

# Cities May Impose Immediate Administrative Fines or Penalties for Illegal Cannabis Cultivation Under New Law

09.20.2018

ATTORNEYS

The Governor has signed AB 2164 to allow cities to impose immediate administrative fines or penalties for cannabis cultivation that violates local zoning, building, plumbing, electrical, or other similar structural, health and safety requirements. This legislation goes into effect January 1, 2019, and cities must adopt an ordinance to impose these penalties or fines.

Maricela E. Marroquín

AB 2164 requires cities to provide for a reasonable period of time for a cannabis cultivation violation to be corrected without an immediate administrative fine or penalty in certain situations. In particular, the ordinance must allow for a correction period if all of the following apply:

1. A tenant is in possession of the property that is the subject of the administrative action.
2. The rental property owner or agent can provide evidence that the rental or lease agreement prohibits the cultivation of cannabis.
3. The rental property owner or agent did not know the tenant was illegally cultivating cannabis and no complaint, property inspection, or other information caused the rental property owner or agent to have actual notice of the illegal cannabis cultivation.

AB 2164 prohibits cities from adopting an ordinance that imposes administrative fines or penalties on cannabis cultivation of up to six cannabis plants at a private residence by persons 21 years of age or older, as already permitted by State law.

If you have any questions about AB 2164, an administrative fine or penalty ordinance, or any cannabis related issues, please contact **Maricela Marroquin**.