

Virginia Cannabis Control Authority

Guidance on Home Cultivation

Pursuant to Virginia Code Section 4.1-604.31, the Virginia Cannabis Control Authority (“CCA”) has prepared this guidance document on safe and compliant home cultivation for individuals interested in cultivating cannabis plants in their residence. The CCA does not endorse the recreational consumption or home cultivation of cannabis. The external links and references used in this document are provided as examples of resources for the public to consider in making informed decisions, and they are not endorsed by the CCA.

Statutory Requirements

Individuals 21 years or older may cultivate up to four cannabis plants per household for personal use.¹ A “household” includes all those living in the place of residence, even if those individuals are not related. Exceeding the number of allowed plants in a household may result in either civil or criminal penalties.

Each plant must have a legible tag that includes the grower’s name, driver’s license or ID number, and a note that indicates the plant is being grown for personal use as authorized by law.

For example:

Jane Doe

ID #: A12345678

Personal Adult Use: Va. Code § 4.1-1101(B)(3)

Cannabis plants must not be “visible from a public way” (e.g., a sidewalk) or accessible to anyone under 21 years old. Individuals may not manufacture marijuana concentrate from home-cultivated marijuana.

Despite the legality of limited home cultivation, property owners are permitted to develop and enforce their own policies that further restrict or prohibit home cultivation by renters.^{2,3} Before embarking on cultivation, renters would be well advised to review their lease agreements and consult with their lessors.

Practices to Promote Personal and Public Safety

In addition to complying with all applicable Virginia laws, it is important to use growing processes that are safe for individuals in the home and reduce the likelihood of creating a nuisance for neighboring residences. There are four key health risks to consider when growing cannabis at home: 1) access and accidental poisoning; 2) environmental and space concerns; 3) electrical and fire hazards; and 4) radiation risks.

Access and Accidental Poisoning

All cannabis products, even those not intended for consumption, carry a risk of accidental poisoning. Individuals should treat all cannabis grown in a residence as though it is hazardous, especially for children and pets.⁴ Households that choose to cultivate cannabis should allow for proper storage to ensure any plants or plant materials are secure from children and pets.⁵ At homes with residents under 21 years old, any cannabis grow area should be enclosed and locked in a separate space that minors can't access. At homes without residents under 21 years old, residents must take extra precautions to make sure any visiting youth cannot access marijuana plants.

Households also should have poison control resources available in easily accessible common areas. The Virginia Poison Center can be reached through its hotline at (800) 222-1222.⁶

Home cultivators should research any pesticides and chemicals before use. The CCA has not formally approved of any pesticides for the cultivation of cannabis, but other agencies and states may have resources home-growers in Virginia can consult before choosing to use pesticides.

Environmental and Space Concerns

While the law allows for up to four plants total, individuals should consider how many plants they have adequate space for in their home or on their property.

No cannabis plants may be visible to the public. Households should consider outdoor cultivation only if there is an appropriately sized space that is shielded completely from view beyond the property.

Households should avoid overcrowding cannabis plants grown indoors to prevent other common issues, such as smell and mold⁷, especially in smaller spaces.⁸ Excess odor from cannabis grown in the home may result in nuisance claims from neighbors. Mold is also a common problem and can present health risks to household members and others visiting the residence.⁹

Growers also should ensure there is adequate air circulation during the grow process. Households growing cannabis should install carbon dioxide (CO₂) detectors, to alert people in the residence if CO₂ levels become dangerous and test detectors frequently to confirm they are functioning.

Electrical and Fire Safety

Households can prevent electrical accidents by practicing electrical safety during the home cultivation process. Cannabis requires significant sources of light during the grow process. The use of artificial lighting and other forms of electrical equipment increase the risk of fire for the household.¹⁰

Individuals should avoid practices that can lead to electrical accidents, such as overloading circuits and using too many lights in the grow space. Individuals should never connect multiple surge protectors or extension cords to each other to extend the length of cords or add extra

electrical outlets in a small space.¹¹ Growers should always follow product guidelines when using electrical equipment.

Radiation Risks

Many lights recommended for cannabis cultivation may produce high-intensity ultraviolet (UV) light. Using UV lights can contribute to plant growth but can also lead to skin or eye damage.¹² To prevent UV exposure or adverse effects, growers should take precautions with any UV lights in their grow area, including wearing protective, long-sleeved clothing and switching off lights when working with cannabis plants in the grow space.

Conclusion

This document is not a comprehensive list of all potential issues in home cultivation. Before beginning the home cultivation process, potential growers should consult with their household members and/or landlord and conduct their own research on home cultivation to ensure they are prepared to grow cannabis legally, safely, and responsibly.

¹ Home cultivation of marijuana for personal use; penalties, Va. Code § 4.1-1101 (2021).

<https://law.lis.virginia.gov/vacode/title4.1/chapter11/section4.1-1101/>

² Virginia Residential Landlord and Tenant Act Article 3. Tenant Obligations: Tenant to maintain dwelling unit, Va. Code (2019). § 55.1-1227. <https://law.lis.virginia.gov/vacode/title55.1/chapter12/section55.1-1227/>

³ Virginia Residential Landlord and Tenant Act Article 3. Tenant Obligations: Rules and regulations, Va. Code (2019). <https://law.lis.virginia.gov/vacode/title55.1/chapter12/section55.1-1228/>

⁴ Washington Poison Center (2020, December 8). *Washington Poison Center Cannabis Data Reports*. Retrieved from <https://www.wapc.org/data/data-reports/cannabis-data-report/>

⁵ National Collaborating Center for Environmental Health/NCCEH (2019, July 18). *Growing Cannabis Safely at Home*. YouTube. <https://www.youtube.com/watch?v=7LlIlLbzMr0>

⁶ Virginia Poison Center (2022). Virginia Poison Center homepage. <https://poison.vcu.edu/>

⁷ Virginia Department of Health (2022). *Public Health Toxicology: Mold*. Retrieved from <https://www.vdh.virginia.gov/environmental-health/public-health-toxicology/mold/>

⁸ BC Lung Foundation (2018, October 16). *Growing at Home: Health and Safety Concerns for Personal Cannabis Cultivation*. YouTube. <https://www.youtube.com/watch?v=qvEQ8Tj2iJl>

⁹ Virginia Department of Health (1999, October 21). *Frequently Asked Questions About Flooding, Molds, and Health*. Retrieved from https://www.ehss.vt.edu/uploaded_docs/200711061746510.VDH%20Mold%20Q&A.pdf

¹⁰ Chesterfield County Fire & EMS (2022). *Fire Safety Tips*. Retrieved from <https://www.chesterfield.gov/575/Fire-Safety-Tips>

¹¹ Oklahoma State University Environmental Health & Safety (2016, January). *EHS Fact Sheet: Electrical Safety-Daisy Chaining*. Retrieved from <https://ehs.okstate.edu/site-files/docs/daisy-chaining-factsheet.pdf>

¹² National Collaborating Center for Environmental Health/NCCEH (2019, July 18). *Growing Cannabis Safely at Home*. YouTube. <https://www.youtube.com/watch?v=7LlIlLbzMr0>