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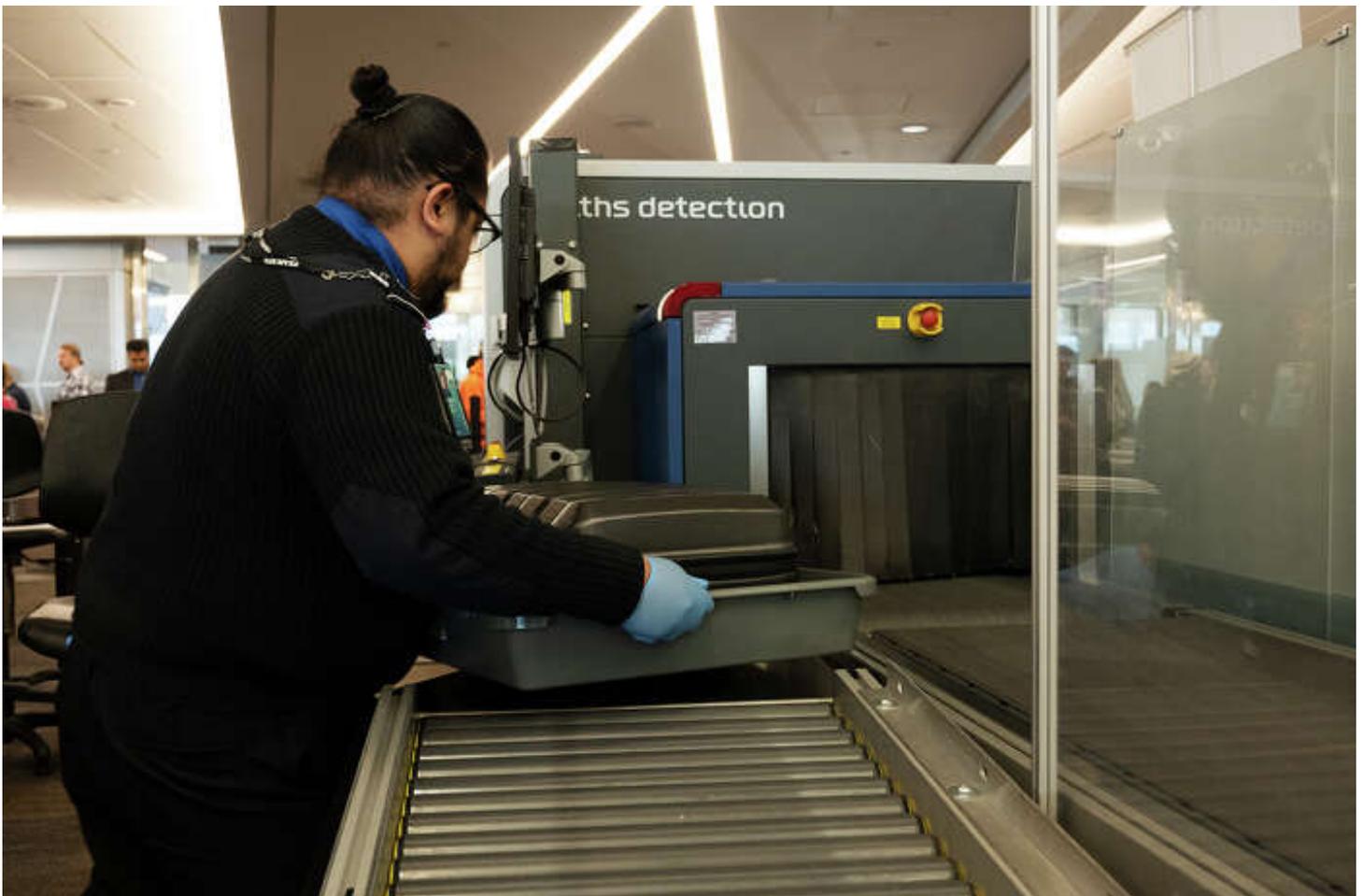
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Cannabis

# Are you allowed to fly out of SFO with pot? We asked defense attorneys.

**Lester Black, SFGATE**

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The next seven days are some of the busiest travel days of the year, which means across the Bay Area, people are asking themselves the same question: Can I bring cannabis through airport security?

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It's against the law to bring pot on an airplane. That's because cannabis is federally illegal, and air travel is regulated by the feds. Despite this prohibition, thousands of people fly with pot every year in the U.S. without ever getting in trouble.

Why are so many people who fly with cannabis not getting arrested? I asked two Bay Area criminal defense attorneys, who explained that the quantity, type (edibles versus cannabis flower, for example) and location (carry-on versus checked baggage) all play a part.

The Transportation Security Administration (TSA) is not looking specifically for cannabis, according to TSA spokesperson Lorie Dankers. Airport security is designed to look for safety threats, such as bombs and knives, not drugs.

Both attorneys I spoke with have represented clients who were arrested for carrying cannabis through Bay Area airports. One case was as recent as 2020. But there's a catch: The clients were carrying large quantities of cannabis flower, and in one case, it was 25 pounds of cannabis. This suggests that the average user may be in the clear.

## Yes, you could get arrested

Let's be clear: It's illegal to fly with cannabis, and people have been arrested for doing so. William Panzer, an Oakland criminal defense attorney, said he has represented dozens of people who have been arrested for carrying cannabis through Bay Area airports.

Dankers, the TSA spokesperson, confirmed that TSA staff will refer cases to law enforcement if they suspect a traveler is carrying cannabis.

“Airport law enforcement will be notified if marijuana is discovered by a TSA officer during the security screening process of carry-on and checked baggage,” Dankers wrote in an email. “Law enforcement officials will determine whether to initiate a criminal investigation or what steps — if any — will be taken.”

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TSA conducts the airport security at Oakland International Airport; however a separate company, Covenant Aviation Security, provides security for SFO. Covenant did not respond to multiple requests for comment for this story.

Dankers' "if any" caveat is important.

TSA is most likely going to refer you to local law enforcement — which is the Alameda County Sheriff's Office if you're at the Oakland airport or the San Francisco Police Department if you're at SFO — according to Neil Hallinan, a San Francisco criminal defense attorney. Hallinan said federal cops don't have time to go after small amounts of cannabis.

"Is it illegal to carry it through security? The short answer is yes, on the federal level it is. But is it the kind of thing that the federal government wants to expend resources to enforce? No," Hallinan said.

That means local police are going to get called, and local law protects marijuana users. California law allows adults to carry up to an ounce of cannabis and 8 grams of cannabis concentrates at any time.

And there's a lot of evidence that airport security won't even report you for carrying small amounts of pot. Panzer, the attorney, said the Oakland airport historically had a policy of ignoring less than 8 ounces of cannabis.

"For a while, it was if you're under 8 ounces, they didn't hassle you at the airport, and I think it's probably the same right now," Panzer said.

Staff at SFO historically said they did not confiscate “a personal use amount,” according to a 2017 story in [SF Weekly](#). However, SFO staff did not respond to multiple requests for comment for this story. Neither the Alameda County Sheriff's Office nor the San Francisco Police Department responded to multiple requests for comment for this story.

## **Don't bring a pound of cannabis**

Bringing large amounts of cannabis through the airport greatly increases your risk of legal danger. Panzer said his last airport cannabis case was a year ago, when his client was caught carrying about 3 pounds of cannabis through the Oakland airport. The man was arrested by local police and missed his flight.

However, charges were never filed against the man. According to Panzer, the cannabis was industrial hemp, a category of pot that contains trace amounts of THC and is federally legal. The investigation was dropped when Panzer showed the district attorney test results confirming it was industrial hemp.

Hallinan said his last airport cannabis case was in 2017, when his client was caught trying to travel with 25 pounds of it to Philadelphia. He was arrested and charged with a felony, but the district attorney ended up dropping the case to a misdemeanor after the client demonstrated that the cannabis was for medical uses.

He said traveling with more than an ounce of cannabis is inviting trouble.

“If you have a large amount, they're probably going to arrest you and try to charge you,” Hallinan said. Edibles are safer, whereas cannabis flower is the riskiest product to sneak through security. That's because it's pretty obvious what it is, but airport security is less likely to know that an infused edible contains marijuana.

“That’s just common sense. If someone walks in with a big bag of weed and someone walks in with a big bag of gummies, it’s obviously more likely they’re going to know what the weed is than the gummies,” Panzer said.

Hallinan confirmed that carrying edibles “drops the likelihood” of getting arrested significantly compared with carrying cannabis flower. “If it’s marijuana, it’s easily recognizable. Gummies don’t have that same quality,” Hallinan said.



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Mala works alongside her handler, Lexi, at SFO on Nov. 16, 2022.

Lance Yamamoto/SFGATE

It’s possible to remove the edible from its original packaging to disguise the product, but doing so is illegal according to California law.

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“The law in California requires that gummies remain properly packaged and labeled, but obviously taken out of the package means you can’t distinguish it from any other kind of gummy,” Hallinan said.

Hallinan said cannabis vape cartridges are also safer than flower because they could be mistaken for nicotine e-cigarettes.

## **What about the drug dogs?**

Airport security dogs are almost always looking for explosives or other dangerous items, according to Panzer. And he said if they are looking for drugs, it’s probably not marijuana they’re after.

“The dogs at the airports are more for sniffing bombs than drugs. And it seems like if they’re looking for smugglers at the airports, they’re looking for powder people, heroine, cocaine, fentanyl – rather than weed these days,” Panzer said.

## **Some states are riskier than others**

Flying to a state where marijuana is illegal increases your risk of getting in trouble. That’s because if you fly with some cannabis to a place like Texas, you’ll

be breaking local and federal law as soon as you land.

Panzer said this makes it better to bring your cannabis in your carry-on bag instead of checking it, because your checked bag could be searched at either airport. Your carry-on is likely to be searched only at your departing airport, and if it's SFO, cannabis is legal according to California's laws.

“It's a hell of a lot worse if they bust you in Alabama,” Panzer said. “If it's in your carry-on and you make it through TSA, then you don't have to worry. If [it's in your] checked luggage until you get out of the airport on the other end, there's always a question.”

Flying to another state where cannabis is legal is especially safe, according to Hallinan. He said the risk of getting in legal trouble for flying with a small amount of cannabis in that situation is “almost zero.”

“I do emphasize almost, because as long as there is a federal law that they're technically violating, there's always a small chance,” Hallinan said.

## Don't carry on international flights

In case Brittney Griner's time in a Russian penal colony didn't already convince you, Hallinan has some advice for people thinking about bringing cannabis on an international trip: “Don't do it,” he said.

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Written By

**Lester Black**

Reach Lester on  

Lester Black is SFGATE's contributing cannabis editor. He was born in Torrance, raised in Seattle, and has written for FiveThirtyEight.com, High Country News, The Guardian, The Albuquerque Journal, The Tennessean, and many other publications. He was previously the cannabis columnist for The Stranger.



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