



# Replacing Marijuana Prohibition with Sensible Regulations

An overview of eight states' framework for regulating marijuana similarly alcohol

State	Age Limit	Personal Possession, Cultivation, and Purchase Limits	Home Cultivation	Business Allowed and Restrictions on Numbers of Each	Licensing Timeline
<b>Alaska (2014)</b>	21 and older	<p><b>Possession:</b> Up to one ounce of marijuana in public and all marijuana produced by personal cultivation in the same location where cultivation occurred.</p> <p><b>Purchase:</b> Up to one ounce</p>	<b>Home cultivation:</b> Six marijuana plants (three mature)	<p>Marijuana cultivation facilities (growers), product manufacturing facilities, testing facilities, and retail 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 Feb. 24, 2016, and the first marijuana retailers opened in October 2016.
<b>California (2016)</b>	21 and older	One ounce (eight grams concentrate), plus any marijuana grown from an adult's plants, anything over an ounce.	Six plants per household	<p>Cultivation, Retailer, Distributor, Testing, Microbusiness</p> <p>No state limits on the numbers of licenses, but localities may restrict their numbers or ban them.</p>	First licenses must be issued by January 1, 2018.
<b>Colorado (2012)</b>	21 and older	<p><b>Possession:</b> One ounce; plus any marijuana grown from an adult's plants, anything over an ounce must be possessed at home.</p> <p><b>Purchase:</b> One ounce per transaction</p>	Six marijuana plants (three mature)	<p>Cultivation facilities, product manufacturers, testing labs, and retail stores.</p> <p>No state limits on the numbers of licenses, but localities may restrict their numbers or ban them.</p>	Medical marijuana businesses began applying for licenses on October 1, 2013, with more applying July 1, 2014. The first retailers opened on January 1, 2014.
<b>Maine (2016)</b>	21 and older	2.5 ounces, plus any marijuana grown from an adult's plants	Six flowering plants, twelve immature and unlimited seedlings	<p>Retail marijuana stores, retail marijuana cultivation facilities, retail marijuana products manufacturing facilities, retail marijuana testing facilities, social club license</p> <p>Cultivation licenses will be limited such that the maximum total plant canopy in the state is 800K square feet.</p>	State should begin accepting applications in December 2017/early 2018
<b>Massachusetts (2016)</b>	21 and older	One ounce (or five grams of concentrate), plus any marijuana grown from an adult's plants	Up to six plants per person, but no more than 12 plants on the premises	75 marijuana retailers, 75 marijuana product manufacturers, and 75 marijuana cultivators	Applications accepted Jan. 2018 if there are less than 75 medical dispensary licenses issued; Oct. 2018 otherwise.



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<b>Nevada (2016)</b>	21 and older	One ounce (five grams concentrate), plus any marijuana grown from an adult's plants, anything over an ounce	Yes, but only for persons living at least 25 miles from a retail marijuana store. Up to six plants per person, but no more than 12 plants on the premises.	Cultivation facilities, testing facilities, manufacturing facilities, marijuana distributors, and retail marijuana stores  Maximum for retail stores: (1) 80 licenses in a county with a population greater than 700K; (2) 20 licenses in a county with a population less than 700K but more than 100K; (3) 4 licenses in a county with a population less than 100K but more than 55K; (4) 2 licenses in a county with a population less than 55K	Applications accepted no later than January 1, 2018.
<b>Oregon (2014)</b>	21 and older	<b>Possession:</b> Up to eight ounces if grown in one's home, one ounce in public, 16 ounces of marijuana-infused solids, and 72 ounces of marijuana-infused liquids.  <b>Purchase:</b> The Oregon Liquor Control Commission (OLCC) may set purchase limits.	Four marijuana plants	Marijuana producers (growers) processors (extract and product manufacturers), wholesalers, and retailers.  There are no set limits, but the OLCC may refuse to grant a license if doing so in the locality set out in the application is not demanded by public interest or convenience.	The OLCC began accepting applications for marijuana businesses on January 4, 2016, which opened in October 2016.  As an interim measure, medical dispensaries were allowed to sell cannabis to adults.
<b>Washington (2012)</b>	21 and older	<b>Possession and purchase limits:</b> Up to an ounce of marijuana, 16 ounces of marijuana-infused solids, and 72 ounces of marijuana-infused liquids.	Home cultivation is not allowed.	Marijuana producers, processors, and retailers. As of January 2017, there were 414 current or pending licenses for marijuana 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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<b>Alaska (2014)</b>	The Alcoholic Beverage Control Board had initial regulatory authority. However, the legislature created the Marijuana Control Board, which took over in 2015.	<p>The state adopted seed-to-sale tracking requirements, along with other security requirements similar to those in Colorado and Washington.</p> <p>All marijuana sold must be labeled with specific information, including potency and warning information. Representative samples of each harvest must be tested for potency and possible contamination.</p>	\$50/ounce excise tax on marijuana sold at wholesale	Municipal governments may enact ordinances that govern the time, place, manner, and number of marijuana businesses that can operate. 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.
<b>California (2016)</b>	Bureau of Marijuana Control within the Department of Consumer Affairs	Details to be decided by regulation	A cultivation tax of \$9.25 per ounce for flowers and \$2.75 per ounce for leaves; 15% sales tax.	Municipalities can limit marijuana businesses by ordinance until 2019, then by popular vote.	Licensing priority shall be given to applicants who can demonstrate they have acted in compliance with the Compassionate Use Act since September 1, 2016.
<b>Colorado (2012)</b>	Department of Revenue, Marijuana Enforcement Division (MED)	<p>Licensed entities must use "seed-to-sale" tracking to prevent diversion. Specific security and video systems must be installed, and the businesses must abide by specific alarm and lock standards.</p> <p>Marijuana and marijuana products must be tested for potency and labeled with the results. The state adopted criteria for pesticide use, which went into effect in the spring of 2016. Additionally, certain warning labels are required on all retail marijuana.</p>	<p>Current state and local sales and use taxes apply to all retail sales.</p> <p>Voters approved a 15% excise tax and a separate 10% special sales tax in November 2013.</p>	Cities and counties are allowed to prohibit marijuana establishments or to 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 MED decides whom to license, while considering the locality's preference.
<b>Maine (2016)</b>	Department of Agriculture, Conservation and Forestry	Details to be decided by regulation	10% sales tax	All businesses must be approved by the municipality in which they are to be located.	Applicants with experience under the medical marijuana licensing system are to be given priority in licensing.



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<b>Massachusetts (2016)</b>	The Cannabis Control Commission	Details to be decided by regulation	3.75% state sales tax; up to 2% local sales tax	Cities and towns will have the authority to impose limits on where and when marijuana businesses are allowed to operate.	Until January 1, 2018, the commission shall issue licenses first to applicants with the most experience operating medical marijuana treatment centers and then by lottery among qualified applicants.
<b>Nevada (2016)</b>	Department of Taxation	Details to be decided by regulation	15% excise tax on wholesale	Local governments will have the ability to adopt and enforce local marijuana control measures pertaining to zoning and land use for marijuana establishments.	For 18 months, medical marijuana establishments will receive priority in license applications.
<b>Oregon (2014)</b>	Oregon Liquor Control Commission	Seed-to-sale tracking and other security requirements, including video surveillance, alarms, and on-site safes.  Marijuana and marijuana products will have to be tested for microbiological contaminants, pesticides, other contaminants, solvents, and THC and CBD concentration. Labeling must include health and safety warnings, activation time, testing results, potency, serving size and number of servings per package, and content of the marijuana item.	There is a state imposed 17% sales tax collected at the point of sale on all marijuana or marijuana products. Local governments may impose a local sales tax not to exceed 3%.	Municipalities may enact time, place, and manner zoning ordinances, and some may ban under certain circumstances. Everyone who meets state standards may be licensed, in communities that allow them.	Applicants must apply according to OLCC criteria and provide evidence of their ability to meet public health and safety standards and industry best practices.
<b>Washington (2012)</b>	Washington State Liquor and Cannabis Control Board	Licensed entities must use "seed-to-sale" tracking to prevent diversion. Specific security systems are required, including perimeter alarms and video systems.  Certain analytic tests must be performed on marijuana and the various marijuana products. For example, usable marijuana must be tested for moisture content, potency, foreign matter, and microbes.	37% excise tax on all sales of marijuana, usable marijuana, marijuana concentrates, and marijuana-infused products. This tax is collected by retailers at point of sale.	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.