



## What is Legal for Adult Use?

Under California law, adults 21 or older can use, carry, and grow cannabis (marijuana, weed, pot, etc). Buying cannabis (without a valid physician's recommendation or a county-issued medical marijuana identification card) will become legal under California law for adults 21 or older on January 1, 2018. Use of medicinal cannabis is legal under California law if you have a valid physician's recommendation or a valid county-issued medical marijuana identification card. To buy medicinal cannabis, you must be 18 or older and have either have a valid physician's recommendation, a valid county-issued medical marijuana identification card, or be a Primary Caregiver as defined in Health and Safety Code Section 11362.7(d) or 11362.5(e), with a valid physician's recommendation for the patient. In addition, consistent with the Compassionate Use Act, you may possess or cultivate any amount that is reasonably related to your current medical needs.

The new California law, known as the Medicinal and Adult-Use Cannabis Regulation and Safety Act<sup>1</sup>, includes information about where you can use cannabis, how much you can possess, and the penalties for illegal use. Here are a few things you should know.



### Buying, Selling, and Giving

- If you are 21 or older, you can buy and possess up to one ounce (28.5 grams) of cannabis and up to eight grams of concentrated cannabis (separated resin, whether crude or purified, obtained from cannabis).<sup>2</sup>
  - You can only buy cannabis at retail outlets licensed by the California Bureau of Cannabis Control.<sup>3</sup>
  - Although you can legally possess cannabis, it is illegal for you to sell it without a license.<sup>4</sup>

- You can give up to one ounce (28.5 grams) of cannabis and up to eight grams of concentrated cannabis to a person 21 or older, but you cannot receive money or any form of compensation.<sup>5</sup>

### Where You Can Use

- You can use cannabis on private property. But you cannot use, smoke, eat, or vape cannabis in public places and you cannot smoke cannabis or cannabis products in places where it is illegal to smoke tobacco. Property owners may ban the use and possession of cannabis on their privately owned properties.<sup>6,7</sup>
- You cannot use cannabis within 1,000 feet of a school, day care center, or youth center while children are present.<sup>8</sup>
- Even though cannabis is legal under California law, you cannot consume or possess cannabis on federal lands like national parks, even if the park is in California.<sup>9</sup> The cultivation, possession, sale, and use of cannabis in California may remain unlawful under federal law.

#### References

1. Senate Bill No.94, Sess. of 2017 (Cal. 2017)[https://leginfo.ca.gov/faces/billTextClient.xhtml?bill\\_id=20170180SB94](https://leginfo.ca.gov/faces/billTextClient.xhtml?bill_id=20170180SB94)
2. California Health and Safety Code Section 11362.1
3. California Business and Professions Code Section 26140
4. Health and Safety Code Section 11359
5. California Health and Safety Code Section 11362.1

6. California Health and Safety Code Section 11362.45 (h)
7. California Health and Safety Code Section 11362.3 (a)(2)
8. California Health and Safety Code Section 11362.3
9. Controlled Substances Act (CSA) (21 U.S.C. § 811)
10. California Health and Safety Code Section 11362.3(a)(7), 11362.45(a), and 11362.3(a)(8)
11. California Health and Safety Code Section 11362.3(a)(4)





### Drivers and Passengers

- If you are under the influence of cannabis while operating a car, boat, or other vehicle, a law enforcement officer can pull you over and conduct a sobriety test.<sup>10</sup>
- Having an open container of cannabis in a vehicle while driving or riding in the passenger seat is against the law. If you have cannabis in a vehicle, it must be in an approved sealed package or container. Otherwise, it must be kept in the trunk of the vehicle.<sup>11</sup>
- Keep it in California. It is illegal to take your cannabis across state lines, even if you are traveling to another state where cannabis is legal.<sup>12</sup>



### Growing and Processing

- If you are 21 or older, you can plant, cultivate, harvest, dry, and process up to six cannabis plants in your private residence or on the grounds of

your residence.<sup>13</sup>

- If you are growing cannabis, the plants must be in a locked space that is not visible to the public. Cities and counties may prohibit the outdoor cultivation of cannabis.
- It is against the law for you to use a volatile solvent for the manufacture of concentrated cannabis for your own personal use.<sup>14</sup>

### Other Laws

- Even though it is legal under California law, employers have the right to prohibit the use of cannabis by their employees.<sup>15</sup> Know your workplace cannabis policies.
- Cities and counties may have stricter laws about cannabis that are in addition to the state law.<sup>4</sup> Know your local cannabis laws.<sup>16</sup>
- There are several penalties for violating cannabis law including fines, jail time, community service, and drug education.
- For more information about California's Medicinal and Adult-Use Cannabis Regulation and Safety Act, visit [https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=201720180SB94](https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180SB94)

**NOTE:** Cannabis remains classified as a Schedule I drug under the federal Controlled Substances Act, and its purchase, possession, distribution, or use within California may be unlawful under federal law. While it is our intention to provide current information, this fact sheet is not for the purpose of providing legal advice and can become outdated. Contact your attorney if you have questions about cannabis, what is (or is not) legal under state or federal law or need legal advice.

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12. Section 812 of Title 21 of the U.S. Code; California Business and Professions Code 26080

13. California Health and Safety Code Section 11362.2

14. California Health and Safety Code Section 11362.3(a)(6), California Business and Professions Code 26000 et seq.

15. California Health and Safety Code Section 11362.45

16. California Health Safety Code Section 11362.2