

Fact Sheet Regarding Marijuana Laws*

Federal Law

It is illegal under federal law to manufacture, distribute, or dispense marijuana. (Controlled Substances Act, 21 U.S.C. § 801, et seq.)

California Law

NON-MEDICAL MARIJUANA

On November 8, 2016, the voters approved Proposition 64, titled the “Adult Use of Marijuana Act” (AUMA). According to the AUMA, its purpose is to establish a comprehensive system to legalize, control and regulate the cultivation, processing, manufacture, distribution, testing, and sale of nonmedical marijuana, including marijuana products. In general, the AUMA does the following:

- Makes it lawful under both state and local law for adults 21 years of age or more to possess, process, transport, obtain, or give away to other adults no more than one ounce of marijuana (Health and Safety Code, § 11362.1).
- Permits, under state law, adults 21 years of age or more to cultivate no more than six plants inside a private residence or accessory structure that is “fully enclosed and secure”. (Health and Safety Code, § 11362.2.)
- Affirms that cities and counties may completely prohibit outdoor planting and cultivation marijuana. (Health and Safety Code, § 11362.2.)
- Affirms that cities and counties may completely prohibit the establishment or operation of businesses engaged in commercial nonmedical marijuana activity. (Business and Professions Code, § 26200.)
- Prohibits consumption of marijuana in public places. (Health and Safety Code, §11362.3.)
- Maintains right of employers to prohibit use of marijuana by employees and prospective employees. (Health and Safety Code, § 11362.45.)

MEDICAL MARIJUANA

In 1996, voters approved Proposition 215, which provides a limited defense to criminal prosecution for cultivation and possession of marijuana for medical purposes, where recommended by a physician for treatment of certain illnesses. Subsequent amendments to state law established a voluntary state identification card system and permitting for medical marijuana cultivation and sale.

- Qualified patients may obtain identification cards from county health departments. (Health and Safety Code, §11362.5.)
- State Bureau of Marijuana Control regulates the licensing and operation of medical marijuana businesses. (Assembly Bill 266 (2015); Assembly Bill 243 (2015); Senate Bill 643 (2015).)

*This Fact Sheet is for informational purposes only and not for the purpose of providing legal advice. You should contact your attorney to obtain advice with respect to any particular issue or problem.

Local Law – Fresno County

NON-MEDICAL MARIJUANA

- Possession, planting, cultivation, harvesting, drying, or processing outdoors on the grounds of a private residence is prohibited in all Zone Districts of the unincorporated territory of Fresno County, to the fullest extent permitted by State law. (Fresno County Interim Urgency Ordinance Ordinance Code No. 17-001.)
- The establishment or operation of a business engaged in commercial marijuana activity is prohibited in all Zone Districts of the unincorporated territory of Fresno County. (Fresno County Interim Urgency Ordinance Code No. 17-001.)

MEDICAL MARIJUANA

- Cultivation is prohibited in all Zone Districts of the unincorporated territory of the County. (Chapter 10.60 of Fresno County Ordinance Code.)
- Medical marijuana dispensaries are prohibited in all Zone Districts of the unincorporated territory of the County. (Chapter 10.60 of Fresno County Ordinance Code.)
- Violations of the cultivation prohibition is enforced through an Administrative Fines Ordinance, which imposes a \$1,000 per plant fine. (Chapter 10.64 of Fresno County Ordinance Code.)

Other Resources

- [Chapters 10.60, 10.62, and 10.64 of Fresno County Ordinance Code](#)
- [Fresno County Ordinance Code No. 17-001](#)
- [Community Health Medical Marijuana Identification Card Program](#)

Note: The links from the sites below are provided as a public service. The County of Fresno cannot attest to the accuracy of information provided by linked sites, and such links do not constitute an endorsement of the listed entities. The County is not responsible for the content accessible through these links; and under no circumstances will the County of Fresno be held liable to any party who may choose to rely on a listed entity, its products, or services.

- [Controlled Substances Act \(21 U.S.C. § 801, et seq.\)](#)
- [Proposition 215 \(1996\)](#)
- [Senate Bill 420 \(2003\)](#)
- [Assembly Bill 266 \(2015\)](#)
- [Assembly Bill 243 \(2015\)](#)
- [Senate Bill 643 \(2015\)](#)

*This Fact Sheet is for informational purposes only and not for the purpose of providing legal advice. You should contact your attorney to obtain advice with respect to any particular issue or problem.