

ADULT USE OF MARIJUANA ACT (PROP 64) & MEDICINAL AND ADULT-USE CANNABIS REGULATION AND SAFETY ACT (SB 94)



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CALIFORNIA'S MARIJUANA LAWS

Today

Adult marijuana use, limited possession and limited personal cultivation are all legal statewide (with certain restrictions).



January 1, 2018

- Commercial marijuana businesses legal with a state license. Subject to local control, regulation and prohibition.
- Same 20 license types for medical and adult-use commercial operations. “A” = adult use; “M” = medical use.
- 14 cultivation, 2 manufacturing, 1 testing, 1 retailer, 1 distributor, 1 micro-business types available.



PERSONAL MARIJUANA CULTIVATION



California residents may cultivate up to six living marijuana plants at a single private residence.

1. Outdoor Personal Cultivation

- Cities may ban outdoor personal cultivation at residence.
- However, unless outdoor personal cultivation is expressly prohibited, then individuals under State law have the right to cultivate at residence up to six plants outdoors.

2. Indoor Personal Cultivation

- Cities preempted from prohibiting personal cultivation of up to six living marijuana plants inside a private residence.
- Cities may “enact and enforce reasonable regulations to reasonably regulate” indoor cultivation which do not act to effectively prohibit indoor cultivation.



MARIJUANA COMMERCIAL OPERATIONS



*****Cities cannot prohibit limited personal use, possession and cultivation of marijuana. Cities cannot prohibit use of public streets by delivery services passing through.***

- 1. Local Ban or Permit – May prohibit all commercial operations, permit some, or permit all. (B&P § 26200.)**
- 2. Local Regulations – May impose stricter standards, requirements and regulations. (B&P § 26201.)**
- 3. Dual licensing - All operations need state license. State not to issue if violate local ordinance. Cities may require a local license. *Failure to impose local requirements (either a ban or regulation) through an ordinance will reasonably allow a state licensee to operate in a city.* (B&P Code § 26055.)**



CARSON CURRENT LAW



Local code purports to prohibit medical marijuana dispensaries, otherwise silent. (CMC § 9191.391.5.)

Local marijuana taxes approved by voters in 2016:

- 1. Cultivation. (CMC § 61310(A).)**
- 2. Operations (retail, cultivation, manufacture, delivery and testing). (CMC § 61310(B).)**

REGIONAL CITIES (EXAMPLES)



Prohibition

1. Norwalk
2. Lomita
3. Torrance
4. Compton
5. Gardena

Permit and Regulate

1. Bellflower
2. Huntington Park
3. Los Angeles
4. Long Beach
5. Lynwood

LOCAL CONTROL DEADLINES



DEADLINE – ORDINANCE EFFECTIVE BY JANUARY 1, 2018

1. Advised to expressly address by ordinance all new marijuana businesses which the state will license starting January 1, 2018
2. Failure to address marijuana businesses by deadline will reasonably allow state licensee to operate in a city

**** No deadline for ordinance addressing personal marijuana cultivation*

