

MEMORANDUM

February 2, 2018

To: CSU Presidents

From: G. Andrew Jones 
Executive Vice Chancellor and General Counsel

Re: Use of Marijuana on CSU Property

On November 8, 2016, California voters passed Proposition 64. This law legalized the recreational use of marijuana by persons over the age of 21 in defined quantities and in specified locations. A component of Proposition 64 allowed properly-licensed businesses to publicly sell marijuana as of January 1, 2018. This development has spurred significant media activity in California.

Despite these developments, marijuana use, in any form, and marijuana production, possession, cultivation, purchase, sale, transportation, or distribution on CSU property and/or in connection with CSU activities remains prohibited -- both by CSU policy and under state and federal law.

Possession, use, transport, cultivation, purchase and sale of marijuana remain illegal under the Federal Controlled Substances Act. As a recipient of federal funds, the CSU is required under several federal laws to: (1) maintain a drug-free community; (2) prevent illegal drug use; and (3) discipline students and employees who unlawfully possess, use, or distribute illegal drugs on university property or at CSU-sponsored events.

State law provides that smoking marijuana where smoking is already prohibited is also illegal. The CSU already prohibits smoking on all CSU owned or leased property under Executive Order 1108. Consequently, smoking marijuana anywhere on CSU property remains illegal under California law.

The above prohibitions also apply to “medical marijuana.” Notwithstanding the passage of Proposition 215, California law does not give anyone (student, faculty, staff, or the public) the right to possess, use, or distribute marijuana on CSU property, even if they have a “Prop 215” Card or a doctor’s “recommendation” to use marijuana. Likewise, under California law, medical marijuana is not a reasonable accommodation.

Accordingly, the CSU continues to prohibit the use, possession, cultivation, transport, and sale of marijuana on all CSU owned or leased property, including campus student, faculty, and staff housing.

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Persons found to possess, use, transport, distribute, cultivate, or sell marijuana may be subject to discipline.

Finally, the passage of Proposition 64 does not change existing federal and state laws regarding research related to marijuana. Federal law continues to treat marijuana as a controlled substance, and does not permit the use, production, possession, processing, sale, growth, transportation, or distribution of the substance for research purposes without an appropriate permit from the United States Drug Enforcement Agency (DEA). Thus, any such research activities involving the University or University-related resources, support and/or endorsements are prohibited without DEA permission.

Research activities which do not involve the use, production, possession, processing, sale, growth, transportation, or distribution of the substance, and which are not otherwise prohibited or controlled by law and CSU policy, would be permitted. Examples might include research and analysis about the economic, social, medical, policy, or legal impacts of persons driving under the influence, or the economic impacts of the growing number of marijuana retail outlets.

Although there is a limited research exemption under federal law regarding industrial hemp, the regulations and requirements are complicated and overlap with additional state regulations and laws. I suggest consultation with your campus attorney in the Office of General Counsel if any CSU research concerning industrial hemp is contemplated.

cc: Chancellor White
Vice Chancellors
Provosts
Vice Presidents of Administration
Vice Presidents of Student Affairs
Police Chiefs
OGC Attorneys