

Marijuana for Medical and Nonmedical Use

611.1 PURPOSE AND SCOPE

The purpose of this policy is to provide personnel of this department with guidelines for distinguishing between claims of medical marijuana use under California's Compassionate Use Act (H&S Code 11362.5) and marijuana use for recreational purposes under the Adult Use of Marijuana Act (Proposition 64). This policy applies to all designated personnel.

611.2 AUTHORITY AND REFERENCES

- Penal Code § 849(b);
- Vehicle Code § 23152;
- Health & Safety Code §§ 11357, 11358, 11359, 11362.1, 11362.2, 11362.3, 11362.4, 11362.5, 11362.7(d)(2), 11362.735, 11362.77(a)(b), 11362.775, 11362.78, 11362.79, 11362.785(c), 11362.795, & 11473.5;
- 21 United States Code 885(d);
- Executive Committee.

611.3 POLICY

Although federal law does not currently permit possession of marijuana for medical or nonmedical use, it is the policy of the Riverside County Probation Department to prioritize resources when taking action regarding the use, possession, and cultivation of marijuana. The department will exercise discretion to ensure laws are appropriately enforced and adults/youth are protected under California law.

611.4 MEDICAL MARIJUANA USE ELIGIBILITY

The following procedures shall be used to investigate or document eligibility for medical marijuana use by adults/youth:

- (a) An individual may establish his/her status as a qualified patient by presenting a current and valid identification card (ID) issued by the California Department of Health (H&S Code 11362.735). Such identification cards shall contain the following information:
 1. A unique serial number;
 2. An expiration date;
 3. The name and telephone number of the county health department approving the application;
 4. The 24-hour toll free number for law enforcement to verify the validity of the card;
 5. A photograph of the cardholder.
- (b) If the individual does not possess a valid identification card, the individual claiming status as a qualified patient must provide the following information:

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1. Satisfactory identification establishing current residency in California;
 2. A current and valid medical marijuana ID card from a local government agency or a current and verifiable written recommendation from a California licensed physician. Officers should verify the validity of a medical marijuana ID card at <http://www.calmmp.ca.gov/>;
 3. In the absence of a valid identification card, the officer should also obtain a written waiver from the individual authorizing the release of all related medical records;
 4. While it remains illegal (infraction) for a youth to possess or use marijuana recreationally, a youth can obtain a medical marijuana ID under certain conditions (11362.5 H & S).
- (c) Primary caregivers, per 11362.7(d)(2) H&S, are subject to the following requirements:
1. A primary caregiver must provide sufficient proof that he/she is responsible for the individual's housing, health and/or safety;
 2. A primary caregiver must provide sufficient proof of personal knowledge of the individual's medical needs and the details of the attending physician's recommendation;
 3. Upon proof that a qualified primary caregiver is caring for more than one qualified individual, he/she may aggregate possession and cultivation limits;
 4. While qualified individuals and primary caregivers may be permitted to collectively or cooperatively associate to cultivate medical marijuana, such individuals must strictly adhere to all non-profit and local business requirements;
- (d) In cases where adults/youth meet the standards outlined in H&S Code 11362.795, or the court record reflects medical marijuana use is permitted during the instant period of supervision, drug tests showing positive results for marijuana will not be considered a violation of supervision conditions.

611.4.1 MEDICAL MARIJUANA USE GUIDELINES

- (a) Once an adult/youth has been verified as eligible for use of medical marijuana, the following limits apply:
1. The individual or caregiver must be in possession of a valid medical marijuana card;
 2. The individual may possess no more than eight ounces of dried marijuana;
 3. If the above limit does not meet the individual's needs, the individual may possess an amount as specified by his/her physician;
 4. The individual may maintain no more than six mature or twelve immature marijuana plants;
 5. Smoking marijuana is prohibited:
 - (a) In any place where smoking is prohibited by law;

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- (b) Within 1,000 feet of the school grounds, day care center, recreation center, youth center, or anywhere children congregate unless medical use occurs within a residence;
- (c) On a school bus;
- (d) While driving or riding in a motor vehicle; and,
- (e) While operating a boat.

611.5 NONMEDICAL MARIJUANA USE GUIDELINES

- (a) Any adult who does not have conditions prohibiting marijuana use imposed by the court are required to adhere to the following guidelines pursuant to California law:
 - 1. Marijuana use is limited to individuals age 21 years and over;
 - 2. An individual may possess no more than 28.5 grams (about 1 ounce) of dried marijuana and up to 8 grams of marijuana in the form of concentrated cannabis;
 - 3. The individual may grow up to six marijuana plants;
 - 4. Up to 28.5 grams of marijuana and up to 8 grams of marijuana in the form of concentrated cannabis can be given to individuals age 21 years and over without compensation(11362.1 H&S);
 - 5. Smoking, ingesting or possessing marijuana or marijuana products within 1,000 feet of a school, day care center, recreation center, youth center, or anywhere children congregate is prohibited;
 - 6. Smoking marijuana is prohibited:
 - (a) In any public place except where on-site consumption is licensed;
 - (b) Anywhere smoking tobacco is prohibited;
 - (c) On a school bus;
 - (d) While driving or riding in a motor vehicle; and,
 - (e) While operating a boat.
 - 7. Growing marijuana in an area that is unlocked or visible from a public place is prohibited;
 - 8. Providing marijuana to anyone under the age of 21 for nonmedical use is prohibited.
- (b) In cases where adults are specifically prohibited by conditions of supervision from using, possessing or cultivating marijuana, drug tests showing positive results for marijuana will be considered a violation of supervision and may result in the enforcement of appropriate sanctions.
- (c) Possession, cultivation, and sales of marijuana in quantities beyond that which might reasonably be construed as for personal use should be handled as a criminal case with appropriate action taken pursuant to Health & Safety Code §§ 11357, 11358, or 11359.

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Date(s) revised: 03/07/2019

Created: 05/22/2013

Attachments: None