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Criminal Activities

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§10.13 B. Marijuana

Marijuana is a mixture of shredded flowers and leaves of the hemp plant *Cannabis sativa*; hash and other derivatives of the marijuana plant, such as “edibles,” are produced from dried resin of the same plant through various processes.

Although marijuana is considered a controlled substance under Health & S C §11054(d) and thus subject to similar restrictions and punishment for violative conducts as other controlled substances, there are a number of distinctions applicable to marijuana that merit special treatment and discussion, some of which are particularly relevant to the topic of neighborhood disputes.

Activities related to marijuana that might otherwise be deemed illegal but that fall within the scope of “medical marijuana” are not generally subject to criminal liability (see §10.17). Furthermore, California does not specifically regulate use or being under the influence of marijuana, in contrast to its treatment of other controlled substances, although possession and sale are prohibited, and operation of a motor vehicle while under the influence of marijuana would subject the driver to prosecution for driving under the influence to the same degree as if operating under the influence of alcohol. Veh C §23152. Health and Safety Code §11357 prohibits possession of marijuana; §11358 prohibits marijuana cultivation; §11359 prohibits the possession of marijuana with the intent to sell; and §11360 prohibits the sale or transportation of marijuana. It is important to note that as of January 1, 2011, possession of less than 28.5 grams of marijuana was reduced to an infraction punishable by a fine of not more than \$100. Health & S C §11357(b). Possession of a larger amount of marijuana or of concentrated cannabis or “hash” (*i.e.*, “the separated resin, whether crude or purified, obtained from marijuana”; see Health & S C §11006.5) is a misdemeanor. See Health & S C §11357.



For further discussion, see [Neighbor Disputes: Law and Litigation](#): Criminal Activities, chapter 10 (Cal CEB). Available in print and through [OnLaw](#).

Handle whatever dispute comes your way. This book lays out issues and provides guidance for resolving common disputes. Includes checklists, tips, and forms to aid in preparing a complaint or response, conducting client interviews, and dealing with emotional clients. Addresses causes of action, remedies, recouping fees, and available defenses.