



Medicinal Use Cannabis Penalties

Under California's medicinal cannabis laws, you can possess up to eight ounces of dried cannabis and maintain no more than 6 mature cannabis plants or 12 immature plants. If you require a larger amount of cannabis, under the Compassionate Use Act, you may possess and cultivate any amount that is reasonably related to your current medical needs. Under California law, to legally possess medicinal cannabis in California, you must meet at least one of the following requirements:

- You have a valid physician's recommendation
- You have a valid county-issued medical marijuana identification card
- You are a designated Primary Caregiver (Health and Safety Code Section 11362.7(d) and Section 11362.71 (e) or 11362.5(e), with a valid physician's recommendation for the patient).¹

To buy medicinal cannabis under California law, you must meet the requirements described above and be 18 or older. Your physician's recommendation must also be valid and in compliance with Health and Safety Code Section 11362.712. You can only buy medicinal cannabis from a retailer licensed by the Bureau of Cannabis Control.

Below is a summary of some of the penalties for illegally obtaining a physician's recommendation and illegally using medical marijuana identification cards. For information about other penalties related to the illegal use, possession and sale of medicinal cannabis please, see our Adult-Use Cannabis Penalties fact sheet.

Violation	Penalty	Statutory Reference
Fraudulently claiming or pretending to have a medical problem or providing false information to a physician, county health department or state or local law enforcement agency or officer in order to get a medical marijuana identification card.	First offense: Imprisonment in county jail for up to six months, a fine of up to \$1,000 or both. Second or subsequent offense: Imprisonment in county jail for up to one year, a fine of up to \$1,000 or both. ²	Health and Safety Code Section 1362.81 (a), (b) and (c)
Stealing or illegally using another person's medical marijuana identification card in order to obtain, grow, transport, use, produce, or distribute cannabis.	First offense: Imprisonment in county jail for up to six months, a fine of up to \$1,000 or both. Second or subsequent offense: Imprisonment in county jail for up to one year, a fine of up to \$1,000 or both. ²	Health and Safety Code Section 1362.81 (a), (b) and (c)

References

1. A primary caregiver may possess an amount of medicinal cannabis recommended by a patient's physician and consistent with the patient's needs.
2. In addition, a person who breaks this law may not be able to obtain or use a medical marijuana identification card for up to six months.

Violation	Penalty	Statutory Reference
<p>Altering a medical marijuana identification card or making a counterfeit or fake card.</p>	<p>First offense: Imprisonment in county jail for up to six months, a fine of up to \$1,000 or both.</p> <p>Second or subsequent offense: Imprisonment in county jail for up to one year, a fine of up to \$1,000 or both.²</p>	<p>Health and Safety Code Section 1362.81 (a), (b) and (c)</p>
<p>Illegally sharing, accessing, or breaching the personal information that cannabis patients provide to county health departments.</p> <p>Note: A patient’s name, address, medical condition and other personal information is private and protected by the Confidentiality of Medical Information Act (Part 2.6, Division 1 of the Civil Code).</p>	<p>First offense: Imprisonment in county jail for up to six months, a fine of up to \$1,000 or both.</p> <p>Second or subsequent offense: Imprisonment in county jail for up to one year, a fine of up to \$1,000 or both.²</p>	<p>Health and Safety Code Section 1362.81 (a), (b) and (c)</p>



LET'S TALK CANNABIS

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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.

