

# Local-level cannabis cultivation ban approaches vary in California

Proposition 64 granted California localities (cities and counties) the ability to ban commercial cannabis cultivation. Now over two-thirds of local jurisdictions have banned cultivation. Ban enforcement varies widely. Local enforcement tactics and strategies can be more strict or lenient towards cultivators. With exceptions, stricter approaches tend to fuel greater inequities, and more lenient approaches provide pedagogical opportunities that can help reduce illicit cannabis cultivation.

## How are cannabis bans in California enforced?

Bans can have different provisions based on cultivation type, and enforcement may be led by code enforcement or police or multiple agencies.

### More lenient enforcement approaches generally:

- Promote education and mitigation
- Are often led by code enforcement
- Are reactive, not proactive or aggressive
- Provide reasonable time between notice of violations and imposition of fees
- Avoid cascading, roving, and punitive citations for violations
- Prioritize violations of the greatest environmental or social concern
- Provide educational opportunities via informational engagement by code enforcement with cultivator communities

### Stricter enforcement approaches generally:

- Are led by local law enforcement with a focus on punishment
- Impose fines immediately and do not provide abatement periods
- Pursue multiple fines to the maximum extent allowed by law
- Proactively seek violations, whether regarding cannabis or unrelated issues
- Harness law enforcement resources from other government agencies
- Promote innovations to re-felonize cultivators through, for example, Fish and Game code and broader policy advocacy
- rarely emphasize information sharing with cultivators, including limited translation of county code requirements to non-English languages



## Memorial in Siskiyou County

A memorial to Soobleej Kaub Hawj, 35, a Hmong man who was shot and killed by Siskiyou County law enforcement while driving a water truck during the Lava Fire in a region where many residents grow cannabis.

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Trash and debris left after enforcement of a cultivation site in San Bernardino County

## Efficacy of enforcement strategies

Strict enforcement approaches often fail to reduce the amount of cannabis being cultivated in meaningful or enduring ways. Instead, they push cultivation onto more remote and environmentally sensitive land and encourage more intensive growing methods. Further, bans make it more difficult to identify and mitigate environmental and labor concerns as these activities are increasingly hidden from regulatory view. Strict approaches can work if part of a multi-agency effort, significant staffing and consistent funding, however this is fiscally out of reach for many ban counties and often pushes cultivation to other areas.

More lenient enforcement approaches tend to treat cultivation as a land use or economic concern, rather than a criminal offense. In jurisdictions that take this approach, cultivation has decreased and stabilized since implementation of bans, resulting in lower levels of illicit activity, smaller-scale cultivation where it does occur, and fewer large-scale environmental consequences of cultivation and eradication actions.

## Impacts of enforcement strategies

Strict enforcement strategies can create disparities and disproportionately impact marginalized populations, including people for whom English is not a first language and communities historically harmed by the War on Drugs. Additionally, workers tend to be on the front lines when raids occur, often facing arrest and even deportation, as well as income loss in an industry where unregulated workers are often paid at the end of a season's harvest. Strict approaches can also create legal liability for local governments, as in Siskiyou County where multiple lawsuits have been filed against the county alleging voter intimidation and racial disparities in enforcement.

More lenient enforcement strategies treat cultivators as civilians rather than criminals, which can help build trust with agencies and local government staff and promote social inclusion, even for code violators. Additionally, more lenient approaches can help promote self-regulation within cultivation communities through informal norm setting, including norms around growing fewer plants and using more ecological cultivation practices.

For more information, visit: [crc.berkeley.edu](http://crc.berkeley.edu) or contact [margiana@berkeley.edu](mailto:margiana@berkeley.edu) or [mpolson@berkeley.edu](mailto:mpolson@berkeley.edu)