Common Questions on Medical Marijuana Laws in California

Recreational use was legalized in 2016. Do I still need a medical marijuana recommendation?
A medical marijuana recommendation still has some advantages. First, medical marijuana dispensaries, which still require a recommendation, are probably still more common than recreational stores. Second, there are much lower limits on amounts you can possess under the recreational law than the medical marijuana law. Finally, if you obtain a Medical Marijuana ID card, you are exempt from sales tax on your medicine.

Do I qualify for a doctor’s recommendation?
Prop. 215 lists “cancer, anorexia, AIDS, chronic pain, spasticity, glaucoma, arthritis, migraine, or any other illness for which marijuana provides relief.” Physicians have recommended marijuana for numerous other conditions, including insomnia, depression, anxiety, PTSD, and many more. You can ask your own doctor or consult a specialist if you are interested in a recommendation.

Should I get a Medical Marijuana ID card?
It’s optional, but an ID card prevents your arrest if you are stopped with a legal amount of medical marijuana, and police may accept it more readily than a doctor’s written recommendation. It also exempts you from sales tax on marijuana. Apply for your card at your county’s Department of Public Health. There is a charge ($100 annually in Sacramento County, $50 with Medi-Cal card).

Medical and recreational rules are different

How much marijuana can I possess?
Medical marijuana: 8 ounces of dried marijuana bud, and 6 mature or 12 immature marijuana plants. Your doctor may recommend a higher quantity, but the police might ignore this exception.
Recreational marijuana: 1 ounce of marijuana or 8 grams of concentrated cannabis, and 6 plants.

How can I legally purchase marijuana?
Nonprofit collectives and cooperatives can sell marijuana to qualified patients, usually through dispensaries. In 2018, recreational stores are open in in several cities, including Sacramento. These stores are prohibited from selling to people under 21, even patients with recommendations. Some dispensaries have converted to recreational stores which may limit younger patients’ options.

Can I grow my own plants?
Yes, with limits set by the state laws and by local ordinances. State law provides:
Medical marijuana: 6 mature plants or 12 immature plants per patient.
Recreational marijuana: 6 plants per residence.
Cities and counties may regulate amount and growing conditions (outdoors cultivation is commonly banned). In unincorporated Sacramento County, the limit is 9 indoor plants, no outdoor plants. (Sac County Code 6.88.050)
The City of Sacramento bans outdoor cultivation and limits indoor cultivation to 400 square feet, for medicinal marijuana (Sac City Code 8.132.030) and 6 mature plants or 12 immature plants for recreational.

Getting Your Marijuana Back After a Police Stop or Arrest
Law enforcement officers sometimes confiscate (seize) your marijuana if they investigate you for possession of illegal drugs, whether or not they arrest you. You are entitled to the return of your property. However, it may not be as easy as just requesting it back.

If the police department will not return your medicine upon request, you may need to file a motion for return of property. You can find information and samples for doing this at the Law Library or on the website of Americans for Safe Access (ASA) (bit.ly/1hDmZa3). This website also has information on your legal rights when dealing with law enforcement as well as practical tips on growing and using medicinal marijuana.

Other Online Resources
Americans for Safe Access
California Legal Manual
http://bit.ly/1abB62v
Cal. Department of Public Health
“Let’s Talk Cannabis”
Sacramento Dept. Health Services
Medical Marijuana Identification Card Program
CA NORML on Marijuana Ordinances
http://bit.ly/1g10noy
California, Local, and Federal Laws on Marijuana

California Law

Medical marijuana is covered by Prop. 215 (1996), the “Compassionate Use Act,” which allows “seriously ill” patients to obtain and use marijuana for medical purposes with a doctor’s recommendation. A 2004 law, known as SB 420, added ID cards, specified limits on quantity for personal use, and regulated cultivation and dispensaries. And in 2016, a licensing system was created for commercial cultivation and sale of medical marijuana.

Recreational marijuana was legalized for adults in 2016 by Prop 64. It also created a licensing system for commercial cultivation and sale, as well as limits on amounts for personal use. In 2017, the legislature passed the “Medical and Adult-Use Cannabis Regulation and Safety Act” (“MAURCSA”), creating a combined regulatory system for both medical and recreational marijuana. (Read NORML’s summary here: www.canorml.org/Cal_NORML_Guide_to_AUMA.)

City and County Laws

Many cities and counties regulate the cultivation of marijuana and restricting dispensaries. Any county or city may have its own unique rules. Most are available on the internet. Online resources include: City list: bayareane.ws/2EfBxls County list: bit.ly/2LTPwDu

Federal Law

Marijuana use, possession, and distribution is illegal under federal law. 21 U.S.C. §801 et. seq. There is no exception or special treatment for medical use, and California law does not override federal law. Under Attorney General William Barr, the federal DOJ does not take action against people and businesses in states that have legalized marijuana, but unless Congress amends federal law, that policy is subject to change.

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