

Adult Use of Marijuana Act Penalties, Then and Now

<i>Adult cannabis use activity</i>	<i>Former criminal penalties</i>	<i>Currently under Prop 64</i>
Possess ≤ 28.5 grams cannabis	\$100 ticket	Legal
Possess ≤ 8 grams concentrate	One year, \$500 or both	Legal
Transport ≤ 28.5 grams / 8 grams	\$100 misdemeanor	Legal
Give away ≤ 28.5 grams/ 8 grams	\$100 misdemeanor	Legal
Homegrow 1 cannabis plant	16 months, two/ three years	Legal
Homegrow ≤ 6 cannabis plants	16 months, two/ three years	Legal
Harvest ≥ 28.5 grams and keep it	16 months, two/ three years	Legal
Smoking where tobacco banned	\$100 infraction	\$250 infraction
Public smoking <i>or</i> underage use	\$100 infraction	\$100 infraction
Age 18-20 grow ≤ 6 plants	16 months, two/ three years	\$100 infraction
Age 18-20 ≤ 4 grams concentrate	One year, \$500 or both	\$100 infraction
Offenses by minors ≤ age 18	Same as adults	Counseling, community service, drug education
Age 18 and up grow ≥ 6 plants	16 months, two/ three years	Six months, \$500 or both
Possess ≥ 28.5 grams cannabis	Six months, \$500 or both	Six months, \$500 or both
Possess ≥ 8 grams concentrate	One year, \$500 or both	Six months, \$500 or both
Transport, give away ≥ 28.5 grams	Two/ three/ four years	Six months, \$500 or both
Sales without a license	Two/ three/ four years	Six months, \$500 or both
Possess with intent to sell	16 months, two/ three years	Six months, \$500 or both

Planting, cultivating, harvesting, drying or processing marijuana > 6 plants is a **PC 1170** felony, when:

- prior convictions for serious or violent felonies,
- the grower is a 290 registrant,
- 2 or more prior convictions for grows ≥ 6 plants,
- the offense resulted in illegally diverted water, (WC 1052, F&G 1602)
- the offense resulted in illegally discharged waste, (WC 13260)
- the offense resulted in illegal dumping into state waters, (F&G 5650)
- the offense resulted in illegal dumping on land, (PC 374.8)
- the offense resulted in illegal disposal of hazardous waste, (H&S 25189.5)
- the offense resulted in transportation/possession of an endangered species or migratory bird, (F&G 2080 and 3513)
- the offense resulted in intentionally or with gross negligence causing substantial harm to public lands or resources.