



Replacing Marijuana Prohibition With Sensible Regulations

An overview of state frameworks for regulating marijuana like alcohol

State	Age Limit	Personal Possession, Cultivation, and Purchase Limits	Home Cultivation	Business Allowed and Restrictions on Numbers of Each	Licensing Timeline
Alaska (2014)	21 and older	One ounce of cannabis, plus all cannabis produced by personal cultivation in the same secure location where cultivation occurred	Six plants (three mature); no more than 12 plants per household	<p>Marijuana cultivation facilities, product manufacturing facilities, testing facilities, and stores</p> <p>There are no statewide restrictions on the number of licenses issued per business type, but localities may restrict or ban them entirely.</p>	The state began accepting applications on February 24, 2016, and the first marijuana retailers opened in October 2016.
Arizona (2020)	21 and older	One ounce of cannabis, including no more than five grams of concentrates, plus all marijuana produced by personal cultivation in the same secure location where cultivation occurred	Six plants at the individual's primary residence; no more than 12 plants per household	<p>Vertically integrated marijuana establishments that can operate as retail, cultivation, and/or processing.</p> <p>Generally limited to one establishment for every 10 pharmacies (which is identical to medical limits), plus 26 for social equity applicants. DHS may also license up to two establishments in counties without a licensed medical cannabis business and one in counties with a licensed medical cannabis business. Arizona has 15 counties.</p>	<p>Existing medical businesses will be licensed starting in March 2021, a year and four months after enactment.</p> <p>Social equity licenses are supposed to be issued by early December 2021.</p>
California (2016)	21 and older	28.5 grams (about an ounce, including eight grams of concentrate), plus any cannabis grown from an adult's plants; anything over 28.5 grams must be possessed at a secure location at home	Six plants per household	<p>Cultivators (14 types), retailers (2 types), distributors, testing labs, manufacturers (2 types), microbusinesses</p> <p>No state limits on the numbers of licenses, but localities may restrict their numbers or ban them.</p>	The first retail marijuana stores were licensed and began operating on January 1, 2018.
Colorado (2012)	21 and older	One ounce, plus all cannabis produced by personal cultivation in the same secure location where cultivation occurred	Six plants (three flowering)	<p>Cultivation facilities, product manufacturers, testing labs, transporters, and retail stores</p> <p>No state limits on the number of licenses, but localities may restrict their numbers or ban them.</p>	<p>Existing medical marijuana businesses began applying for non-medical retail sales licenses on October 1, 2013. The first retailers opened on January 1, 2014.</p>



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Illinois (2019)	21 and older	Illinois residents: 30 grams (just over an ounce), five grams of concentrates, infused products with up to 500 grams of THC Non-residents: Half those amounts	Not allowed, other than for registered patients (\$200 fine for adult-use consumers to cultivate up to five plants)	Dispensaries, infusers, transporters, craft growers, and cultivation centers Licenses are awarded in phases, with no limits on transporters. The total number of retailers cannot exceed 500.	Medical cannabis businesses began adult-use sales on January 1, 2020. The first new licenses were scheduled for May 1, 2020, but have been delayed.
Maine (2016)	21 and older	2.5 ounces (including up to five grams concentrate), plus all cannabis produced by personal cultivation in the same secure location where cultivation occurred	Three flowering plants, 12 immature plants, and unlimited seedlings; plants must be tagged with the grower's name, ID number, and the property owner's name	Marijuana stores, cultivation facilities (four types plus nurseries), product manufacturing facilities, and testing facilities No state limits on the number of licenses, but localities may restrict their numbers or ban them. Cultivation licenses will be limited such that the maximum total plant canopy in the state is 800K square feet.	Licensing was significantly delayed in Maine. Licenses were issued in September 2020, and the first legal adult-use sales began on October 9, 2020.
Massachusetts (2016)	21 and older	One ounce (including up to five grams concentrate); in a locked location at one's home: 10 ounces and any cannabis grown from an adult's plants	Up to six plants per person, with no more than 12 plants on the premises	Cultivation facilities, craft cannabis cooperatives, product manufacturers, testing labs, research labs, transporters, stores, and microbusinesses; more types may be available later No state limits on the number of licenses, but localities may restrict their numbers or ban them.	Applications were first accepted in spring 2018 from priority applicants (social equity applicants and existing medical businesses); the first permanent licenses were issued in June 2018.

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Michigan (2018)	21 and older	2.5 ounces (up to 10 ounces may be kept in the home, so long as any amount over 2.5 ounces is kept under lock and key)	Home cultivation is permitted. An adult may cultivate up to 12 plants (with no more than 12 plants on the premises).	<p>Growers, safety compliance facilities, processors, microbusinesses (limited to 150 plants or less; can sell directly to consumers), retailers, and secure transporters</p> <p>The act forbids regulators from establishing a limit on the number of any type of state licenses that may be granted. The act allows regulators to issue other types of licenses, including licenses for onsite consumption, consumption for special events, and research.</p>	The first legal sales occurred on December 1, 2018. Regulators were required to begin accepting applications for marijuana establishments within 12 months of the act's effective date. After receipt, the department had 90 days to accept or deny an application. For the first two years after the department began accepting applications, licenses could only be issued to existing medical marijuana facilities.
Montana (2020)	21 and older	One ounce of cannabis, eight grams of concentrates, plus any cannabis grown from an adult's plants in a secure location	Four mature plants and four seedlings	<p>Retailers, infused product manufacturers, cultivators, and labs</p> <p>Cultivators are divided into at least 10 tiers, based on the canopy size, and may move tiers. There are no numerical restrictions on licenses.</p>	The department must begin accepting applications by January 1, 2022. It has 30 days to process applications from existing medical providers, who will be the only licensees for the first 12 months. It will have 90 days to process new applicant licenses.
Nevada (2016)	21 and older	One ounce (including 1/8 ounce of concentrate), plus any cannabis grown from an adult's plants in a secure location	Home cultivation is permitted only for persons living at least 25 miles from a retail marijuana store. A person may grow up to six plants, in a secure location, but no more than 12 plants per household.	<p>Cultivation facilities, testing facilities, manufacturers, distributors, and stores</p> <p>Maximum number of retail stores, unless the locality requests more: (1) 80 stores per county with a population greater than 700,000; (2) 20 per county with 100,000-699,999 residents; (3) four per county with 55,000 to 99,999 residents; (4) two per county with under 55,000 residents</p>	<p>Applications from existing medical marijuana businesses were initially accepted in May 2017. Adult-use sales began on July 1, 2017.</p> <p>In September 2018, the state held an application process for applicants that were not medical marijuana licensees.</p>
New Jersey (2020)	21 and older	To be determined by the legislature	To be determined by the legislature	To be determined by the legislature and/or the Cannabis Regulatory Commission	To be determined by the legislature and/or the Cannabis Regulatory Commission

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Oregon (2014)	21 and older	One ounce of usable cannabis; 16 ounces of cannabis-infused solids; 72 ounces of cannabis-infused liquids, five grams of extracts/concentrates; also up to eight ounces in a residence if it was grown in the home	Four plants, with a limit of four plants per residence	Marijuana producers (growers), processors (extract and product manufacturers), wholesalers, and retailers There are no set limits, but regulators may refuse to grant a license based on supply and demand, or if doing so in the locality set out in the application is not demanded by public interest or convenience.	As an interim measure, medical dispensaries were allowed to sell cannabis to adults beginning October 1, 2015. The Oregon Liquor Control Commission began accepting applications for marijuana businesses on January 4, 2016, which opened in October 2016.
South Dakota (2020)	21 and older	One ounce of cannabis, including up to eight grams of concentrates, plus all cannabis produced by personal cultivation in the same secure location where the cultivation occurred	Three plants if there are no retail stores in the local jurisdiction. Localities with retailers can opt-in to allowing home cultivation. A cap of six plants per household applies.	Retailers, cultivators, wholesalers, and testing facilities. Details may be fleshed out by the legislature.	The department must issue rules by April 1, 2022. It then has no more than 90 days to approve or reject applications for licenses.
Vermont (2018 personal possession/cultivation, 2020 regulated sales)	21 and older	Up to one ounce, five grams of hashish	Two mature and four immature plants (same limit for entire residence)	Retailers, cultivators, product manufacturers, wholesalers, labs, and integrated licenses	By May 1, 2022, licenses will begin being issued for small cultivators, integrated licensees, and testing labs, and integrated licensees may begin selling to adult consumers. The first larger cultivation licenses will be issued by June 1, 2022; licensing for product manufacturers and wholesalers begins by August 1, 2022; and retail licensing begins October 1, 2022.
Washington (2012)	21 and older	Up to an ounce of cannabis, 16 ounces of cannabis-infused solids, and 72 ounces of cannabis-infused liquids	Home cultivation is not allowed. (Medical cannabis patients, however, are allowed to cultivate.)	Marijuana producers, processors, retailers, and transporters The state limits the number of retailers. In 2016, the original limit was increased to 556.	Applications were initially accepted in November and December 2013 and again in late 2015. The board may reopen the application window at its discretion. The first adult-use stores opened in July 2014.

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Alaska (2014)	Marijuana Control Board (previously, the Alcohol Control Board)	\$50/ounce excise tax on marijuana flower sold at wholesale; \$15/ounce on trim Immature or abnormal bud is taxed at \$25 per ounce; trim is taxed at \$15 per ounce; and clones are taxed at a flat rate of \$1 per clone	Not earmarked in the initiative. In 2016, the legislature allocated 50% of marijuana tax revenue to Justice Reinvestment: treatment in prisons, reentry support services, pretrial services and supervision, violence prevention programming, and crime victims' services.	Municipal governments may enact ordinances that govern the time, place, manner, and number of marijuana businesses that can operate. Opt-out: Local governments may also ban marijuana businesses altogether through an ordinance or by voter initiative.	Applicants must meet minimum requirements as established in rules adopted by the Marijuana Control Board. All qualified applicants are approved, provided they are allowed under local law.
Arizona (2020)	Department of Health Services	16% retail excise tax, plus Transaction Privilege Tax, which is currently 5.6% The rates would be reduced if cannabis is legalized federally and the total tax burden would otherwise exceed 30%.	After covering costs of administration, including for expungement: 33% to community college districts for job training and STEM; 31.4% to municipal police, sheriff, and fire departments (fire districts based on enrollees in retirement); 25.4% to the state's Highway User Revenue Fund; 10% for a new Justice Reinvestment Fund; and 0.2% to the AG for enforcement of the chapter.	Local regulation, zoning, and licensing are allowed, as are local bans, including of delivery. Localities may limit the time, place, and number of marijuana businesses, and they may also regulate signage.	Existing medical cannabis businesses will be licensed first. Other businesses will be issued licenses via "random selection." At least 26 of the licenses will be issued to social equity applicants.
California (2016)	Primarily the Bureau of Cannabis Control in the Department of Consumer Affairs; also the Department of Food and Agriculture (cultivation) and the Department of Public Health (cannabis-infused products)	A cultivation tax of \$9.25 per ounce for flowers and \$2.75 per ounce for leaves; 15% cannabis-specific sales tax; 7.25% standard state sales tax; plus local taxes. Registered patients do not pay the standard state sales tax.	After covering regulatory costs, each year: \$10 million to community reinvestment in areas hit hard by the drug war, including job placement, mental health, reentry (increases to \$50 million starting FY 22-23); \$10 million to universities to study the impacts of legalization (until FY 28-29); \$2 million for medical cannabis research; and \$3 million for road safety including DUID protocols. Of the remainder, 60% to youth treatment, prevention, and early intervention; 20% to restore environmental damage from cannabis grows; and 20% to the State and Local Government Law Enforcement Fund. (In FY 19-20, allocations included \$140.8 million for childcare for low-income workers.)	Businesses can only operate if they are allowed under local ordinances. Localities may require permits, too. Opt-out: Municipalities can limit marijuana businesses by ordinance until 2019, then by popular vote.	Licensing priority is given to applicants who can demonstrate they have acted in compliance with the Compassionate Use Act since September 1, 2016.

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Colorado (2012)	Department of Revenue, Marijuana Enforcement Division (MED)	<p>A 15% excise tax is levied at the wholesale level and a separate 15% special sales tax applies to retail sales. Local sales taxes typically apply.</p> <p>Medical patients pay a lower rate.</p>	<p>Excise tax: Since mid-2019: 90% or the first \$40 million, whichever is greater, to capital construction for schools. The remainder goes to the Public School Fund.</p> <p>Sales tax: 10% to local governments based on the percent of marijuana sales in their boundaries. Of the remainder: 15.56% percent to the General Fund, 12.5% to school districts, and 71.8% to the Marijuana Tax Cash Fund for health care, monitoring marijuana health effects, health education, substance abuse prevention and treatment programs, and law enforcement.</p>	Cities and counties are allowed to prohibit marijuana establishments or limit their number. They may also enact ordinances restricting the time, place, and manner of business.	Initially, only licensed medical marijuana businesses could apply. Now, any qualified applicant may be licensed, although local governments may limit the number. In that event, the Marijuana Enforcement Division (MED) decides who to license, while considering the locality's preference.
Illinois (2019)	Hybrid: The Cannabis Regulation Oversight Office coordinates with the Dept. of Professional and Financial Regulation (regulates retailers), the Dept. of Agriculture (regulates growers, product manufacturers, and transporters), and the Dept. of Health.	<p>7% cultivation privilege tax, plus:</p> <ul style="list-style-type: none"> • 10% for flower • 20% on products infused with cannabis, such as edibles • 25% for products with more than 35% THC <p>Also, 6.25% state sales tax rate, with up to 3.5% in local taxes.</p> <p>Medical cannabis is taxed at a lower rate.</p>	After covering the costs of administration and expungement: 35% to the General Revenue Fund; 25% to the Recover, Reinvest, and Renew (3R) Program; 20% to mental health services and substance abuse programs; 10% to pay unpaid bills; 8% for prevention and training for local law enforcement; and 2% to public education and safety campaigns.	Cities and counties are allowed to prohibit marijuana establishments or limit their number. They may also enact ordinances restricting the time, place, and manner of business.	Scored application process; 2% of the points will be for whether the applicant is a social equity applicant.

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Maine (2016)	Department of Administrative and Financial Services in consultation with the Department of Agriculture, Conservation and Forestry (re: cultivation) and with the Department of Public Safety (re: public safety)	Wholesale tax: \$335/pound for flowers and mature plants; \$94/pound for trim Cannabis-specific point of sale tax: 10%. Standard sales taxes do not apply. Medical cannabis is taxed at a lower rate of 5.5%.	For both the excise and the sales tax, 88% goes to the General Fund and 12% goes to the Adult Use Marijuana Public Health and Safety Fund. Of that 12%, half goes to public health and safety awareness campaigns related to marijuana and half goes to marijuana-related law enforcement training.	Opt-in: Marijuana establishments can only operate in localities with ordinances allowing that type of marijuana business. Localities may issue regulations and may limit numbers and/or require a local license.	Maine has a three-step licensing process: first a conditional license, then a local authorization, and finally active licensure.
Massachusetts (2016)	The Cannabis Control Commission, a five-member board	Retail cannabis-specific sales tax of 10.75%; standard sales tax of 6.25%; local governments may impose a local sales tax not to exceed 3%. Medical marijuana is not taxed.	The legislature can appropriate funds from the Marijuana Regulation Fund to the Cannabis Control Commission, for economic equity for communities hard-hit by the war on drugs, public and behavioral health, public safety, or local police training. In FY 19-20, out of the \$78.8 million that was spent, \$20.7 million was used for the Cannabis Control Commission and \$53.8 million went to the Division of Alcoholism Administration.	Cities and towns will have the authority to impose limits on where and when marijuana businesses are allowed to operate without consent from voters.	Applications were first accepted from priority applicants (social equity applicants and existing medical businesses). After that, they're open to all qualified applicants.
Michigan (2018)	Department of Licensing and Regulatory Affairs	Retail cannabis-specific excise tax of 10% (applied at the point of sale); standard sales tax of 6%. The 10% excise tax does not apply to medical marijuana.	After covering regulatory costs, for at least two years, \$20 million will go to clinical trials on the efficacy of cannabis for veterans' issues. The remainder is divided as follows: 15% to municipalities with retailers; 15% to counties with retailers; 35% for K-12 education; and 35% to repair bridges and roads.	Municipalities may regulate, ban, or limit the number of marijuana businesses in their boundaries. Individuals may petition to initiate an ordinance to provide for the number of establishments or completely prohibit them. Municipalities may charge annual fees of up to \$5,000 to defray enforcement costs.	The law directs the department to approve all qualified applicants who are compliant with the law, provided the municipality allows them.

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Montana (2020)	Department of Revenue	20% statewide excise tax	Half of the revenue is allocated to various conservation accounts (primarily for wildlife habitats); 10.5% to the General Fund; 10.5% to drug addiction treatment; 10% to localities with retail stores; and 10% to increasing wages for Medicaid-funded healthcare workers serving the elderly and disabled.	Local governments may enact ordinances to regulate adult-use cannabis businesses within their area, as long as they are not unduly burdensome. Local voters may vote to prohibit retailers by ballot measures.	For the first 12 months, only existing medical licensees are allowed to serve adult-use consumers.
Nevada (2016)	Department of Taxation	15% excise tax on wholesale; 10% cannabis-specific sales tax; standard state and local sales taxes also apply The 10% retail sales tax is waived for registered medical patients.	Since 2020, after covering state and local regulatory costs, all of the remaining revenue has gone to the State Education Fund. In the previous two years, the retail sales tax went to the Rainy Day Fund, while excise taxes went to education.	Local governments have the ability to adopt and enforce local marijuana control measures pertaining to zoning and land use for marijuana establishments.	For at least the first 18 months, medical marijuana establishments receive priority in license applications.
New Jersey (2020)	Cannabis Regulatory Commission	To be determined by the legislature and/or the Cannabis Regulatory Commission	To be determined by the legislature and/or the Cannabis Regulatory Commission	To be determined by the legislature and/or the Cannabis Regulatory Commission	To be determined by the legislature and/or the Cannabis Regulatory Commission
Oregon (2014)	Oregon Liquor Control Commission (OLCC)	There is a state-imposed 17% sales tax collected at the point of sale on all marijuana and marijuana products. Local governments may impose a local sales tax not to exceed 3%. Medical cannabis is not taxed.	Per a 2020 drug decriminalization initiative, all revenue above \$11.25 million per quarter goes to the Drug Treatment and Recovery Services Fund. The first \$11.25 million per quarter is distributed per the 2014 initiative, first covering regulatory costs, then 40% for education, 20% for mental health treatment or for alcohol and drug abuse prevention, 15% to state law enforcement, 10% to cities, based on population and number of licensees, 10% to counties, based on local cultivation, and 5% to the Oregon Health Authority for alcohol and drug abuse prevention and treatment.	Municipalities may enact time, place, and manner zoning ordinances. Some may ban under certain circumstances. If a municipality enacts an ordinance restricting the licensing of dispensaries, the ordinance must be submitted to voters for approval.	Applicants must apply according to OLCC criteria and provide evidence of their ability to meet public health and safety standards and industry best practices. Everyone who meets state standards may be licensed, in communities that allow them. However, the OLCC has paused licensing.

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South Dakota (2020)	South Dakota Department of Revenue	15% gross receipts tax on retail sales	First, revenue will cover costs of administration. Of the remainder, half will go to public schools and half will go to the General Fund.	Local governments may enact ordinances or regulations governing the time, place, manner, and number of licensees operating within their jurisdiction. A local government may ban the establishment of licensees or any category of licensee within its jurisdiction.	To be determined by the Department of Revenue
Vermont (2018, 2020)	Cannabis Control Board	20% tax (a 14% cannabis excise tax, plus Vermont's 6% sales tax). Tax does not apply to medical sales.	The sales tax is allocated to start or expand after-school and summer learning programs, with a focus on underserved areas. Up to 30% of the cannabis tax revenue (up to \$10 million per year) goes to substance misuse prevention programming. The remainder is not earmarked.	Localities must opt in to having cannabis retailers or integrated licenses, via an annual or special meeting. They may also refer the question to voters. Localities could not choose to prohibit other types of cannabis businesses. Localities may also develop regulations and municipal licensing requirements.	The Board will license only some applicants and will prioritize applicants that are medical cannabis dispensaries; have environmentally sustainable plans; are owned by minorities or women; have plans to recruit and promote minorities, women, and those disproportionately impacted by cannabis prohibition; and/or have plans to pay living wages and offer benefits. It must also promote a fair geographic distribution.
Washington (2012)	Washington State Liquor and Cannabis Control Board	37% excise tax collected at the point of sale to adult-use consumers on all marijuana and marijuana products, plus standard state and local sales taxes Registered patients are exempt from the standard sales taxes.	Numerous specific allocations, including for administering the law, to conduct the Washington Healthy Youth Survey, for reports on legalization, for web-based information on marijuana's health risks, and for technical assistance competitive grants for social equity applicants. Of the remainder, 50% goes to the state basic health plan trust, up to 15% goes to substance abuse treatment and prevention, 10% for a public health program related to marijuana, and 5% to community health services, in addition to smaller allocations found at RCWA 69.50.540. Thirty percent of excise taxes go to localities based on marijuana retailers and population.	By statute, localities' advice is given "substantial weight" by the board when it makes a decision to grant a license, and the state supreme court found that local communities may ban marijuana businesses.	If there are more qualified applicants in a city or county than allotted, the state selects licensees by lottery, as it did with retailer licenses in 2013.

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Alaska (2014)	No. A sealing bill passed the House but died in the Senate in 2018.	No. Possession of marijuana by a minor is still a Class B misdemeanor punishable by up to 90 days and/or a fine of up to \$2,000.	No.	Yes. Regulators approved rules for on-site consumption in late 2018.	No.
Arizona (2020)	Yes. Allows expungement for possession of up to 2.5 ounces of cannabis and for cultivation of up to six plants. Prosecutors and the Attorney General can file expungement on behalf of individuals.	Yes, for a first offense. A first offense carries a civil fine of up to \$100 and possible drug education or counseling. A second offense is a petty offense that is criminal but doesn't carry jail time. A third offense is a misdemeanor that can include jail time.	No.	No, not specified.	Yes. Delivery by agents of registered marijuana businesses will be allowed starting sometime between January 1, 2023 and January 1, 2025.
California (2016)	Yes. Expungement and/or resentencing for penalties that were reduced or eliminated by Prop. 64. Early release is only available if it would not pose an unreasonable risk. In 2018, then-Gov. Brown signed a bill making expungement automatic.	Yes. Minors who possess up to an ounce must complete four hours of drug education and up to 10 hours of community service for a first offense, with higher requirements for subsequent ones.	No, not for adult-use consumers.	Yes, if it is allowed by the locality. Tobacco and alcohol cannot be sold or consumed on-site, the area must be restricted to those 21 and older, and it must not be visible to the public or to those in areas that are not age-restricted.	Yes. Retailers may deliver to consumers, including retailers with no storefronts.
Colorado (2012)	Yes. In 2017, lawmakers enacted a law for expungement of prior misdemeanor convictions. In 2020, lawmakers passed a bill allowing for mass pardons for low-level cannabis convictions, which the governor subsequently issued.	Yes. A first offense is an unclassified petty offense that carries a civil fine of up to \$100 and/or completion of a substance abuse education program.	No, not for adult-use consumers.	Yes. The legislature and governor approved a law to allow on-site cannabis "hospitality" in 2019.	Yes. The legislature and governor approved a law to allow delivery in 2019. Medical deliveries began in 2020, and adult-use deliveries can begin in 2021.
Illinois (2019)	Yes. Automatic for up to 30 grams, via the governor's clemency process. For amounts of 30-500 grams, the state's attorney or the individual can petition the court to vacate the conviction.	Yes. Possession of up to 10 grams is a civil offense carrying a fine of between \$100 and \$200.	Yes. Includes protections from discrimination in medical care, including organ transplants, and related to parenting, fostering, and associated child-related rights.	Yes. On-site consumption will be allowed at retailers for those localities that opt in.	No.

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Maine (2016)	No. (However, possession of up to 2.5 ounces was already a civil offense.)	Yes. Possession of up to 1.25 ounce by someone who is 18 to 20 carries a civil fine of \$350-600 for a first offense. Those under 17 go to juvenile court.	No, not for adult-use consumers. The voter-enacted law included protections for custody, medical care, and employment, but the legislature removed them.	No. Social use was allowed in the voter-initiative, but lawmakers rewrote the law.	No.
Massachusetts (2016)	Yes. Individuals may be eligible to immediately have their past records for marijuana possession sealed.	Yes. Possession of up to an ounce is punishable by a \$100 fine and, for those under 18, a drug awareness course.	Yes, limited. Protections against discrimination related to child custody, visitation, and similar rights and regarding medical care, including organ transplants.	Not as of fall 2018, although on-site consumption may be allowed in future regulations.	Not as of fall 2018, although deliveries may be provided for in future regulations.
Michigan (2018)	In 2020, Michigan's governor signed a bill to "set aside" convictions. They will not be public records, but state police will keep a non-public record. Individuals can petition to expunge past marijuana misdemeanors. In addition, after seven years, up to four misdemeanor convictions can be set aside (marijuana or not), along with up to two non-violent felonies (excluding certain offenses.)	Yes. First offense possession of up to 2.5 ounces of cannabis by someone between 18 and 20 years of age is punishable by a fine of up to \$100. For those under 18, the penalty also includes possible community service and up to four hours of drug education. Fines and the amount of community service or drug education increase for a subsequent offense.	Yes, state-legal marijuana-related conduct and testing positive for marijuana may not form the sole or primary basis for negative actions related to child custody, visitation, or similar rights unless there is clear evidence that the person's actions related to marijuana created an unreasonable danger to the minor's safety.	Yes. The law gives the regulating department authority to issue additional types of licenses, including those for social consumption and consumption at special events. Regulations for on-site consumption have not been issued yet.	Yes. Retailers are allowed to transport marijuana, and the law gives regulators authority to issue additional types of licenses, including those for delivery services. Regulations for delivery have not been issued yet.
Montana (2020)	Yes, conduct that is no longer criminal can be expunged or be eligible for resentencing.	Yes, possession of up to an ounce by a minor carries the minor's choice of a civil fine of up to \$100 or up to 4 hours of drug education or counseling.	Yes, includes anti-discrimination protections for: organ transplant and health care; related to adoption, custody, or visitation rights; those on parole, probation, or pre-trial release; and professional licensing.	TBD — The department may allow on-site consumption.	It is not yet clear if home delivery will be allowed.
Nevada (2016)	Yes, in 2019, Gov. Sisolak signed a bill that allows individuals to have their past convictions sealed if the conduct — such as marijuana possession — has been legalized or decriminalized	Yes. A first offense is a misdemeanor punishable by a fine of up to \$600 or a drug evaluation and possible treatment.	No, not for adult-use consumers.	Not yet. In 2019, the legislature and governor enacted a two-year moratorium on localities allowing on-site consumption.	Yes.

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Detailed summaries of most of the programs are available on MPP's individual state webpages, accessible via mpp.org/states.

Updated January 11, 2021



Replacing Marijuana Prohibition With Sensible Regulations

An overview of state frameworks for regulating marijuana like alcohol

State	Expungement, Sealing, or Re-Sentencing?	Civil Penalty for Minors Possessing Cannabis?	Protections from Discrimination?	On-Site Consumption Allowed?	Delivery Allowed?
New Jersey (2020)	In December 2019, around when it referred legalization to the ballot, the legislature passed a broad expungement bill, S. 4151. It requires the courts, with help from an expert task force, to develop and implement an automatic sealing process for most cannabis offenses.	To be determined by the legislature	To be determined by the legislature	To be determined by the legislature and/or the Cannabis Regulatory Commission	To be determined by the legislature and/or the Cannabis Regulatory Commission
Oregon (2014)	Yes. In 2015, Oregon lawmakers expanded when expungement is available for marijuana convictions and included even some past felony convictions. To qualify, three years must have passed post-conviction, among other limits.	Yes, a minor in possession of marijuana typically is a Class B violation, carrying a presumptive fine of \$265. The presumptive fine is \$435 if the person is operating a motor vehicle at the time.	Not for adult-use consumers.	No.	Yes, with no more than a \$3,000 value in the vehicle.
South Dakota (2020)	Not included in the constitutional amendment. The legislature could do so in implementation.	Not included in the constitutional amendment. The legislature could do so in implementation.	Not included in the constitutional amendment. Could be included in legislative implementation.	Not included in the constitutional amendment. Could be included in legislative implementation or permitted by regulators.	Not specified in the constitutional amendment. The legislature or regulators could allow it.
Vermont (2018, 2020)	Yes, automatic expungement for criminal records for two ounces of cannabis, 10 grams of hashish, four mature plants, and eight immature plants.	Yes. Individuals under 21 who possess up to an ounce face a civil violation and are referred to a Youth Substance Abuse Safety Program. If they fail to complete it, they face a civil penalty and a short-term suspension of their driver's license.	No.	No.	No.
Washington (2012)	Yes, Gov. Inslee signed a bill in 2019 that allows any person who was convicted of a misdemeanor marijuana offense when they were 21 or older to apply for and be granted expungement.	No, possession of marijuana by a minor is a misdemeanor. It generally carries a minimum of 24 hours in jail (unless there is overcrowding in jail) and a fine of at least \$250.	Not for adult-use consumers.	No.	No.

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