

16-20 - Adult Use of Marijuana Act (Cannabis)

Los Angeles County Sheriff's Department

NEWSLETTER

Field Operations Support Services, (323) 890-5411



ADULT USE OF MARIJUANA ACT (CANNABIS)

On November 8, 2016, the citizens of the State of California voted to pass the Adult Use of Marijuana Act, immediately legalizing the personal use of cannabis (marijuana).

The subsections of Health and Safety Code section 11362.1(a), **will allow** a person 21 years of age or older to:

1. Possess, process, transport, purchase, obtain, or give away to persons 21 years of age or older without any compensation whatsoever, not more than **28.54 grams** of cannabis not in the form of concentrated cannabis;
2. Possess, process, transport, purchase, obtain, or give away to persons 21 years of age or older without any compensation whatsoever, not more than **eight grams** of cannabis in the form of concentrated cannabis, including as contained in cannabis products such as an edible or topical product containing cannabis or concentrated cannabis and other ingredients;
3. Possess, plant, cultivate, harvest, dry, or process not more than **six living plants**;
4. Smoke or ingest cannabis or cannabis products;
5. Possess, transport, purchase, obtain, use, manufacture, or give away cannabis accessories to persons 21 years of age or older without any compensation whatsoever. Accessories is defined as any equipment, products, or materials of any kind which are used, intended for use, or designed for use in growing, processing, or introducing cannabis into the human body.

Health and Safety section 11362.2 sets out the requirements for living cannabis plants. The living plants must be kept within a person's private residence or the grounds of the private residence. The living plants must be in a locked space and not visible by normal unaided vision from a public place. Violation of any of these

restrictions is an infraction under 11362.2(a) H&S. It is an infraction for a person 20 years of age or younger to possess live plants (20 through 18 years of age – 11358(b) H&S; 17 years of age or younger – 11358(a) H&S). A local ordinance may require plants grown indoors at a private residence. See location's local ordinance, if any.

Subsections of Health and Safety section 11362.3 states:

1. Cannabis may not be smoked or ingested in any public place unless authorized by the local jurisdiction. (Violation of this section is an infraction – 11362.3(a)(H&S);
2. Cannabis or cannabis products may not be smoked in a location where smoking tobacco is prohibited. (Violation of this section is an infraction -11362.3(a)(H&S);
3. Smoking cannabis or cannabis products within 1,000 feet of a school, day care center, or youth center where children are present is a violation. Private residences or places authorized by the local jurisdiction are exempt if smoking is not detectable by others on the grounds of the school, day care center, or youth center while children are present. (Violation of this section is an infraction – 11362.3(a)(H&S);
4. Possessing an open container or package of cannabis or cannabis 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 is a violation. If the driver, the open container must be on the driver's person. (Violation of this section is an infraction – Driver 23222(b)(1) VC and/or Passenger 11362.3(a)(H&S);
5. Possessing, smoking, or ingesting cannabis or cannabis products in or upon the grounds of a school, day care center, or youth center while children are present is a violation. (Violation – 18 years of age or older is a misdemeanor 11357(c) H&S; 17 years of age or younger is an infraction 11357(d) H&S);
6. Manufacturing concentrated cannabis using a volatile solvent (butane, propane, gasoline, etc.) is a violation. (Violation is a felony – 11363.3(a);
7. Smoking or ingesting cannabis or cannabis products while driving, operating a motor vehicle, boat, vessel, aircraft, or other vehicle used for transportation is a violation. (Violation is an infraction – 23221(a) VC); and
8. Smoking or ingesting cannabis or cannabis products while riding in the passenger seat or compartment of a motor vehicle, boat, vessel, aircraft, or other vehicle used for transportation is a violation for the passenger. (Violation is an infraction – 23221(b) VC).

Additional information and procedures regarding possession, sale, transportation of, etc., of cannabis may be found in MPP section 4-06/005.00, Cannabis.

The laws pertaining to the Compassionate Use Act of 1996 regarding medical marijuana are still in effect.

This Newsletter does not address the issues of dispensaries, state licensed transportation or, state licensed

grows, etc., of cannabis.

If the cannabis violation is an infraction, misdemeanor, or felony, the cannabis shall be seized as evidence and handled per Department evidence procedures.

Information regarding the content of this newsletter may be directed to Field Operations Support Services at (323) 890-5411 or foss@lasd.org.
