

## CULTIVATION OF MARIJUANA

### Proposition 64 allows:

- Persons age 21 and over to cultivate up to 6 living marijuana plants inside of a private residence or within an accessory structure at a time. The accessory structure must be secured and fully enclosed.
- Persons age 21 and over to keep any harvested marijuana over an ounce in or upon the grounds of the residence as long as the marijuana is secured in a locked space and not visible from a public place.

### Proposition 64 does not allow:

- Persons age 21 and over to grow more than 6 marijuana plants (misdemeanor).
  - A third offense for a person growing more than 6 marijuana plants can be charged as a felony or a misdemeanor.
  - Crimes involving minors, gross negligence, toxic, environmental harm, where the offender has a previous super strike or where the offender is a registered sex offender may be prosecuted as a felony.

- Persons under age 21 to grow marijuana.
- More than 6 plants per residence: The maximum amount of plants allowed to be cultivated in a house, apartment, etc. is 6, regardless of how many people are living or cultivating marijuana at the residence.

## PERSONAL MANUFACTURING OF MARIJUANA PRODUCTS:

### Proposition 64 does not allow:

- Manufacture of concentrated cannabis using a volatile solvent, unless properly licensed to do so by a specialized state agency (11379.6 H&S).

### NOTE:

**These marijuana laws are in effect in the state of California BUT it should be noted that these laws are in violation of Federal Law.**

### SDPD DIVISIONS

For general information please contact your local police substation.

Central Division	(619) 744-9500
Eastern Division	(858) 495-7900
Mid-City Division	(619) 516-3000
Northeastern Division	(858) 538-8000
Northern Division	(858) 552-1700
Northwestern Division	(858) 523-7000
Southeastern Division	(619) 527-3500
Southern Division	(619) 424-0400
Western Division	(619) 692-4800

For more information, online visit:  
<https://www.sandiego.gov/sites/default/files/pd-prop64.pdf>

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# Nonmedical use of Marijuana



## SAN DIEGO POLICE DEPARTMENT

This brochure summarizes the nonmedical use of Marijuana. For additional information:

<https://static.cdpa.ca.gov/MCCP/document/Comprehensive%20Adult%20Use%20of%20Marijuana%20Act.pdf>

## The Law History

On November 8, 2016, California voters approved **Proposition 64** to legalize the nonmedical use of marijuana for adults age 21 years and older. This law IMMEDIATELY went into effect November 9, 2016.

On June 27, 2017, Senate Bill 94 titled the Medical and Adult Use Cannabis Regulation and Safety Act (MAUCRSA), went into effect aligning both medical and non-medical laws, regulations, and licenses.

On September 16, 2017, Assembly Bill 133 went into effect, further refining several existing marijuana laws.

**The Final Name of the state law is the “Adult Use of Marijuana Act” - 2016.**

The purpose of the Adult Use of Marijuana Act is to legalize, control, and regulate the use of all nonmedical marijuana by adults **age 21 years and older**.

Proposition 64 and subsequent legislation also establishes a comprehensive system to regulate and tax the commercial growth, processing, manufacturing, distribution, testing, and retail sales of marijuana, both medical and nonmedical.

## Proposition 64 allows:

- **Persons age 21 years and older** to legally possess up to 28.5 grams of marijuana and up to 8 grams of concentrated cannabis. Adults **21 years and older** may also lawfully possess, purchase, obtain, or use **marijuana accessories**.

## Proposition 64 does not allow:

- Persons **under the age of 21 years** to possess marijuana and/or marijuana products.
- Persons to possess an open container or open package of marijuana and/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**.
- Possessing, smoking, or ingestion of marijuana in or upon the grounds of a school, day care center, or youth center while children are present.

## PERSONAL CONSUMPTION OF MARIJUANA

### Proposition 64 does not allow any person to:

- Smoke or ingest marijuana in a **public** place.
- Smoke marijuana or marijuana products in a location where smoking tobacco is prohibited.
- Smoke marijuana or marijuana products within 1,000 feet of a school, day care center, or youth center while children are present unless in 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.

## UNDER THE INFLUENCE OF MARIJUANA

A person who uses marijuana is in violation of Penal Code 647(f) if that person is unable to exercise care for his or her own safety, the safety of others, Or is preventing the free use of any street, sidewalk, or other public way.

## DISTRIBUTION OF MARIJUANA:

### Proposition 64 allows:

- **Persons age 21 and over** to transport or give away up to 28.5 grams (1 ounce) of marijuana or up to 8 grams concentrated cannabis without any compensation or expectation of compensation.

### Proposition 64 does not allow:

- **Persons age 21** and over to transport or give away more than 1 ounce of marijuana or 8 grams of concentrated cannabis without a specialized license.
- Persons to sell or possess marijuana and/or marijuana products with the intent to sell without a specialized license.
  - A third sales offense can be prosecuted as a felony or a misdemeanor.
  - Persons to sell marijuana and/or marijuana products to a minor (felony).