

The Adult Use of Marijuana Act (Proposition 64): Know Your Rights

We are
the Drug
Policy
Alliance.

It's now legal for adults 21 and over to possess up to an ounce of marijuana (or up to 8 grams of concentrated marijuana) in California, but the regulatory details aren't yet finalized.

What's legal right now?

For adults 21 and older in California, it's now legal to use, possess, transport, and share up to one ounce of marijuana flowers or eight grams of marijuana concentrate. It is still unlawful for persons under 21 to possess marijuana.

It is also legal for adults 21 and older to grow up to six plants per residence. Adults must keep these marijuana plants in a locked space away from public view or risk being charged with an infraction. Be sure to check your local laws because local governments may prohibit you from growing outside, but they cannot prohibit you from growing indoors.

When will recreational marijuana be available for purchase?

Licenses for recreational marijuana businesses will not be available from the state until Jan. 1, 2018, meaning adult consumers will not be able to purchase recreational marijuana from retail stores until then. However, recreational marijuana can currently be legally obtained through gifting or sharing between adults 21 and older or personal cultivation by adults 21 and older. Medical marijuana is still available to any Californian 18 and older who possesses a current valid doctor's recommendation.

Is recreational marijuana legal for adults age 18-20?

No. Although most penalties and fines associated with marijuana offenses have been reduced or eliminated for all California residents, adult use marijuana is only legal for adults 21 and older.

Is marijuana legal for youth under 18?

No. Recreational marijuana is still unlawful for youth under the age of 18. However, minors may no longer be arrested or incarcerated for marijuana offenses. Instead, youth will be sanctioned with drug awareness education, counseling and/or community service.

Can my record be expunged?

Persons with past marijuana convictions can get their prior convictions reduced or dismissed. Persons currently serving a sentence in prison or county jail, or who are on probation or parole, may petition a court for *resentencing*. Persons who have completed their sentence and who are no longer in custody or under supervision may apply to a court for *reclassification*. This process applies to both adults and youth. For more information on the resentencing and reclassification process please visit www.myprop64.org.

Where can I consume marijuana?

Public consumption of marijuana is illegal. Marijuana cannot be consumed in public places, and cannot be consumed in public places even where tobacco is permissible. Consumption of marijuana is also prohibited within 1,000 feet of a school, day care or youth center while children are present (excluding private residences).

The Adult Use of Marijuana Act allows local jurisdictions to allow for the consumption of marijuana products on the premises of a licensed retailer or microbusiness. Until these businesses are properly licensed, the safest place to consume marijuana is in a private residence.

Can I travel with marijuana?

It is illegal to possess an open container of package of marijuana while driving, operating or riding in a vehicle. An open container violation is an infraction and will be subject to a maximum \$250 fine. Like other substances, driving while impaired by or consuming marijuana is unlawful and is a misdemeanor under CA law.

The possession of marijuana remains illegal under federal law and it is a crime to take across state lines.

What happens if I have legal marijuana and I am stopped by law enforcement?

As long as you're acting legally, law enforcement can't use that against you. They can't take any marijuana from you that you are lawfully allowed to have. Persons acting within the bounds of the new law, law enforcement can't use that as the basis for detaining, searching, or arresting you.

For more information visit: www.myprop64.org.