

Recreational Marijuana Use in the Sacramento Region

Now that recreational marijuana is legal in California, what are the rules for growing and using it? The answers are changing, and they depend on where you live or partake.

Buying, using, and distributing marijuana has been legal in California since 2016, when California passed Proposition 64, the Adult Use of Marijuana Act (AUMA). Medicinal use and distribution has been legal since 1996 (see our article "[Medicinal Marijuana Laws](https://saclaw.org/resource_library/medicinal-marijuana-laws/)" for more), but the rules around medicinal cannabis have been rolled into the regulations created as a result of the AUMA.

Producing and selling marijuana

Prop 64 requires regulation of the recreational marijuana business, and the legislature passed a bill creating the legal structure for such regulation ("[Medical and Adult-Use Cannabis Regulation and Safety Act](https://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=201720180SB94)" ("MAUCRSA")) (https://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=201720180SB94). The [Department of Cannabis Control \(DCC\)](https://cannabis.ca.gov/about-us/about-dcc/) is the California state agency that licenses and regulates cannabis businesses (<https://cannabis.ca.gov/about-us/about-dcc/>). All stages of commercial growth, production and distribution require licenses. Local cities and counties also have a role in local rules and regulations. MAUCRSA applies to both recreational and medicinal use and production.

CaNORML's [Summary of MAUCRSA](https://www.canorml.org/california-laws/the-medicinal-and-adult-use-cannabis-regulation-and-safety-act-maucrsa/) (<https://www.canorml.org/california-laws/the-medicinal-and-adult-use-cannabis-regulation-and-safety-act-maucrsa/>) provides information about this law, and their [Advice for Cannabis Businesses and Cultivators](https://www.canorml.org/business-resources-for-cannabis-brands/california-norml-advice-for-cannabis-businesses-and-collectives/) (<https://www.canorml.org/business-resources-for-cannabis-brands/california-norml-advice-for-cannabis-businesses-and-collectives/>) has additional details of its requirements.

The state regulates cultivation, manufacture, and distribution of both medicinal and recreational purposes, and issues business licenses. You can check licenses at the [Bureau of Cannabis Control website](https://search.cannabis.ca.gov/) (<https://search.cannabis.ca.gov/>). Local cities and counties continue to regulate medicinal and recreational marijuana growth and distribution as well.

Unlicensed adults can give cannabis products as a gift, but unlicensed marijuana sale is still illegal even between individuals.

Personal use and cultivation

What does this mean for individuals who want to enjoy their new recreational options? Right now it is legal for adults (over 21) to:

- Smoke or otherwise consume marijuana/cannabis
- Possess up to 28.5 grams (1 ounce) of marijuana and 8 grams of concentrated marijuana.

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- Grow up to six plants within a private home as long as the area is locked and not visible from a public place. Cities and counties may regulate growth conditions.

Smoking or ingesting marijuana is prohibited in public places; smoking is prohibited anywhere smoking tobacco is illegal, and near schools, day care center, and youth centers when children are present.

Landlords can prohibit smoking and cultivation in rented residences. If you live in federally subsidized housing it is grounds for eviction for illegal activity, since it's still illegal under Federal law. For lots more on landlord-tenant issues, see [Marijuana Law for California Residential Landlords](https://www.kts-law.com/marijuana-law-for-california-residential-landlords/) (<https://www.kts-law.com/marijuana-law-for-california-residential-landlords/>), from Kimball Tirey & St. John LLP.

You can legally purchase cannabis products from licensed dispensaries in the city of Sacramento. Cities and counties decide whether to license businesses in their area, so other cities may not have storefront dispensaries.

You can also order delivery service. Technically, local governments may forbid delivery in their jurisdiction, although that is under dispute and you may find services willing to deliver in your area even if it's nominally banned.

You can grow your own, up to six plants under state law. Cities and counties may impose specific requirements on growing plants such as ventilation, limits on wattage used, and the like. Landlords may prohibit cultivation in your lease, as noted above. Some cities, including Galt, Rancho Cordova, and Citrus Heights, require express written permission from the landlord.

Patients with a medical recommendation can still grow plants as needed and purchase products for their own medicinal use. A medical marijuana ID card entitles you to purchase without paying tax. Note that not all dispensaries sell to people under 21, even with a doctor's recommendation.

Local rules on cultivation for personal use

All cities in Sacramento County, as well as unincorporated areas, ban outdoor growing of marijuana. Growing indoors for personal use is restricted to personal residences, with different limits and regulations in different areas. Here's a quick summary of the quantities permitted in different cities as of May 2022:

- City of Sacramento
No more than 6 marijuana plants, regardless of number of occupants; must be in a single, locked room or structure ([Sacramento City Code § 8.132.040](https://codelibrary.amlegal.com/codes/sacramentoca/latest/sacramento_ca/0-0-0-19922#JD_Chapter8.132) (https://codelibrary.amlegal.com/codes/sacramentoca/latest/sacramento_ca/0-0-0-19922#JD_Chapter8.132))
- Sacramento County
No more than 6 marijuana plants, regardless of number of occupants; must be in a single, locked room or structure ([Sacramento County Code § 6.88.050](http://qcode.us/codes/sacramentocounty/view.php?topic=6-6_88&frames=on) (http://qcode.us/codes/sacramentocounty/view.php?topic=6-6_88&frames=on))
- Citrus Heights
Medicinal: limited to 50 square feet and 300 cubic feet inside a residence, 100 square feet and 600 cubic feet in a secure structure on residential property ([Citrus Heights Code of Ordinances § 50-702](https://library.municode.com/ca/citrus_heights/codes/code_of_ordinances?nodeId=COOR_CH50NU_ARTVMEMACU) (https://library.municode.com/ca/citrus_heights/codes/code_of_ordinances?nodeId=COOR_CH50NU_ARTVMEMACU))

) Recreational: up to 6 marijuana plants ([Citrus Heights Code of Ordinances § 50-802](#)

(https://library.municode.com/ca/citrus_heights/codes/code_of_ordinances?nodeId=COOR_CH50NU_ARTVINDIMACU_S50-802CUNDIMA)

- Elk Grove

No more than 6 marijuana plants ([Elk Grove Municipal Code § 23.83](#)

(<http://www.codepublishing.com/CA/ElkGrove/#!/elkgrove23/ElkGrove2383.html>)

- Folsom

No more than 6 marijuana plants, limited to 50 square feet and 10 feet in height ([Folsom Municipal Code § 17.114.040](#)) (<http://www.codepublishing.com/CA/Folsom/#!/folsom17/Folsom17114.html>) Permit required ([Folsom Municipal Code § 17.114.050](#)) (<http://www.codepublishing.com/CA/Folsom/#!/folsom17/Folsom17114.html>)

- Galt

No more than 6 marijuana plants ([Galt Municipal Code § 18.58.030](#))

(<http://www.codepublishing.com/CA/Galt/html/Galt18/Galt1858.html#18.58>)

- Rancho Cordova

No more than 6 marijuana plants; city imposes registration requirement and tax ([Rancho Cordova Municipal Code §§ 6.90.030](#)) (<http://www.codepublishing.com/CA/RanchoCordova/html/RanchoCordova06/RanchoCordova0690.html>), 3.85 (<http://www.codepublishing.com/CA/RanchoCordova/html/ranchocordova03/RanchoCordova0385.html#3.85>)

Local rules on dispensaries and businesses

Most Sacramento-area cities, as well as the county, prohibit dispensaries and all commercial marijuana activity.

The City of Sacramento currently allows commercial businesses in various roles, including dispensaries, deliveries, cultivation, and manufacturing, in specific zones within the city with the appropriate permits. More information is available on the website of the [Department of Finance's Office of Cannabis Policy & Enforcement](#) (<http://www.cityofsacramento.org/Finance/Revenue/Sacramento-Marijuana-Information/Business-Information>).

These rules are still changing. To check on the most current ordinances, visit the website or contact the city clerk of your municipality.

Federal law

Marijuana use, possession, and distribution is still illegal under federal law. [21 U.S.C. § 801 et seq](#) (<https://www.gpo.gov/fdsys/pkg/USCODE-2014-title21/html/USCODE-2014-title21-chap13-subchapl.htm>). This complicates many aspects of the business, including leasing property, banking and complying with tax law, in addition to the potential for prosecution.

In April, 2022, Attorney General Merrick Garland reaffirmed his prior statements that investigating and prosecuting marijuana users is not a U.S. Department of Justice priority, although he did not definitively state that his Justice Department would not pursue cases against Americans in states which legalize and regulate marijuana. ("[Attorney General Garland Reconfirms the DOJ's Hands-Off Approach Toward Federal Marijuana Prosecution](#)," May 3, 2022, [Budding Trends](#) (<https://www.jdsupra.com/legalnews/attorney-general-garland-reconfirms-the-9983989/>)).

Federal decriminalization is a priority of Senate Majority Leader Chuck Schumer. ("[Schumer Says He's Discussed Marijuana Bill With Six Republicans In Speech At NYC Legalization Rally](#)," [Marijuana Moment](#), May 7, 2022. (<https://thehill.com/news/senate/3476119-momentum-builds-in-senate-for-major-cannabis-bill/>)) Both decriminalization and banking

safety are active topics in Congress but have not yet passed; for updates, follow [the National Cannabis Industry Association's blog](https://thecannabisindustry.org/tag/safe-banking-act/) (<https://thecannabisindustry.org/tag/safe-banking-act/>) .

More information

The [state of California](https://cannabis.ca.gov/) has a “Cannabis Portal” (<https://cannabis.ca.gov/>) on the web, as “a one-stop shop for all things related to the state’s effort to regulate the cannabis industry.” It includes a database containing all city and county regulations on cannabis businesses.

Other good sources of current information include:

- [The Cannifornian](http://www.thecannifornian.com/cannabis-business/) (<http://www.thecannifornian.com/cannabis-business/>) tracks developments in local regulations affecting the cannabis business
- [CannaLaw Blog](http://www.cannalawblog.com/) (<http://www.cannalawblog.com/>)
- [Marijuana Lawyer Blog](http://www.marijuanalawyerblog.com/) (<http://www.marijuanalawyerblog.com/>)
- [Marijuana Law, Policy & Reform](http://lawprofessors.typepad.com/marijuana_law/) (http://lawprofessors.typepad.com/marijuana_law/)

Video: Cannabis in California

[Cannabis in California, presented by the Witkin Law Library](https://www.youtube.com/watch?v=QwU-ddL8-oU), (<https://www.youtube.com/watch?v=QwU-ddL8-oU>) part of the California State Library on March 22, 2023.

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