



Adult Use Cannabis Penalties

Under California law, adults 21 or older can use, carry, and grow cannabis (marijuana, weed, pot). Buying cannabis (without a valid physician's recommendation or a county-issued medical marijuana identification card) will become legal for adults 21 or older on January 1, 2018. Use of medicinal cannabis is legal if you have a valid physician's recommendation or a valid county-issued medical marijuana identification card. To buy medicinal cannabis, you must be 18 or older and either have valid physician's recommendation, a valid county-issued medical marijuana identification card, or be a Primary Caregiver as defined in Health and Safety Code Section 11362.7(d) or 11362.5(e), with a valid physician's recommendation for the patient. In addition, consistent with the Compassionate Use Act, you may possess or cultivate any amount that is reasonably related to your current medical needs.

Violations for possession or cultivation above the permitted limits, furnishing in violation of the law, or for violation of the age restriction are punishable as an infraction, misdemeanor and/or a fine, depending on the circumstances, and include mandatory drug education or counseling and community service for persons under the age of 18, and may include imprisonment for persons 18 and older. (Health and Safety Code Section 11357, 11358, 11360, and 11362.4)

Possession

Possession of up to one ounce (28.5 grams) of cannabis or 8 grams of concentrate.

| Age | Penalty | Statutory Reference |
|--------------------|---|--------------------------------------|
| Under Age 18 | Infraction punishable by up to 6 hours of drug education or counseling and up to 20 hours of community service. | Health and Safety Code Section 11357 |
| Age 18 to Under 21 | Infraction punishable by a fine of not more than \$100. | Health and Safety Code Section 11357 |

Possession of more than one ounce (28.5 grams) of cannabis or 8 grams of concentrate.

| Age | Penalty | Statutory Reference |
|-----------------|---|--------------------------------------|
| Under Age 18 | Infraction punishable by up to 10 hours of drug education or counseling and up to 60 hours of community service. | Health and Safety Code Section 11357 |
| Age 18 and Over | Punishable by imprisonment in a county jail not more than six months or a fine of not more than \$500 or by both fine and imprisonment. | Health and Safety Code Section 11357 |

Possession of up to one ounce (28.5 grams) of cannabis or 8 grams of concentrate upon the grounds of, or within, any school providing instruction in kindergarten or any of grades 1-12, inclusive, during the hours the school is open for classes or school-related programs.

| Age | Penalty | Statutory Reference |
|-----------------|---|--------------------------------------|
| Under Age 18 | Infraction punishable by 10 hours of drug education or counseling and up to 60 hours of community service. | Health and Safety Code Section 11357 |
| Age 18 and Over | Misdemeanor punishable by a fine of not more than \$500 or imprisonment in a county jail for not more than 10 days or both fine and imprisonment. | Health and Safety Code Section 11357 |

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.

| Age | Penalty | Statutory Reference |
|-----------------|---|--|
| Under Age 18 | Infraction punishable by 10 hours of drug education or counseling and up to 60 hours of community service. | Health and Safety Code Section 11362.4 |
| Age 18 and Over | Misdemeanor punishable by a fine of not more than \$500 or imprisonment in a county jail for not more than 10 days or both fine and imprisonment. | Health and Safety Code Section 11362.4 |

Possession of cannabis for sale.

| Age | Penalty | Statutory Reference |
|-----------------|--|--|
| Under Age 18 | Infraction punishable by 10 hours of drug education or counseling and up to 60 hours of community service. | Health and Safety Code Section 11362.4 |
| Age 18 and Over | Punishable by imprisonment in a county jail for a period of not more than six months or by a fine of not more than \$500 or both. Violations may also be punished as a felony under specified circumstances. | Health and Safety Code Section 11362.4 |

Possession of an open container or package of cannabis or cannabis products while driving, operating, or riding as a passenger in a motor vehicle, boat, aircraft or other vehicle used for transportation.

| Age | Penalty | Statutory Reference |
|-----------------|--|--|
| Under Age 18 | Infraction punishable 4 hours of drug education or counseling and up to 20 hours of community service. | Health and Safety Code Section 11362.4 |
| Age 18 and Over | Infraction punishable by a fine of not more than \$250. | Health and Safety Code Section 11362.4 |

Cultivation

Planting, cultivating, harvesting, drying or processing any cannabis plants.

| Age | Penalty | Statutory Reference |
|--------------|--|--|
| Under Age 18 | Infraction punishable by 10 hours of drug education or counseling and up to 60 hours of community service. | Health and Safety Code Section 11362.4 and 11358 |

Planting, cultivating, harvesting, drying or processing not more than 6 cannabis plants.

| Age | Penalty | Statutory Reference |
|--------------------|---|--------------------------------------|
| Age 18 to Under 21 | Infraction punishable by a fine of not more than \$100. | Health and Safety Code Section 11358 |

Planting, cultivating, harvesting, drying or processing more than 6 cannabis plants.

| Age | Penalty | Statutory Reference |
|-----------------|---|---|
| Age 18 and Over | Punishable by imprisonment in a county jail for not more than six months or a fine of not more than \$500 or both, or as an infraction with a fine of not more than \$250. Violations may also be punished as a felony under specified circumstances. | Health and Safety Code Section 11358 and Health and Safety Code Section 11362.4 |

Transporting, Importing, Selling, Furnishing, Administering, or Giving Away

Transporting, importing into the state, selling, furnishing, administering, or giving away, or offering to transport, import into the state, sell, furnish, administer or give away, or attempting to import into the state or transport any cannabis.

| Age | Penalty | Statutory Reference |
|-----------------|--|--------------------------------------|
| Under Age 18 | Infraction punishable by 10 hours of drug education or counseling and up to 60 hours of community service. | Health and Safety Code Section 11360 |
| Age 18 and Over | Punishable by imprisonment in a county jail for a period of not more than six months or by a fine of not more than \$500 or both. Violations may also be punished as a felony under specified circumstances. | Health and Safety Code Section 11360 |

Giving away or offering to give away, or transporting, attempting, or offering to transport not more than 28.5 grams of cannabis, other than concentrated cannabis.

| Age | Penalty | Statutory Reference |
|--------------|---|--------------------------------------|
| Under Age 21 | Infraction punishable by a fine of not more than \$100. | Health and Safety Code Section 11360 |

Smoking or Using Cannabis

Smoking or ingesting cannabis or cannabis products in a public place.

| Age | Penalty | Statutory Reference |
|-----------------|--|--|
| Under Age 18 | Infraction punishable 4 hours of drug education or counseling and up to 10 hours of community service. | Health and Safety Code Section 11362.4 |
| Age 18 and Over | Infraction punishable by a fine of not more than \$100. | Health and Safety Code Section 11362.4 |

Smoking cannabis or cannabis products in a location where smoking tobacco is prohibited.

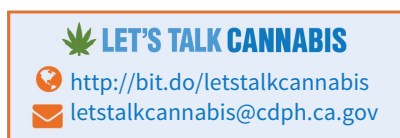
| Age | Penalty | Statutory Reference |
|-----------------|--|--|
| Under Age 18 | Infraction punishable 4 hours of drug education or counseling and up to 20 hours of community service. | Health and Safety Code Section 11362.4 |
| Age 18 and Over | Infraction punishable by a fine of not more than \$250. | Health and Safety Code Section 11362.4 |

Smoking cannabis or cannabis products within 1,000 feet of a school, day care center, or youth center while children are present, except in or upon the grounds of a private residence and such smoke is not detectable by others on the school or center grounds.

| Age | Penalty | Statutory Reference |
|-----------------|--|--|
| Under Age 18 | Infraction punishable 4 hours of drug education or counseling and up to 20 hours of community service. | Health and Safety Code Section 11362.4 |
| Age 18 and Over | Infraction punishable by a fine of not more than \$250. | Health and Safety Code Section 11362.4 |

For more information, consult [Health and Safety Code section 11357 et seq.](#)

https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=11357.&lawCode=HSC



NOTE: Cannabis remains classified as a Schedule I drug under the federal Controlled Substances Act, and its purchase, possession, distribution, or use within California may be unlawful under federal law. While it is our intention to provide current information, this fact sheet is not for the purpose of providing legal advice and can become outdated. Contact your attorney if you have questions about cannabis, what is (or is not) legal under state or federal law or need legal advice.

