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California’s medical cannabis laws are now included in the Medicinal and Adult-Use Cannabis Regulation and Safety Act.¹ If you cultivate cannabis for medicinal purposes and have a current qualifying physician’s recommendation or a valid county-issued card, or if you are thinking of cultivating cannabis for medicinal purposes, here are important facts you should know.

Cultivation of Medicinal Cannabis By Qualified Patients Or Caregiver.

Cultivating Medicinal Cannabis • Under California’s law, you may cultivate medicinal cannabis if you have a valid physician’s recommendation or a valid county-issued medical marijuana identification card², or be a Primary Caregiver as defined in Health and Safety Code Section 11362.7(d).

“Primary caregiver” means the individual, designated by a qualified patient, who has consistently assumed responsibility for the housing, health, or safety of that patient, and may include any of the following: • An individual who has been designated as a primary caregiver by more than one qualified patient or person with an identification card, if every qualified patient or person with an identification card who has designated that individual as a primary caregiver resides in the same city or county as the primary caregiver of no more than five specified qualified patients. • An individual who has been designated as a primary caregiver by a qualified patient or person with an identification card who resides in a city or county other than that of the primary caregiver, then the primary caregiver may only cultivate for that one qualified patients.

A primary caregiver shall be at least 18 years of age, unless the primary caregiver is the parent of a minor child who is a qualified patient or a person with an identification card or the primary caregiver is a person otherwise entitled to make medical decisions under state law pursuant to Section 6922, 7002, 7050, or 7120 of the Family Code.³

Limits On Size of Cultivation of Medicinal Cannabis • Even with a current qualifying physician’s recommendation or a valid county-issued medical marijuana identification card, there are limits to the size of cultivation canopy where you can use medicinal cannabis:

A qualified patient or a person holding a valid identification card, or the designated primary caregiver of that qualified patient or person, may possess amounts of cannabis up to three pounds of dried cannabis bud. A qualified patient or a person holding a valid identification card, or the designated primary caregiver of that qualified patient or person, may cultivate cannabis in an amount not to exceed more than 100 square feet of total garden canopy, as measured by the combined vegetative growth area. A primary caregiver who cultivates, possesses, stores, manufactures, transports, donates, or provides cannabis exclusively for the personal medical purposes of no more than five specified qualified patients for whom he or she is the primary caregiver within the meaning of Section 11362.7 of the Health and Safety Code, but who does not receive remuneration for these activities except for compensation in full compliance with subdivision (c) of Section 11362.765 of the Health and Safety Code, is exempt from the licensure requirements of this division.

Obtaining a County-Issued Identification Card • You can obtain a valid county-issued medical marijuana identification card if you have one or more of the following medical conditions:⁴ • Acquired immune deficiency syndrome (AIDS) • Anorexia • Arthritis • Cachexia • Cancer • Chronic pain • Glaucoma • Migraine • Severe nausea • Persistent muscle spasms, including, but not limited to, spasms associated with multiple sclerosis. Seizures, including, but not limited to, seizures associated with epilepsy • Any other chronic or persistent medical symptom that either: –Substantially limits your ability to conduct one or more major life activities as defined in the federal Americans with Disabilities Act of 1990 (Public Law 101-336). –If not alleviated may cause serious harm to your safety or physical or mental health.

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References

1. Senate Bill No.94, Sess. of 2017 (Cal. 2017) <https://leginfo.legislature.ca.gov/faces/> Code Section 11362.5, California Health and Safety Code 11362.712; billTextClient.xhtml?bill_id=201720180SB94
2. Santa Cruz County medical Cannabis ID Card (831)454-3431
3. California Health and Safety Code Section 11362.7(d)(2)(3)& (e)
4. California Health and Safety Code Section 11362.7