



Commission on Peace Officer Standards and Training

860 Stillwater Road
West Sacramento, CA 95605
www.post.ca.gov

Date: November 9, 2016

Bulletin: No. 2016-20

Subject: **Proposition 64 – The Control, Regulate and Tax Adult Use of Marijuana Act**

On November 8, 2016, the majority of voters in California voted in favor of Proposition 64. According to [Article II Section 10\(a\) of the California Constitution](#), “An initiative measure approved by a majority vote takes effect the day after the election, unless the initiative measure provides otherwise.” However, the licensing of retail markets will commence January 2018.

Proposition 64 (Prop64) Section 3, states in part; *the purpose of the initiative is to establish a comprehensive system to legalize, control, and regulate the cultivation, processing, manufacturing, distribution, testing, and sale of nonmedical marijuana, for use by adults 21 years of age and older.* Prop64 has several components that establishes the Bureau of Marijuana Control within the Department of Consumer Affairs to license and regulate the marijuana industry.

POST has developed a webpage to provide information to law enforcement regarding Prop64 information and resources. The webpage provides an overview of Prop64, resources, links, and federal documents related to Schedule I of the Controlled Substances Act and the U.S. Department of Justice Cole Memo. Officers and training managers are encouraged to check the webpage on a regular basis to watch for updates to training and the law. The POST webpage is available at <https://www.post.ca.gov/proposition-64-the-control-regulate-and-tax-adult-use-of-marijuana-act.aspx>

Peace Officers can find the majority of violations in Sections 11357, 11358, 11359, and 11360 of the Health and Safety Code (H/S). Because local control will also shape enforcement, officers are encouraged to obtain copies of local and county ordinances, and confer with their local District Attorney. Several aspects of Prop64 directly affect patrol officers in California, specifically:

- Personal possession of up to one ounce of marijuana for any person 21 years of age or older is no longer a crime (11357 (a)(1) H/S)
- For persons 18-20 years of age, possession of up to one ounce of marijuana is an infraction (11357 (a)(2) H/S)
- Possession of marijuana on school grounds could be an infraction or misdemeanor (11357 (c) or (d) H/S)
- Persons 21 years or older - Cultivation of up to six (6) live marijuana plants per household is no longer a crime.
- Persons 18-20 years of age - Cultivating more than six (6) live marijuana plants is an infraction (11358 (b) H/S).
- Anyone over 18 years of age – Cultivating more than six (6) live marijuana plants is a misdemeanor (11358 (c) H/S) – Repeated violations could result in an aggravated felony.
- Driving, consuming, and/or being under the influence of marijuana is still prohibited.
- Persons under 18 years of age – Possession for Sales is an infraction.
- Persons 18-20 years of age – Possession for Sales is a misdemeanor.
- Persons 21 years of age or older – Possession for Sales can be a felony (with priors).
- Smoking marijuana in public is generally prohibited (see local ordinances).



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Prop64 will have a significant impact on several bureaus at POST. In efforts to assist California law enforcement agencies, the following projects have been identified as initial priorities:

The Training Delivery and Compliance Bureau is working with presenters in reviewing the certified narcotics courses to revise curricula as needed to meet the legal requirements of Prop64.

The Basic Training Bureau has convened a subject matter expert workshop, to revise the Learning Domain 12 (Controlled Substances) curricula, as well as examining other aspects of the Regular Basic Course for revisions.

The Learning Technology Resources Bureau is developing a training DVD, that will provide additional guidance and answer many questions relating to marijuana enforcement.

The Standards, Evaluation, and Research Bureau is reviewing the impact of Prop64 on selection standards, the medical manual, background course and manual, and test questions related to the Regular Basic Course and the Dispatch Course.

The Training Program Services Bureau is evaluating the K-9 Guidelines for revisions because of Prop64. Additionally, they will create a pocket guide reference for the field.

Because Prop64 changes many existing statutes, while creating new ones, it is anticipated that there will be “clean up” legislation in the forthcoming months, maybe years, which will provide clarifying language and direction.

Training Managers are encouraged to review the [entire text of Prop64](#) for additional details.

Questions regarding the POST Proposition 64 resource webpage may be directed to Senior Consultant Ralph Brown, Executive Office, at (916) 227-2804 or Ralph.Brown@post.ca.gov.

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