

Court strikes down criminalization of growing pot

By Elizabeth Warmerdam, Courthouse News Service

FRESNO – Citing state protections for marijuana cultivation, a California appeals court struck down Fresno County's criminalization of marijuana growing.

Adopted in 2014 and amended this year, Fresno's law prohibits the cultivation of medical marijuana and marijuana dispensaries in all zoning districts, and classifies violations of the ordinance as both public nuisances and misdemeanors.

The ordinance also limits the use of medical marijuana to qualified medical patients at their homes.

Though the Superior Court found that Fresno's law did not conflict with the Compassionate Use Act and the Medical Marijuana Program, a three-judge panel of the Fifth Appellate District found Tuesday that the defendant has a narrow cause of action challenging the validity of Fresno's classification of marijuana cultivation as a misdemeanor.

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