



Frequently Asked Questions

Can I operate a cannabis business in San Bernardino County?

The County of San Bernardino prohibits all commercial cannabis activity – including cultivation, production, storage, processing, manufacturing, dispensing, delivery, distribution, testing, transportation, provision and sale – for medical or other purposes in the unincorporated areas of the county. The prohibition applies regardless of profit, gain or benefit. There is a limited exception that allows a primary caregiver who is the owner or operator of a state-licensed health facility to conduct commercial cannabis activity. Prior to conducting any activity, the state-licensed health facility must register with the County Land Use Services Department.

The County's prohibition of commercial cannabis activity does not apply within the jurisdictions of the 24 incorporated cities and towns in the county. You must check with those individual cities and towns to determine whether they permit or prohibit commercial cannabis activities.

California voters legalized cannabis for medical and recreational purposes. How can the County then prohibit commercial cannabis activity?

The California voters' approval of Proposition 215 (Compassionate Use Act of 1996) on November 5, 1996, and Proposition 64 (Adult Use of Marijuana Act) on November 8, 2016, does not require California cities and counties to allow commercial cannabis activity. Section 2 of Proposition 64 declares the Adult Use of Marijuana Act safeguards local control, allowing cities and counties to regulate cannabis-related activities, to subject cannabis businesses to zoning requirements, and to ban cannabis businesses.

Can I deliver cannabis products within the unincorporated area, if I operate a commercial cannabis business in another jurisdiction?

No. The County prohibits all commercial cannabis activity, including delivery, within the unincorporated areas. However, the County cannot prohibit someone from driving through the county on public roads for purposes of delivering cannabis to and from other jurisdictions that allow commercial cannabis activity.

Can I cultivate cannabis for my personal use in the unincorporated areas of the county?

Yes, with limitations, and only inside a private residence. The County prohibits outdoor cultivation of cannabis.

For medicinal use, each qualified patient with a medical marijuana identification card may cultivate up to 12 plants inside his or her private residence. Cultivation for medicinal use is limited to no more than a total of 24 plants per private residence, when more than one person with an identification card or primary caregiver lives at the residence.

For recreational use, a person over the age of 21 years old may cultivate up to six plants inside his or her primary residence. And, no more than a total of six plants per private residence may be cultivated for recreational use.

Under no circumstances may more than 30 plants – 24 for medicinal use and six for recreational use – be grown in any single private residence.

All indoor cultivation must comply with the County Code, which requires that any cultivation occur within a fully enclosed structure, with solid walls, and a ceiling, roof or top. The cultivation must be conducted in a designated cultivation area separately secured and locked from all other uses in the residence. Plants must be reasonably secured from theft and from access by minors or other unauthorized persons. Cannabis must not be perceptible from the exterior of the private residence. If the residence is not occupied by its owner, written permission from the owner or landlord is required. Anyone interested in growing cannabis within the unincorporated areas of the county are advised to review the cultivation requirements in Chapter 84.34 to Division 4 of Title 8 of the San Bernardino County Code, which is available for viewing on the County website.

I am a qualified patient with a medical marijuana identification card. Can my primary caregiver cultivate cannabis for me in the unincorporated areas of the county?

Yes, a primary caregiver may cultivate cannabis indoors for up to five qualified patients and up to a maximum of 24 plants per primary residence. The requirements stated above apply to indoor cultivation by a primary caregiver.

Can I possess or use cannabis in the unincorporated areas of the county without a medical marijuana identification card?

Yes. State law allows an adult age 21 years and older to possess up to one ounce of dried cannabis flower and up to eight grams of concentrated cannabis.

Can children legally use or grow recreational cannabis?

No. It is illegal for persons under 21 years of age to grow, use or possess cannabis for recreational purposes.

Can people smoke recreational cannabis in public?

The smoking of recreational cannabis is prohibited in public places where the smoking of tobacco is prohibited.

How can I report a cannabis business operating illegally in the unincorporated county areas?

Contact the Land Use Services Department, Code Enforcement Division by telephone at 1-800-722-3181 or online at <http://cms.sbcounty.gov/lus/CodeEnforcement/Complaints.aspx>