for intended purpose
- Ventilation that prevents odors from going outside
- Modifications to structure require building permit from city inspectors

City of Folsom
17.114 Marijuana Cultivation

17.114.030 Outdoor Cultivation of Cannabis Prohibited - Residential

17.114.030 Indoor Cultivation of Cannabis – Residential must have permit

- 1) Indoor within residential structure. Can be in greenhouse, fully enclosed, secure, but not in public right of way view
- 3) Gas products for cultivation or processing prohibited
- 4) No exterior visibility of cultivation outside of residence from public right-of-way
- 5) Authorized grower shall reside full-time

City of Folsom
17.114 Marijuana Cultivation

17.114.030 Outdoor Cultivation of Cannabis Prohibited - Residential

17.114.030 Indoor Cultivation of Cannabis – Residential must have permit

- 6) Cannot participate in other cultivations in City
- 7) Residence to be fully functional (kitchen, bathrooms, bedrooms) and not solely used for cultivation
- 11) Six plants only
- 12) Marijuana in excess of 28.5 grams, must be kept in locked space and not visible from public right-of-way

City of Elk Grove
23.83 Indoor Personal Marijuana Cultivation

23.83.030 Cultivation of marijuana for personal use

- 1) Unlawful for anyone under 21 years of age to cultivate
- 2) Outdoor cultivation prohibited
Kept in locked space not visible by normal unaided vision from public view.
Cultivator must live full-time on premises.
Cannot cultivate outdoors

City of Elk Grove
23.83 Indoor Personal Marijuana Cultivation

23.83.030 Cultivation of marijuana for personal use

h) Indoor personal cultivation

- 1) structure to comply with all laws
- 3) no generators or gas products for cultivation
- 4) fully functional kitchen, bathroom, bedroom, not primary use for cultivation
- 5) no one under 21 years old in cultivation areas

City of Elk Grove
23.83 Indoor Personal Marijuana Cultivation

23.83.030 Cultivation of marijuana for personal use

h) Indoor personal cultivation

- 6) shall have lock on entry door and remain locked at all times except when occupied
- 7) cultivation activities, plants and equipment not visible from public right-of-way
- 8) rented residence must have property owners consent
- 9) no odors emitted to the outside

City of Citrus Heights
Article VI. Non-medical marijuana cultivation

50-802 Cultivation of non-medical marijuana

Unlawful for anyone under 21 years of age to cultivate.

No more than six plants. Living plants and marijuana produced in excess of 28.5 grams kept in locked space not visible by normal unaided vision from public view

Cannot cultivate outdoors

City of Citrus Heights
Article VI. Non-medical marijuana cultivation

50-802 Cultivation of non-medical marijuana

Indoor personal cultivation

Structure to comply with all laws

No generators or gas products for cultivation

Fully functional kitchen, bathroom, bedroom, not primary use for cultivation

No one under 21 years old in cultivation areas

City of Citrus Heights
Article VI. Non-medical marijuana cultivation

50-802 Cultivation of non-medical marijuana

Indoor personal cultivation

Shall have lock on entry door and remain locked at all times except when occupied.

Cultivation activities, plants and equipment not visible from public right-of-way

Rented residence must have property owners consent

No odors emitted to the outside

Must have fire extinguisher in cultivation area

City of Galt
18.58 Marijuana Cultivation

18.58.030 Personal use

Outdoor cultivation prohibited

Indoor cultivation limited to six plants total inside private residence

Identified chemicals no used or stored in cultivation area, must be stored in leak and fire proof container

No generators or gas products for cultivation

City of Galt
18.58 Marijuana Cultivation

18.58.030 Personal use

Fully functional kitchen, bathroom, bedroom, not primary use for cultivation

No one under 21 years old in cultivation areas

Shall have lock on entry door and remain locked at all times except when occupied

Cultivation activities, plants and equipment not visible from public right-of-way

Rented residence must have property owners consent

Must meet code
