

Megan's Organic Market Presents

Medical Cannabis and Me: FAQs for Patients & The Public



Where can you legally smoke or consume cannabis? Short answer: Not in public.

To stay within the law, you'll need to consume cannabis on private property. You cannot consume, smoke, eat, or vape cannabis in public places (Health & Safety Code § 11362.3). Do not use cannabis while in a vehicle.

In the city of Morro Bay, no person shall cause secondhand smoke to unreasonably interfere with the reasonable use and enjoyment of another person's private residence. Smoking cannabis where tobacco is prohibited is also illegal. A violation of the city of Morro Bay's smoking ordinance is punishable as a misdemeanor. In general, it is best to only use cannabis in the comfort of a private residence.

No consuming cannabis while driving or riding in a car!

Another California law that went into effect January 1st, 2018 which bans lighting up or snacking on any cannabis products while driving or riding as a passenger in a car. That includes cannabis edibles. The new law also regulates how and where consumers can store cannabis while in a car, similar to the state's open alcohol container rules. "It has to be sealed in a container. The seal cannot be broken. And if it is in an open container, it would have to be locked away in a place like the trunk," (California Highway Patrol Sgt. Oscar Chavez).

Violations of that new law are considered infractions and punishable by a \$70 fine.

Chavez says officers are trained to detect impaired drivers, whether the impairment is due to alcohol or cannabis. He said the same guidance applies to all drivers — if it's not safe to drive, don't get behind the wheel. The same DUI penalties also apply to both sets of drivers.

How long after ingesting cannabis am I allowed to drive? Short answer is: It depends...

You are free to hit the road once you are no longer impaired. It is illegal to drive under the influence of any substance, cannabis included. Unlike the .08 blood alcohol content measurement, there is no established threshold for THC (chemical compound in cannabis responsible for a euphoric high) levels in California that would automatically result in a DUI or not result in a DUI. There is **NO** "legal limit" for cannabis, any amount of cannabis impairment may result in a DUI.

The California Office of Traffic Safety, or OTS, warns that even small doses of THC can slow a driver's reaction time and the ability to make decisions. According to OTS, cannabis effects are strongest within the first hour of consumption and those who drive within that time period may double their risk of collision. OTS says impairment may take over four hours to subside - but that is just an estimate and should not be used as a blanket rule. In order to be certain that you are no longer impaired before operating a vehicle, Megan's Organic Market recommends **waiting 12 hours** after consuming cannabis.

Can my landlord ban cannabis? Short answer is: Yes.

Property owners and landlords may ban the use and possession of cannabis on their properties, according to the California Department of Health.

Can you get fired for having cannabis in your system? Short answer is: Yes.

It depends on your employer. There is no state law that protects employees from termination for using cannabis. A 2008 Supreme Court decision ruled that employers are entitled to fire employees who fail a drug screening for cannabis, regardless of state law. It's up to individual employers to continue to test for cannabis or decide to remove it from the common 5-drug panel that also tests for cocaine, PCP, opiates and amphetamines. Prop 64 has specific language empowering employers to tailor their drug policy according to their wishes. Employers that contract with the federal government may see a prohibition of use as well, since those employers will defer to federal law that still classifies cannabis as an illegal drug.

Can I take cannabis with me on a plane? Or when I travel? Short answer is: No.

It is not legal to transport cannabis of any amount by plane, even if it's medicinal. That includes trips within state borders and to other states that have legalized cannabis. The Transportation Security Administration, or TSA, defers to federal law, which still classifies cannabis as a Schedule I illegal drug. This one is pretty cut and dry - if you attempt to fly with cannabis, you are breaking the law.

The state agency outlined two other restrictions:

- You cannot consume or possess cannabis on federal lands such as national parks, even if the park is in California.
- It is illegal to take cannabis across state lines, even if you are traveling to another state where cannabis is legal.

Do I need a California ID and a California doctor's recommendation for medical cannabis to purchase medical cannabis? Short answer is: CA ID no, Dr's Rec yes.

You'll need a valid government-issued ID, but it can be from any state, according to a spokesman for the California Bureau of Cannabis Control. Options include a driver's license, a military ID with a person's picture and date of birth, or a passport issued either by the U.S. or by other countries.

However, you will need a verifiable and current doctor's recommendation for medical cannabis from a doctor in California in order to purchase medical cannabis.

Should I get a Medical Marijuana State ID Card? Short answer is: No, but there are benefits.

Patients are not required to get a Medical Marijuana ID card, but a state card can provide an extra measure of protection against arrest. Patients and caregivers can obtain state ID cards through the health departments of the county where they live. The state ID card system has safeguards to protect patient privacy. Police and employers cannot track down patients through the registry.

Patients with a state ID card are exempt from sales tax in dispensaries under the new state law (AUMA). They are still subject to other taxes under AUMA.

Do I need to be a U.S. citizen? Short answer is: No, but there are risks.

If you are not a U.S. citizen, think about whether you should carry your medical cannabis recommendation with you. Reports are that ICE is asking if people have their cards and/or use medical cannabis, and using that as grounds for deportation or grounds that they are in violation of the Federal Controlled Substances Act. This means permanent residents, visa holders, and those who are not naturalized nor are natural born citizens should be wary.

Can the federal government charge cannabis customers with a crime? Short answer is: Yes.

Cannabis remains illegal under federal law. The Trump administration has taken a more aggressive stance on enforcement. And cannabis dispensaries do collect customer information that could potentially be seized by federal agents and prosecutors. The likelihood of that happening, however, is very, very small, according to reputable cannabis policy experts. The assumption is, federal authorities would focus on large suppliers, not individual consumers who make small purchases.

Can I own or buy a gun if I use medical cannabis? Short answer is: No.

The Federal Bureau of Alcohol Tobacco and Firearms sent warning letters to gun dealers in 2011 warning them they could not sell to known medical cannabis users. When buying a gun, you may be asked whether you are a user of illegal drugs and/or medical cannabis. Answering yes makes you ineligible to purchase; falsely answering no is in principle punishable as perjury.

Can I sell cannabis? Short answer is: No.

Any person or entity engaging in cannabis sales must obtain a license from the Bureau of Cannabis Control.

How much cannabis can I possess or purchase? Short answer is: As much as is allowed by your doctor.

The amount of cannabis a patient can possess is determined by the patient's physician. The state regulations limit a patient's possession to eight ounces of dried cannabis flower and 6 mature plants or 12 immature plants unless a valid physician's recommendation contains a different amount than the limits listed. This is because the average patient does not consume more than eight ounces of dried cannabis flower in a year. If your medical needs require you to possess more than the limit currently listed on your doctor's recommendation for medical

cannabis, you must contact your physician to adjust your limits. Under no circumstance will Megan's Organic Market sell more medical cannabis to a patient than is permitted by state law and the patient's physician.

Can I cultivate my own cannabis? Short answer is: Maybe.

Municipal and local laws governing personal cultivation vary significantly. If you live in the unincorporated areas of San Luis Obispo County, you can grow up to six plants (within a 100 square-foot area) inside a personal residence without a land use permit. If you live in the city of Morro Bay, you may cultivate up to six plants indoors and two plants outdoors if and only if all of the following requirements are met:

1. You own your own private residence or have written permission from your landlord
2. Outdoor plants are at least 10 feet from the property line.
3. You are cultivating indoors within a private residence or within an accessory structure to a private residence located upon the grounds of a private residence that is fully enclosed and secure.
4. The six living plants and any cannabis produced by the plants in excess of 28.5 grams are kept within a locked space, inaccessible to minors and trespassers, located either within the private residence or upon the grounds of the private residence. A locked space for purposes of outdoor cultivation means a locked and secure enclosure completely surrounding the cultivation site which renders the cultivation site inaccessible to minors and trespassers (e.g., a secured and locked garden fence, or a secured and locked backyard fence).
5. The six living plants (whether grown indoors or outdoors) and any cannabis produced by the plants in excess of 28.5 grams is not visible from any public right of way, or in any manner be visible by normal unaided vision from a place regularly accessible to the general public.
6. The odor resulting from all cannabis cultivation is not be detectable by human senses from any neighboring property or public right of way. This may require ventilation or filtration.
7. Cultivation does not result in a nuisance or adversely affect the health, welfare, or safety of the resident or nearby residents by creating dust, glare, heat, noise, noxious gases, odors, smoke, traffic, vibration, or other impacts, or be hazardous due to use or storage of materials, processes, products or waste.
8. A working portable fire extinguisher, which complies with the regulations and standards adopted by the state fire marshal and applicable law, is kept in the same room as indoor cannabis cultivation.
9. The collective draw from all electrical appliances at the cannabis cultivation site does not exceed the maximum rating of the approved electrical panel for the private residence where the cannabis is being cultivated.
10. Any lighting fixture or combination of lighting fixtures used for cannabis cultivation does not exceed the rated wattage and capacity of the circuit breaker; and is shielded so as to completely confine light and glare to the interior of the private residence or fully enclosed accessory structure.
11. The private residence used for cultivation includes a fully functional and usable kitchen, as well as bathroom and bedroom areas, and is not used primarily or exclusively for cannabis cultivation.
12. Cultivation does not displace required parking in a garage.

13. You apply and are approved for a “Personal Cannabis Cultivation Permit” with the city of Morro Bay. A copy of the application can be found online at:

www.morro-bay.ca.us/DocumentCenter/View/11378/Personal-Cannabis-Cultivation-Permit-application1

A copy of the application can be found in person at:

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