

Outcomes of Local Cannabis Cultivation Bans on California Communities

Proposition 64 legalized commercial cannabis cultivation at the state level while granting localities – cities and counties – “local control” over how and if commercial cannabis could be cultivated. Now, over two-thirds of localities in California have banned commercial cannabis cultivation.

Bans require significant public resources

The majority of California’s population now lives in ban jurisdictions

Residents in a majority of localities are barred from permit processes and legal industry participation, creating inequities. Additionally, many localities have created “de-facto” bans on personal and medical cultivation through prohibitively expensive requirements, which reduces access, especially for people experiencing poverty, who are elderly, or who live in remote areas.

Bans consume fiscal and administrative resources

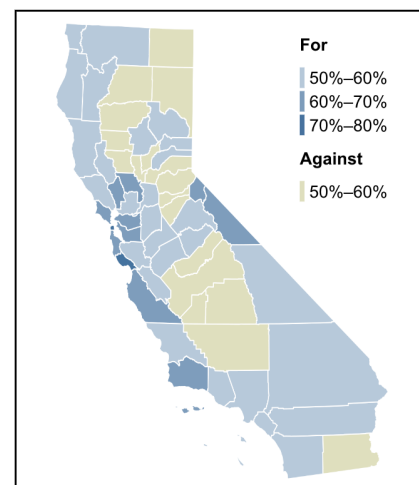
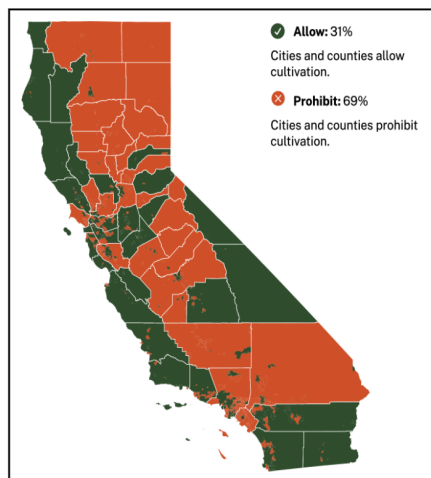
Localities often ban cannabis because of resource and capacity concerns. Creating local regulatory programs for cannabis cultivation is a challenge for low-revenue local governments. Yet bans themselves are costly to implement and enforce and draw public resources away from other pressing concerns.

Multi-agency enforcement can limit cultivation, though with questionable effectiveness over time

Ban enforcement can reduce unpermitted cultivation when significant resources and multiple agencies are dedicated. However, intensive enforcement consistently pushes cultivators to other regions, cultivation can rebound after enforcement slackens, and resource-intensive enforcement is fiscally infeasible for many local governments.

Figure 1:

Map (left) shows jurisdictions that allow commercial cultivation in green and prohibit cultivation in orange (Department of Cannabis Control, cannabis.ca.gov, 2023). Map (right) shows counties that voted yes for Proposition 64 in blue and no in orange (CA NORML, 2023).





Equity impacts of cultivation bans

Bans have negative effects on economic and social equity

While wealthier residents may be able to move to permit jurisdictions and navigate onerous and expensive licensing processes, people who do not have similar social and economic mobility (i.e. those experiencing poverty, with limited English, immigrants, or members of minoritized groups) often cannot.

Cultivation bans have led to racial and ethnic enmity

Bans can lead to conflictive local dynamics between neighbors and in public fora. Fear of enforcement consequence can silence vulnerable populations—a silence that is often filled by one-sided anti-cannabis ideas that build on racial-ethnic tensions.

County bans facilitate broader market capture and fuel rural disparities

Where cities allow permitting within ban counties, they are able to attract economic development.

Cultivators will persist and innovate if cultivation is economically viable

After legalization, cultivation is primarily an economic, not legal, decision for cultivators. Fighting economic practices with legal consequences does little to stop cultivation and much to punish people for a decriminalized activity. Enduring methods of reducing unlicensed cultivation come from: a) falling prices and market pressures; or b) successful transition to the legal market.

Policy Recommendations

- Greater protections for medical and personal cultivation across the state
- Create boilerplate smaller-scale cultivation regulations at the state-level
- Reform enforcement approaches
- Redirection to state agencies, particularly CDFW
- Establish DCC commission to review local-level ban enforcement

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