

Comparison of States with Legalized Marijuana

	CO	WA	OR	AK	ME	MA	CA	NV	DC
Authority for retail marijuana	<p>“Amendment 64” ballot initiative passed; Nov. 6, 2012. Governor established Amendment 64 Implementation Task Force; Dec. 2012. General Assembly passed 3 bills based on TF suggestions; May 28, 2013. State adopted admin. rules; Sept. 9, 2013</p>	<p>“Initiative 502” ballot initiative passed; Nov. 6, 2012. State adopted admin. rules; Oct. 16, 2013</p>	<p>“Measure 91” ballot initiative passed; Nov. 4, 2014. Legislation enacted to allow medical dispensaries to sell recreational marijuana on interim basis; July 2015. Draft temporary admin. rules issued for commercial establishments; Oct. 2015</p>	<p>“Measure 2” ballot initiative passed; Nov. 4, 2014. State adopted emergency admin. rules; Feb. 24, 2015. State adopted permanent admin. rules; Nov. 20, 2015</p>	<p>“Question 1” ballot initiative passed; Nov. 8, 2016. Legislation enacted, “the Marijuana Legalization Act,” 7 MRSA c. 417; Jan. 30, 2017</p>	<p>“Question 4” ballot initiative passed; Nov. 8, 2016. Legislation enacted, “The Regulation And Taxation Of Marijuana Act” 2015 Mass. HB 3932; Dec. 15, 2016</p>	<p>“Proposition 64” ballot initiative passed; Nov. 8, 2016. Legislation enacted, “the Adult Use of Marijuana Act”; Nov. 8, 2016; Commercial sales; Jan. 1, 2018</p>	<p>“Question 2” ballot initiative passed; Nov. 8, 2016. Legislation enacted, “Regulation and Taxation of Marijuana Act”; Jan. 1, 2017</p>	<p>“Initiative 71” ballot initiative passed; Nov. 4, 2014. Congress failed to reject the initiative by Feb. 26, 2015, Legislation to allow use and possession but not providing for sale or taxation enacted by failure of Congress to reject initiative; Feb. 25, 2015</p>

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Medical marijuana	<p>“Amendment 20” ballot initiative passed Nov. 7, 2000. Possess 2 oz., grow 6 plants; dispensaries.</p>	<p>“Initiative 692” ballot initiative passed Nov. 1999. Possess 60-day supply (later defined as 2 lbs; 15 plants). Dispensaries were tolerated by some cities, but not regulated or recognized by state law. New law took effect 7/1/16: Possess 6 plants in your domicile for personal medical use; possess up to 8 ounces of usable marijuana in your domicile, adult use stores can get medical</p>	<p>“Measure 67” ballot initiative passed Nov. 1998. 2013 legislation allowed dispensaries. Current limits: Possess 1.5 lbs; grow 18/6 plants.</p>	<p>“Measure 8” ballot initiative passed Mar. 4, 1998. Possess; grow.</p>	<p>“Question 2” ballot initiative passed Nov. 2, 1999. Possess, grow (current limits: 2.5 oz., grow 6 plants) Dispensaries allowed by 2009 initiative.</p>	<p>“Question 3” ballot initiative passed Nov. 6, 2012. Possess or, in hardship, cultivate 60-day supply; dispensaries.</p>	<p>“Proposition 215” ballot initiative passed Nov. 5, 1996. Clarifying legislation enacted, SB 420; 2003. May possess at least 8 oz.; grow at least 6 mature/12 immature plants; allowed collectives and cooperatives. 2015 legislation will regulate and license medical cannabis businesses.</p>	<p>“Question 9” constitutional ballot initiative passed Nov. 7, 2000. Legislation enacted, Nev. AB 453; 2001. Possess 1 oz.; grow 3 mature/4 immature plants. Modifying Legislation enacted, 15 Nev. SB 447; 2015. 2.5 oz. between 2 persons; 12 plants; dispensaries and other medical cannabis businesses.</p>	<p>Legislation enacted, “Legalization of Marijuana For Medical Treatment Initiative of 1998”; Feb. 25, 2010. Possess 2-4 oz.; cultivation centers limited to 1,000 living plants; dispensaries.</p>

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Personal possession of marijuana for adults 21 years of age or older	1 ounce may be carried on the person; 6 plants, of which 3 or fewer may be mature; any marijuana harvested from the plants may be kept in location where it was grown	1 ounce	1 ounce may be carried on the person; 4 plants per household; 8 ounces produced by the plants per household	1 ounce; 6 plants, of which 3 or fewer may be mature; 4 ounces produced by the plants per household and kept where the plants are kept	2 1/2 ounces may be carried on the person; 6 flowering plants, 12 immature plants, and unlimited seedlings; all marijuana produced by the plants	1 ounce may be carried on the person or 5 grams concentrate; 10 ounces in the home; 6 plants per person, 12 plants per home; all marijuana produced by the plants	1 ounce marijuana may be carried on the person; 8 grams of concentrated marijuana; 6 plants; all marijuana produced by the plants	1 ounce of marijuana may be carried on the person; 1/8 ounce concentrated marijuana; 6 plants per person, 12 per household; all marijuana produced by the plants	2 ounces may be carried on the person; 6 plants, of which 3 or fewer may be mature; all marijuana produced by the plants

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Personal cultivation of marijuana for adults 21 years of age or older	Enclosed, locked space that is not open or public	No	Location where plants are not subject to public view	Location where plants are not subject to public view; reasonable precautions to secure plants from unauthorized access	Not visible in public without binoculars, aircraft, or optical aid; reasonable precaution to prevent underage access	Not visible in public without binoculars, aircraft, or optical aid; area equipped with lock or security device	Locked space; not visible by unaided vision from public place. Subject to local ordinance; cannot be completely prohibited indoors	Only for people living more than 25 miles from a retail marijuana store. Within a closet, room, greenhouse, or other enclosed area equipped with a lock or other security device that allows access only to authorized persons	Within the interior of a house, building, or rental unit that is the person's principal residence

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Personal possession of marijuana products for adults 21 years of age or older	Use weight of marijuana in product to determine	Up to 1 ounce of cannabis for personal use or its equivalent, which can include up to 16 ounces of marijuana-infused product in solid form, or 72 ounces of marijuana-infused product in liquid form	Not more than 16 ounces in solid form or 72 ounces in liquid form of homemade marijuana product per household	Use weight of marijuana in product to determine	Use weight of marijuana in product to determine	Use weight of marijuana or concentrated marijuana in product to determine	Use weight of marijuana or concentrated marijuana in product to determine	Use weight of marijuana or concentrated marijuana in product to determine	Use weight of marijuana in product to determine
Legal personal (unlicensed) transfer, sale, and purchase for adults 21 years of age or older	Transfer of 1 ounce or less without remuneration	No	Transfer of 1 ounce or less without remuneration	Purchase of 1 ounce or less; transfer without remuneration 1 ounce or less and up to 6 immature plants	2.5 ounces marijuana, 5 grams marijuana concentrate, and 6 immature plants or seedlings without remuneration	1 ounce dry or 5 grams product; not to persons under 21; without remuneration.	28.5 grams of marijuana or 8 grams concentrated marijuana without remuneration	1 ounce marijuana or 1/8 ounce concentrated marijuana without remuneration	1 ounce or less without remuneration

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Legal personal purchase from licensed marijuana establishment	Residents – 1 ounce; nonresidents – 1/4 ounce in a single transaction per day. Can mix and match flowers, edible products, wax, etc. as long as aggregate does not exceed limit (using conversion table). Began Jan. 1, 2014.	Up to 1 ounce, including 16 ounces of product in solid form or 72 ounces in liquid form or any variation as long as aggregate does not exceed limit. No residency limitations. Began July 8, 2014.	Beginning January 1, 2017, all retail adult sales must take place at a retail location	Up to 1 ounce and up to 6 plants for personal cultivation. No more than 3 plants may be flowering at one time at the time of purchase. Adult use stores opened in Oct. 2016.	Purchase up to 2.5 ounces of retail marijuana. In addition, purchase up to 12 seedlings or immature plants from cultivation facility.	Up to 1 ounce of marijuana, except that not more than 5 grams of marijuana may be in the form of marijuana concentrate.	Up to 28.5 grams and 8 grams concentrate in products.	Up to 1 ounce of marijuana or 1/8 ounce of concentrated marijuana.	Up to 2 ounces of usable marijuana, or 5 grams of hashish, or 16 ounces of marijuana-infused product, or 72 ounces of marijuana-infused product in liquid form.
Homemade marijuana extracts ¹	Prohibited	Prohibited	Prohibited	Prohibited to sell	Prohibited to sell	Prohibited	Prohibited	Prohibited	Prohibited

¹ A product obtained by separating resins from marijuana by solvent extraction, using a solvent such as butane, hexane, isopropyl alcohol, ethanol, or carbon dioxide. Does not include extraction by vegetable glycerin.

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Public consumption	Generally prohibited, but with some private clubs; Denver approved a social use measure to allow onsite consumption at some locations	Prohibited	Prohibited	Prohibited; retailers may be able to allow on-site consumption	Generally prohibited, but there will be licenses for on-site consumption	If approved in a location by local body, otherwise prohibited	Generally prohibited, but localities can allow on-site consumption	Prohibited	Prohibited
Penalties for underage possession; attempt to procure; furnishing to a person who is underage	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Drugged driving provisions	Reasonable inference of intoxication at 5ng THC/ml of blood	Per se intoxication at 5ng THC/ml of blood	Drug recognition Experts. 12 step systematic & standardized evaluation	Actually impaired at time of time of arrest – totality of the circumstances	Actually impaired at time of time of arrest – totality of the circumstances	Actually impaired at time of time of arrest – totality of the circumstances	Actually impaired at time of time of arrest – totality of the circumstances	Per se intox. 10ng/ml urine or 2ng/ml blood for marijuana; 15ng/ml urine or 5ng/ml blood for metabolites	Actually impaired at time of time of arrest – totality of the circumstances

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Regulatory body for commercial marijuana	Marijuana Enforcement Division, Department of Revenue	Liquor and Cannabis Board	Liquor Control Commission	Marijuana Control Board	Department of Agriculture, Conservation, and Forestry	Cannabis Control Commission	Bureau of Marijuana Control	Department of Taxes	Health Regulation and Licensing Administration
Types of commercial marijuana licenses	Cultivator; manufacturer; store; testing facility	Producer; processor; retailer; researcher	Grower; wholesaler; processor; retailer	Cultivator; manufacturer; retail/cafe; testing facility.	Cultivator facility; retail store facility; products manufacturing; testing facility; social club; occupational license	Retailer; cultivator; product manufacturer; testing facility	19 different licenses for different facilities.	Cultivation facility; retail store; wholesale distributor; testing facility; product manufacturing facility	Cultivation facility; products manufacturing; store license; testing facility; retail on-premises consumption facility

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Applicant criteria	Criminal history check and restrictions; good moral character; may not be financed by someone who would not meet these criteria	Resident 6 months prior to application, although out-of-state investment is allowed; criminal and administrative violation history check and restrictions; full financier investigation	Criminal history check and restrictions; good moral character; may not be financed by someone who would not meet these criteria	Resident; criminal and administrative violation history check	21 years of age; subject to criminal background check;	The Cannabis Control Commission will set applicant regulations through rulemaking; must be 21 years of age or older	Subject to a criminal background check; can be fingerprinted	Subject to a criminal background check; for 18 months, applications for retail shops, cultivation, and manufacturers only accepted from medical marijuana establishments, applications for distributor licenses only accepted from licensed wholesale liquor dealers.	21 years of age; D.C. resident for 6 months; subject to criminal background check

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Local authority to regulate commercial marijuana establishments	Time, place, and manner restrictions, which can be lifted or removed by either local government or through voter initiatives.	Time, place, and manner restrictions. In 2015, a state law was enacted to prevent towns that ban such establishments from receiving marijuana revenue	Time, place, and manner restrictions. If local authority wishes to prohibit such establishments, must be approved by local ballot, unless the town voted against 91, in which case the ban may be authorized through an ordinance	Time, place, and manner restrictions. Establishments may be prohibited through voter initiative	Time, place, manner, and number of marijuana businesses restrictions. May decline to impose any local licensing requirements, but has to notify state licensing authority that it either approves or denies each application	Time, place, manner, licensed cultivation, and number of marijuana establishments and retailers restrictions; reasonable restrictions on signs	Can adopt ordinances addressing land use issues, business license requirements, and secondhand smoke, or to prohibit marijuana establishment, operations, facilities until 2019, then by popular vote	Can adopt ordinances addressing zoning and land use issues, or to prohibit an establishment or operations or marijuana facilities	NA
Taxes	15% excise tax on wholesale marijuana; 10% retail marijuana sales tax; 2.9% regular sales tax; any local sales tax.	37% retail sales tax.	25% retail sales tax until end of Marijuana is taxed at 17% for adult-use sales. Local govts. may also include a sales tax of up to 3%.	\$50 per ounce excise tax on wholesale marijuana.	10% sales tax on retail marijuana and retail marijuana products.	A 3.75% excise tax; up to 2% local sales tax; 6.25% standard state sales tax.	\$9.25 per dry-weight ounce of flowers; \$2.75 per dry-weight ounce of leaves; 15% sales tax; Board can change tax at their discretion.	15 percent excise tax on wholesale.	Prohibited from collecting taxes by federal law.