Marijuana and In-State Cultivation

IS IT LEGAL OR ILLEGAL TO CULTIVATE MARIJUANA?

Federal law makes it illegal to grow marijuana.¹

WHAT ABOUT IN-STATE CULTIVATION?

Medical Marijuana: Some states allow the growth of medical marijuana by patients and caregivers with certain rules and limits on cultivation.

Recreational Marijuana: Some states have legalized recreational use of marijuana. States with recreational marijuana also have limits on the amount of marijuana cultivated. The federal government may enforce federal laws against the growth of marijuana, even if a state allows it.²

HOW ARE STATE LAWS PASSED IF THEY CONFLICT WITH FEDERAL LAW?

Public approval, political expediency and financial gain rather than scientific data, have driven implementation of these state laws.³

CULTIVATION TECHNOLOGY:

Cultivators have turned to sophisticated technology to cultivate marijuana plants indoors. The use of hydroponics (growing plants in a nutrient-laden solution rather than conventional soil) and other technological advances have enabled cultivators to increase the potency of Tetrahydrocannabinol (THC), the psychoactive ingredient in cannabis plants.⁴

WHAT ARE THE PENALTIES FOR ILLEGAL CULTIVATION OF MARIJUANA?

The penalties for growing marijuana depend on whether you are charged under Federal or State law, which largely depends on the amount of marijuana you are growing and if other crimes are involved.

CULTIVATION FOR MEDICINAL RESEARCH:

In the US the National Institute on Drug Abuse (NIDA) has been designated as the agency responsible for overseeing the cultivation of marijuana for medicinal research. NIDA contracts with the University of Mississippi.
to grow marijuana for use in research studies. The University designates a secure plot of land where marijuana crops are grown, harvested, and stored. Investigational marijuana products with varying strengths or potencies are available.  

**SPECIAL LICENSURE AND REGISTRATION:**

As a Schedule I controlled substance under the Controlled Substances Act (CSA), marijuana use in a scientific study requires special licensure and registration requirements for the investigator and the site where the study will be conducted. For more information, see CFR §1301.18 DEA, Research Protocols.

**WHAT GEORGIANS SHOULD KNOW:**

1) In Georgia “cultivation”, legally referred to in Georgia law as “manufacturing” and “growing,” is currently illegal. However, both in-state cultivation and in-state dispensaries will be considered beginning in the summer of 2015 via meetings of the Georgia Commission on Medical Cannabis created as a part of HB 1, Georgia’s new “medical” marijuana law. (“Cannabis” is Latin for the marijuana plant.)

2) The rules and restrictions of marijuana cultivation vary widely among states with medical marijuana. In Georgia our statute, OCGA 16-13-31(c), addresses selling, manufacturing, growing, and delivering. Regarding penalties, in excess of 10 pounds of marijuana (“ground weight or “processed weight”) is considered trafficking. The minimum mandatory sentence is 5 years and a $100k fine.

   If the weight is in excess of 2,000 pounds, the mandatory minimum is 7 years and a $250k fine. If the weight is over 10,000 pounds (that’s 5 tons) the mandatory minimum prison sentence is 15 years and a $1million fine.

3) The purpose of marijuana cultivation for authentic medicinal research is to develop non-smoked marijuana-based, FDA-approved medications for specific conditions which are hypothesized to respond favorably to such treatment.

**TO LEARN MORE VISIT:**


**SOURCES**


6 US Food & Drug Administration, “Marijuana Research with Human Subjects” last updated 10/30/14, [http://www.fda.gov/NewsEvents/PublicHealthFocus/ucm421173.htm](http://www.fda.gov/NewsEvents/PublicHealthFocus/ucm421173.htm)