

the420times™

the magazine of medical marijuana and natural healing

How to GROW YOUR OWN Medicine

THE BIG QUESTION:
WHAT TO
GROW
WHAT NOT
TO GROW

THIS
FOR
THAT

Bipolar

GROWING YOUR OWN:
CALIFORNIA LEGALITY
AND REALITY





GROWING YOUR OWN: CALIFORNIA LEGALITY AND REALITY

By David Fiedler

Apart from Federal law, which is an entirely different kettle of fish (see *Growing For A Collective*), conforming to local laws requires that you become familiar with all of them. California law is a bit confusing, since when Proposition 215 passed, it didn't even spell out how many plants you could grow. Many District Attorneys learned to rely on the guidelines handed down by Governor Jerry Brown when he was Attorney General in 2008, which limit individual patients to 6 mature or 12 immature plants.

Generally, "mature plants" refers to plants in the flowering stage, and "immature plants" refers to plants in the vegetative stage. Some DAs will consider clones or seedlings to be "unviable plants" and not count them, and some will count them toward your "immature plant" total. Better to be safe than sorry: the only assumption that's safe to make is that someone out there would love to put you behind bars for nothing more than growing a plant.

The 6/12 rule was codified by SB 420 as follows:

HS 11362.77 (a) A qualified patient or primary caregiver may possess no more than eight ounces of dried marijuana per qualified patient. In addition, a qualified patient or primary caregiver may also maintain no more than six mature or 12 immature marijuana plants per qualified patient.

Here's what they mean by "dried marijuana":

HS 11362.77(d): Only the dried mature processed flowers of female cannabis plant or the plant conversion shall be considered when determining allowable quantities of [medical] marijuana under this section.

Kief, hash, and hash oil are generally considered to be "conversions", as well as bud (ground or intact). But the wording implies that cannabis leaves, or anything made from leaves, are not counted in the eight ounces, so there's an observation that might help you someday.

Chris Conrad of Safe Access Now, who is an acknowledged cannabis expert and an instructor at Oaksterdam University, points out that the SB 420 "safe harbor" from arrest only applies if you have a state ID card, which is optional for patients.

In *People v Kelly* (2010), the California Supreme Court struck down predefined quantity limits, but as California NORML points out on their definitive web page at <http://www.canorml.org/prop/local215policies.html>, this doesn't mean "anything goes":

The Supreme Court's recent Kelly decision has been widely misinterpreted to imply that the limits no longer apply, and that patients can therefore grow as much as they want. In fact, the Court's decision lets the police arrest anyone who exceeds the guidelines. The only thing it disallows is for the guidelines to be used as a basis for conviction in criminal trials.

The Good News And The Bad News

Now, the good news is that some counties have higher limits, assuming your doctor says you need more medicine, and no county can set lower limits than the 6/12 allowed by state law. In Sonoma County, you can grow up to 30 plants. San Francisco and San Diego allow one patient to grow up to 24 plants. Oakland allows a whopping 72 plants, but only indoors. All of these rules, regulations, and guidelines have their own foibles, such as "size of canopy" or the total area of the garden, or different numbers or rules for outdoor growing. Caregivers and collectives have different rules in many areas as well.

The bad news is that some counties and cities have taken recently to passing laws which restrict the rights of patients to grow their own medicine, even in their own house or on their own land. Until these laws are overturned in court, you must be aware of them. Butte County passed a law in May that charges almost \$300 for a "permit to grow", as well as making it illegal to grow on property of less than 1/2 acre. The city of Anderson outlawed growing either indoors or outdoors: you must construct a bunker of precisely 50 square feet with specific parameters to be legal; Corning passed a similar law, while Dunsuir says you can only grow in a garage.

—
David Fiedler is a writer, not a lawyer.