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Prop 64

What is Prop 64?

On June 28, 2016, the Secretary of State certified Prop 64, the Control, Regulate, and Tax Adult Use of Marijuana Act (“Prop 64” or “AUMA”) for the November 8, 2016 ballot. On November 8, 2016, a majority of California voters voted “Yes” on Prop 64 making the provisions of the AUMA effective on November 9, 2016.

What is the difference between medical marijuana and recreational marijuana?

There is a significant difference between medical marijuana and recreational marijuana. Medical marijuana can be obtained by a qualified patient or primary caregiver of a qualified patient, with a marijuana recommendation issued by a physician. In order to obtain recreational marijuana, adults 21 years of age or over can obtain marijuana and are not required to obtain a marijuana recommendation card.

How does the AUMA affect residents of the City of Santa Ana?

Personal Use of Recreational Marijuana

With the passage of the AUMA, adults 21 years of age or over may possess, process, transport, purchase, obtain, or give away to other adults:

- Up to one (1) ounce of dry marijuana (28.5 grams)
- Up to 8 grams of concentrated marijuana products
- Up to six (6) plants within a private residence or accessory structure.

Consumption of Marijuana

It is unlawful to smoke, vape or ingest marijuana in a public place, including a school, youth or day care center.

Marijuana Dispensaries

Are medical marijuana dispensaries legal in the City of Santa Ana?

Yes, however, a Regulatory Safety Permit is required to legally operate a medical marijuana collective in Santa Ana. (SAMC 18-617.01) Any collective operating without a Regulatory Safety Permit is, at a minimum, in violation of SAMC 18-617.01 (Regulatory Safety Permit required); SAMC 18-620(a) (cause, permit or engage in the operation of an illegal collective); SAMC 21-5 (business license required); and SAMC 8-95 (certificate of occupancy required).

Are recreational marijuana dispensaries legal in the City of Santa Ana?

No. Recreational marijuana dispensaries are not permitted to operate in the City of Santa Ana. Until such time as the City adopts an ordinance permitting the operation of a recreational marijuana storefront, such operations are prohibited in the City.

Cultivation

Is outdoor cultivation of marijuana permitted in the City of Santa Ana?

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No. The City currently bans outdoor cultivation. (Santa Ana Municipal Code section 18-620(e).)

Is indoor commercial cultivation permitted in the City of Santa Ana?

No. The City currently bans indoor commercial cultivation. (Santa Ana Municipal Code section 18-620(e).)

Is indoor cultivation of marijuana for personal use permitted in the City of Santa Ana?

Yes. Prop 64 allows adults 21 years or over to cultivate no more than six (6) plants per residence. The marijuana plants must not be visible from a public place and must be kept within the residence or accessory structure on the same parcel of property. The City is in the process of amending its municipal code to permit indoor cultivation of marijuana for personal use consistent with state law.