

### California Marijuana Penalties

🌿 decriminalized 🏥 medical 🌿 hemp

		Incarceration	Fine
<b>Possession</b>			
28.5 g or less	infraction	none	\$100
More than 28.5 g	misdemeanor	6 months	\$500
28.5 g or less on school grounds by a minor while school is in session	misdemeanor	10 days	\$250
More than 28.5 g on school grounds while school open	misdemeanor	6 months	\$500
<b>Cultivation</b>			
Any amount (exception for patients or caregivers)	felony	16 - 36 months	none
<b>Sale</b>			
Gift of less than 28.5 g	misdemeanor	none	\$100
Any amount	felony	2 - 4 years	none
Any amount to a minor over 14 years old	felony	3 - 5 years	none
Any amount to a minor under 14 years old (includes offering, inducing, distributing, or employing)	felony	3 - 7 years	none
<b>Miscellaneous</b> (paraphernalia, license suspensions, drug tax stamps, etc...)			
Any conviction of minor under 21 causes driver's license suspension for 1 year.			
<b>Details</b>			
Possession of 28.5 grams or less of marijuana is now a civil infraction; no longer an arrestable offense. The offender is subject to a civil fine of \$100. Possession of greater than 28.5 grams is punishable by up to six months in jail and a fine of up to \$500.			
Possession of 28.5 grams or less of marijuana on school grounds when the school is in session is punishable by up to 10 days in jail and a \$250 fine. Possession of greater than 28.5 grams or more of marijuana in a school zone is punishable by up to six months in jail and a fine of up to \$500.		<b>Proposition 36</b> The Substance Abuse and Crime Prevention Act passed by 61% in 2000	
The cultivation or processing of any amount of marijuana is punishable by up to sixteen months in state prison. There is an exception to the cultivation prohibition for patients or patients' caregivers who possess or cultivate for personal use by the patient upon approval of a physician.			
The laws regarding possession and cultivation of marijuana do not apply to patients or patients' primary caregivers who possess or cultivate marijuana for the personal medical use of the patient, upon the recommendation or approval of a physician.			
Selling marijuana in any amount is punishable by 2 - 4 years in the state prison. Giving away less than 28.5 grams is a misdemeanor and is punishable by a fine of up to \$100.			
Sale of marijuana to a minor is punishable by 3 - 5 years in prison.			
For anyone under the age of 21 convicted of any of the above offenses, the state may suspend the offender's			


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driver's license for up to one year.

Possession of paraphernalia is a civil fine of \$200-\$300 for the first offense and goes up to \$5,000-\$6,000 for a fifth or subsequent violation within a five-year period.

A breakdown of CA county and local medical marijuana guidelines is available here:  
<http://www.safeaccessnow.net/countyguidelines.htm>.

 **Decriminalization:** The state has decriminalized marijuana to some degree. Typically, decriminalization means no prison time or criminal record for first-time possession of a small amount for personal consumption. The conduct is treated like a minor traffic violation.

 **Medical marijuana:** This state has medical marijuana laws enacted. Modern research suggests that cannabis is a valuable aid in the treatment of a wide range of clinical applications. These include pain relief, nausea, spasticity, glaucoma, and movement disorders. Marijuana is also a powerful appetite stimulant and emerging research suggests that marijuana's medicinal properties may protect the body against some types of malignant tumors, and are neuroprotective. For more information see NORML's Medical Marijuana section. [http://norml.org/index.cfm?Group\\_ID=3376](http://norml.org/index.cfm?Group_ID=3376)

 **Hemp:** This state has an active hemp industry or has authorized research. Hemp is a distinct variety of the plant species *cannabis sativa L.* that contains minimal (less than 1%) amounts of tetrahydrocannabinol (THC), the primary psychoactive ingredient in marijuana. Various parts of the plant can be utilized in the making of textiles, paper, paints, clothing, plastics, cosmetics, foodstuffs, insulation, animal feed, and other products. For more information see NORML's Industrial Use section. [http://norml.org/index.cfm?Group\\_ID=3377](http://norml.org/index.cfm?Group_ID=3377)

Also see Federal Laws [http://norml.org/index.cfm?wtm\\_view=&Group\\_ID=4575](http://norml.org/index.cfm?wtm_view=&Group_ID=4575)

### About this Report

NORML's State Guide to Marijuana Penalties outlines most penalties for prohibited marijuana conduct in the 50 states, the District of Columbia, and under federal law. To view the list of prohibited conduct and penalties, click the map icon to the left to find your jurisdiction.

Marijuana laws and penalties change rapidly and are enforced and interpreted differently even in the same legal jurisdiction. Please consult a criminal defense lawyer if you have been busted or if you want to know how a particular conduct might be punished. If you spot an error or have information that should be included in NORML's State Guide to Marijuana Penalties, please inform the NORML Foundation ([foundation@norml.org](mailto:foundation@norml.org)).

Please note:

- The guide does not list penalties for every marijuana offense nor every enhanced sentence such as possessing marijuana near a school, involving a minor, and automatic driver's or professional license suspension. Your state may require an enhanced sentence even if the enhancement is not in the guide.
- Unless otherwise specified, please assume that listed penalties apply only to first convictions. Prior convictions often place a defendant in a higher penalty range, and convictions while on probation for a previous offense may result in revocation of probation.

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- Except where indicated otherwise, a listed fine is the maximum fine for the conviction and the minimum fine is zero.
- "Possession" usually means "possessing marijuana only for personal use". If the government accuses you of possessing marijuana for other reasons, the accompanying penalties will probably exceed those for possessing marijuana for personal use. Possessing large amounts of marijuana frequently results in more serious charges of "possession with intent to distribute", "trafficking", and/or "sale".
- Many factors contribute to a defendant's sentence. Factors include level of involvement in the prohibited conduct, location, age, presence or absence of minors, use or presence of weapons, conduct for which a person has been acquitted, and many other things.
- If you are in trouble, please know your rights and hire an attorney.

Warning: The information contained in this report is for informational purposes only. Individuals are encouraged to confirm their state's laws before engaging in any particular behavior, or before going to court without a lawyer.

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Metric units to United States units of measurements:
One ounce (oz.) = 28.35 grams
One pound (lb.) = 16 ounces = 453.59 grams
One kilogram (kg.) = 1,000 grams (g) = 2.2 pounds (lbs.)