

Cal Health & Saf Code § 11358

Deering's California Codes are current through Chapters 1-470, 472-525, 527-553, 555-563, 565-598, 600-625, 627-633, 635-658, 663, 666-685, 687-702, 704, 706-723, 727-742, 744-768, 770-779, 781-797, 802-825, 827-864, 866-895, 897-906, 908-926, 928-956, 959-973, 979-988, 991-999, 1001-1010, and 1012-1016 of the 2018 Regular Session, including all urgency legislation of the 2018 Regular Session.

Deering's California Codes Annotated > HEALTH AND SAFETY CODE > Division 10 Uniform Controlled Substances Act > Chapter 6 Offenses and Penalties > Article 2 Cannabis

§ 11358. Planting, harvesting, or processing

Each person who plants, cultivates, harvests, dries, or processes cannabis plants, or any part thereof, except as otherwise provided by law, shall be punished as follows:

(a) Each person under the age of 18 who plants, cultivates, harvests, dries, or processes any cannabis plants shall be punished in the same manner provided in paragraph (1) of subdivision (b) of [Section 11357](#).

(b) Each person at least 18 years of age but less than 21 years of age who plants, cultivates, harvests, dries, or processes not more than six living cannabis plants shall be guilty of an infraction and a fine of not more than one hundred dollars (\$100).

(c) Each person 18 years of age or over who plants, cultivates, harvests, dries, or processes more than six living cannabis plants shall be punished by imprisonment in a county jail for a period of not more than six months or by a fine of not more than five hundred dollars (\$500), or by both that fine and imprisonment.

(d) Notwithstanding subdivision (c), a person 18 years of age or over who plants, cultivates, harvests, dries, or processes more than six living cannabis plants, or any part thereof, except as otherwise provided by law, may be punished by imprisonment pursuant to subdivision (h) of *Section 1170 of the Penal Code* if any of the following conditions exist:

(1) The person has one or more prior convictions for an offense specified in clause (iv) of subparagraph (C) of paragraph (2) of subdivision (e) of *Section 667 of the Penal Code* or for an offense requiring registration pursuant to subdivision (c) of *Section 290 of the Penal Code*.

(2) The person has two or more prior convictions under subdivision (c).

(3) The offense resulted in any of the following:

(A) Violation of [Section 1052 of the Water Code](#) relating to illegal diversion of water.

(B) Violation of [Section 13260](#), [13264](#), [13272](#), or [13387 of the Water Code](#) relating to discharge of water.

(C) Violation of [Section 5650](#) or [5652 of the Fish and Game Code](#) relating to waters of the state.

(D) Violation of [Section 1602 of the Fish and Game Code](#) relating to rivers, streams, and lakes.

(E) Violation of [Section 374.8 of the Penal Code](#) relating to hazardous substances or Section [25189.5](#), [25189.6](#), or [25189.7 of the Health and Safety Code](#) relating to hazardous waste.

(F) Violation of *Section 2080 of the Fish and Game Code* relating to endangered and threatened species or [Section 3513 of the Fish and Game Code](#) relating to the Migratory Bird Treaty Act, or [Section 2000 of the Fish and Game Code](#) relating to the unlawful taking of fish and wildlife.

(G) Intentionally or with gross negligence causing substantial environmental harm to public lands or other public resources.

History

Added Stats 1972 ch 1407 § 3. Amended Stats 1973 ch 1078 § 9, effective October 1, 1973; Stats 1976 ch 1139 § 72, operative July 1, 1977; [Stats 2011 ch 15 § 160 \(AB 109\)](#), effective April 4, 2011, operative October 1, 2011; Amendment approved by voters, Prop. 64 § 8.2, effective November 9, 2016; [Stats 2017 ch 27 § 123 \(SB 94\)](#), effective June 27, 2017.

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Cal Health & Saf Code § 11359

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Deering's California Codes Annotated > HEALTH AND SAFETY CODE > Division 10 Uniform Controlled Substances Act > Chapter 6 Offenses and Penalties > Article 2 Cannabis

§ 11359. Possession for sale

Every person who possesses for sale any cannabis, except as otherwise provided by law, shall be punished as follows:

- (a) Every person under the age of 18 who possesses cannabis for sale shall be punished in the same manner provided in paragraph (1) of subdivision (b) of [Section 11357](#).
- (b) Every person 18 years of age or over who possesses cannabis for sale shall be punished by imprisonment in a county jail for a period of not more than six months or by a fine of not more than five hundred dollars (\$500), or by both such fine and imprisonment.
- (c) Notwithstanding subdivision (b), a person 18 years of age or over who possesses cannabis for sale may be punished by imprisonment pursuant to subdivision (h) of *Section 1170 of the Penal Code* if:
 - (1) The person has one or more prior convictions for an offense specified in clause (iv) of subparagraph (C) of paragraph (2) of subdivision (e) of *Section 667 of the Penal Code* or for an offense requiring registration pursuant to subdivision (c) of *Section 290 of the Penal Code*;
 - (2) The person has two or more prior convictions under subdivision (b); or
 - (3) The offense occurred in connection with the knowing sale or attempted sale of cannabis to a person under the age of 18 years.
- (d) Notwithstanding subdivision (b), a person 21 years of age or over who possesses cannabis for sale may be punished by imprisonment pursuant to subdivision (h) of *Section 1170 of the Penal Code* if the offense involves knowingly hiring, employing, or using a person 20 years of age or younger in unlawfully cultivating, transporting, carrying, selling, offering to sell, giving away, preparing for sale, or peddling any cannabis.

History

Added Stats 1972 ch 1407 § 3. Amended Stats 1973 ch 1078 § 10, effective October 1, 1973; Stats 1976 ch 1139 § 73, operative July 1, 1977; [Stats 2011 ch 15 § 161 \(AB 109\)](#), effective April 4, 2011, operative

October 1, 2011; Amendment approved by voters, Prop. 64 § 8.3, effective November 9, 2016; [Stats 2017 ch 27 § 124 \(SB 94\)](#), effective June 27, 2017.

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Cal Health & Saf Code § 11360

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Deering's California Codes Annotated > HEALTH AND SAFETY CODE > Division 10 Uniform Controlled Substances Act > Chapter 6 Offenses and Penalties > Article 2 Cannabis

§ 11360. Unlawful transportation, importation, sale, or gift

(a) Except as otherwise provided by this section or as authorized by law, every person who transports, imports into this state, sells, furnishes, administers, or gives away, or offers to transport, import into this state, sell, furnish, administer, or give away, or attempts to import into this state or transport any cannabis shall be punished as follows:

(1) Persons under the age of 18 years shall be punished in the same manner as provided in paragraph (1) of subdivision (b) of [Section 11357](#).

(2) Persons 18 years of age or over shall be punished by imprisonment in a county jail for a period of not more than six months or by a fine of not more than five hundred dollars (\$500), or by both such fine and imprisonment.

(3) Notwithstanding paragraph (2), a person 18 years of age or over may be punished by imprisonment pursuant to subdivision (h) of *Section 1170 of the Penal Code* for a period of two, three, or four years if:

(A) The person has one or more prior convictions for an offense specified in clause (iv) of subparagraph (C) of paragraph (2) of subdivision (e) of *Section 667 of the Penal Code* or for an offense requiring registration pursuant to subdivision (c) of *Section 290 of the Penal Code*;

(B) The person has two or more prior convictions under paragraph (2);

(C) The offense involved the knowing sale, attempted sale, or the knowing offer to sell, furnish, administer, or give away cannabis to a person under the age of 18 years; or

(D) The offense involved the import, offer to import, or attempted import into this state, or the transport for sale, offer to transport for sale, or attempted transport for sale out of this state, of more than 28.5 grams of cannabis or more than four grams of concentrated cannabis.

(b) Except as authorized by law, every person who gives away, offers to give away, transports, offers to transport, or attempts to transport not more than 28.5 grams of cannabis, other than concentrated cannabis, is guilty of an infraction and shall be punished by a fine of not more than one hundred dollars (\$100). In any case in which a person is arrested for a violation of this subdivision and does not demand to be taken before a magistrate, that person shall be released by the arresting officer upon

presentation of satisfactory evidence of identity and giving his or her written promise to appear in court, as provided in *Section 853.6 of the Penal Code*, and shall not be subjected to booking.

(c) For purposes of this section, “transport” means to transport for sale.

(d) This section does not preclude or limit prosecution for any aiding and abetting or conspiracy offenses.

History

Added Stats 1972 ch 1407 § 3. Amended Stats 1973 ch 1078 § 11, effective October 1, 1973; Stats 1975 ch 248 § 3; Stats 1976 ch 1139 § 74, operative July 1, 1977; Stats 1983 ch 223 § 3; [Stats 2011 ch 15 § 162 \(AB 109\)](#), effective April 4, 2011, operative October 1, 2011; [Stats 2015 ch 77 § 1 \(AB 730\)](#), effective January 1, 2016; Amendment approved by voters, Prop. 64 § 8.4, effective November 9, 2016; [Stats 2017 ch 27 § 125 \(SB 94\)](#), effective June 27, 2017.

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[Cal Health & Saf Code § 11366.5](#)

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*Deering's California Codes Annotated > **HEALTH AND SAFETY CODE** > Division 10 Uniform Controlled Substances Act > Chapter 6 Offenses and Penalties > Article 4 Miscellaneous Offenses and Provisions*

§ 11366.5. Providing place for manufacture or distribution of controlled substance; Fortifying building to suppress law enforcement entry

(a) Any person who has under his or her management or control any building, room, space, or enclosure, either as an owner, lessee, agent, employee, or mortgagee, who knowingly rents, leases, or makes available for use, with or without compensation, the building, room, space, or enclosure for the purpose of unlawfully manufacturing, storing, or distributing any controlled substance for sale or distribution shall be punished by imprisonment in the county jail for not more than one year, or pursuant to subdivision (h) of *Section 1170 of the Penal Code*.

(b) Any person who has under his or her management or control any building, room, space, or enclosure, either as an owner, lessee, agent, employee, or mortgagee, who knowingly allows the building, room, space, or enclosure to be fortified to suppress law enforcement entry in order to further the sale of any amount of cocaine base as specified in paragraph (1) of subdivision (f) of [Section 11054](#), cocaine as specified in paragraph (6) of subdivision (b) of *Section 11055*, heroin, phencyclidine, amphetamine, methamphetamine, or lysergic acid diethylamide and who obtains excessive profits from the use of the building, room, space, or enclosure shall be punished by imprisonment pursuant to subdivision (h) of *Section 1170 of the Penal Code* for two, three, or four years.

(c) Any person who violates subdivision (a) after previously being convicted of a violation of subdivision (a) shall be punished by imprisonment pursuant to subdivision (h) of *Section 1170 of the Penal Code* for two, three, or four years.

(d) For the purposes of this section, "excessive profits" means the receipt of consideration of a value substantially higher than fair market value.

History

Added Stats 1982 ch 1279 § 4. Amended Stats 1985 ch 1533 § 1; Stats 1986 ch 1026 § 1; [Stats 1987 ch 1174 § 4](#), effective September 26, 1987; [Stats 2011 ch 15 § 164 \(AB 109\)](#), effective April 4, 2011, operative October 1, 2011.

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[Cal Health & Saf Code § 11379.6](#)

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Deering's California Codes Annotated > HEALTH AND SAFETY CODE > Division 10 Uniform Controlled Substances Act > Chapter 6 Offenses and Penalties > Article 5 Offenses Involving Controlled Substances Formerly Classified as Restricted Dangerous Drugs

§ 11379.6. Manufacture of controlled substances by chemical extraction or chemical synthesis; Punishment; Factors in aggravation; Transmission of fines

(a) Except as otherwise provided by law, every person who manufactures, compounds, converts, produces, derives, processes, or prepares, either directly or indirectly by chemical extraction or independently by means of chemical synthesis, any controlled substance specified in [Section 11054](#), 11055, 11056, 11057, or 11058 shall be punished by imprisonment pursuant to subdivision (h) of *Section 1170 of the Penal Code* for three, five, or seven years and by a fine not exceeding fifty thousand dollars (\$50,000).

(b) Except when an enhancement pursuant to [Section 11379.7](#) is pled and proved, the fact that a person under 16 years of age resided in a structure in which a violation of this section involving methamphetamine occurred shall be considered a factor in aggravation by the sentencing court.

(c) Except when an enhancement pursuant to [Section 11379.7](#) is pled and proved, the fact that a violation of this section involving methamphetamine occurred within 200 feet of an occupied residence or any structure where another person was present at the time the offense was committed may be considered a factor in aggravation by the sentencing court.

(d) The fact that a violation of this section involving the use of a volatile solvent to chemically extract concentrated cannabis occurred within 300 feet of an occupied residence or any structure where another person was present at the time the offense was committed may be considered a factor in aggravation by the sentencing court.

(e) Except as otherwise provided by law, every person who offers to perform an act which is punishable under subdivision (a) shall be punished by imprisonment pursuant to subdivision (h) of *Section 1170 of the Penal Code* for three, four, or five years.

(f) All fines collected pursuant to subdivision (a) shall be transferred to the State Treasury for deposit in the Clandestine Drug Lab Clean-up Account, as established by [Section 5](#) of Chapter 1295 of the Statutes of 1987. The transmission to the State Treasury shall be carried out in the same manner as fines collected for the state by the county.

History

Added Stats 1985 ch 3 § 8, effective January 29, 1985. Amended Stats 1985 ch 323 § 1, effective July 29, 1985; [*Stats 1989 ch 1024 § 1*](#); [*Stats 2003 ch 620 § 1 \(AB 233\)*](#); [*Stats 2011 ch 15 § 176 \(AB 109\)*](#), effective April 4, 2011, operative October 1, 2011; [*Stats 2015 ch 141 § 1 \(SB 212\)*](#), effective January 1, 2016.

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[Cal Bus & Prof Code § 26057](#)

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Deering's California Codes Annotated > **BUSINESS & PROFESSIONS CODE** > **Division 10. Cannabis** > **Chapter 5. Licensing**

Notice

 This section has more than one version with varying effective dates.

§ 26057. Denial of application [Effective January 1, 2019]

(a)The licensing authority shall deny an application if either the applicant, or the premises for which a state license is applied, do not qualify for licensure under this division.

(b)The licensing authority may deny the application for licensure or renewal of a state license if any of the following conditions apply:

(1)Failure or inability to comply with the provisions of this division, any rule or regulation adopted pursuant to this division, or any requirement imposed to protect natural resources, including, but not limited to, protections for instream flow, water quality, and fish and wildlife.

(2)Conduct that constitutes grounds for denial of licensure under Chapter 2 (commencing with *Section 480*) of Division 1.5, except as otherwise specified in this section and [Section 26059](#).

(3)Failure to provide information required by the licensing authority.

(4)The applicant, owner, or licensee has been convicted of an offense that is substantially related to the qualifications, functions, or duties of the business or profession for which the application is made, except that if the licensing authority determines that the applicant, owner, or licensee is otherwise suitable to be issued a license, and granting the license would not compromise public safety, the licensing authority shall conduct a thorough review of the nature of the crime, conviction, circumstances, and evidence of rehabilitation of the applicant or owner, and shall evaluate the suitability of the applicant, owner, or licensee to be issued a license based on the evidence found through the review. In determining which offenses are substantially related to the qualifications, functions, or duties of the business or profession for which the application is made, the licensing authority shall include, but not be limited to, the following:

(A)A violent felony conviction, as specified in subdivision (c) of *Section 667.5 of the Penal Code*.

(B) A serious felony conviction, as specified in subdivision (c) of [Section 1192.7 of the Penal Code](#).

(C) A felony conviction involving fraud, deceit, or embezzlement.

(D) A felony conviction for hiring, employing, or using a minor in transporting, carrying, selling, giving away, preparing for sale, or peddling, any controlled substance to a minor; or selling, offering to sell, furnishing, offering to furnish, administering, or giving any controlled substance to a minor.

(E) A felony conviction for drug trafficking with enhancements pursuant to [Section 11370.4 or 11379.8 of the Health and Safety Code](#).

(5) Except as provided in subparagraphs (D) and (E) of paragraph (4) and notwithstanding Chapter 2 (commencing with [Section 480](#)) of Division 1.5, a prior conviction, where the sentence, including any term of probation, incarceration, or supervised release, is completed, for possession, possession for sale, sale, manufacture, transportation, or cultivation of a controlled substance is not considered substantially related, and shall not be the sole ground for denial of a license. Conviction for any controlled substance felony subsequent to licensure shall be grounds for revocation of a license or denial of the renewal of a license.

(6) The applicant, or any of its officers, directors, or owners, has been subject to fines, penalties, or otherwise been sanctioned for cultivation or production of a controlled substance on public or private lands pursuant to [Section 12025 or 12025.1 of the Fish and Game Code](#).

(7) The applicant, or any of its officers, directors, or owners, has been sanctioned by a licensing authority or a city, county, or city and county for unauthorized commercial cannabis activities, has had a license suspended or revoked under this division in the three years immediately preceding the date the application is filed with the licensing authority.

(8) Failure to obtain and maintain a valid seller's permit required pursuant to Part 1 (commencing with [Section 6001](#)) of [Division 2 of the Revenue and Taxation Code](#).

(9) Any other condition specified in law.

History

Adopted by voters, Prop. 64 § 6.1, effective November 9, 2016. Amended [Stats 2017 ch 27 § 45 \(SB 94\)](#), effective June 27, 2017. [Stats 2018 ch 92 § 23 \(SB 1289\)](#), effective January 1, 2019.

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