



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 marijuana, plus all marijuana produced by personal cultivation in the same secure location where cultivation occurred	Six marijuana plants (three mature); no more than 12 plants per household	Marijuana cultivation facilities, product manufacturing facilities, testing facilities, and stores There are no statewide restrictions on the number of licenses issued per business type, but localities may restrict or ban them entirely.	The state began accepting applications on February 24, 2016, and the first marijuana retailers opened in October 2016.
California (2016)	21 and older	28.5 grams (about an ounce, including eight grams of concentrate), plus any marijuana grown from an adult's plants; anything over 28.5 grams must be possessed at a secure location at home	Six plants per household	Cultivator (14 types), retailer (2 types), distributor, testing, manufacturer (2 types), microbusiness No state limits on the numbers of licenses, but localities may restrict their numbers or ban them.	The first retail marijuana stores were licensed and began operating on January 1, 2018.
Colorado (2012)	21 and older	One ounce, plus all marijuana produced by personal cultivation in the same secure location where cultivation occurred	Six marijuana plants (three flowering)	Cultivation facilities, product manufacturers, testing labs, transporters, and retail stores No state limits on the number of licenses, but localities may restrict their numbers or ban them.	Existing medical marijuana businesses began applying for non-medical retail sales licenses on October 1, 2013, with more applying July 1, 2014. The first retailers opened on January 1, 2014.
Maine (2016)	21 and older	2.5 ounces (including up to five grams concentrate), plus all marijuana produced by personal cultivation in the same secure location where cultivation occurred	Three flowering plants, twelve 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 has been delayed in Maine and is unlikely to begin before 2020.

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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 marijuana grown from an adult's plants	Up to six plants per person, with no more than 12 plants on the premises	<p>Cultivation facilities, craft cannabis cooperatives, product manufacturers, testing labs, research labs, transporters, stores, and microbusinesses; more types may be available later</p> <p>No state limits on the number of licenses, but localities may restrict their numbers or ban them.</p>	Applications were first accepted in spring 2018 from priority applicants (social equity applicants and existing medical businesses); the first permanent licenses are anticipated in fall 2018.
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.</p> <p>The act allows, but does not obligate, regulators to issue other types of licenses, too, including licenses to authorize consumption in designated areas, consumption for special events, and research.</p>	<p>The act directs regulators from the Department of Licensing and Regulatory Affairs to begin accepting applications for marijuana establishments within 12 months of the act's effective date (early December). After receipt, the department has 90 days to either accept or deny an application.</p> <p>For the first two years after the department begins accepting applications, licenses can only be issued to existing medical marijuana facilities.</p>
Nevada (2016)	21 and older	One ounce (including 1/8 ounce of concentrate), plus any marijuana 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.</p> <p>The first adult-use sales were authorized on July 1, 2017.</p> <p>Beginning in November 2018, the state may open the application process to applicants that are not medical marijuana licensees.</p>

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Oregon (2014)	21 and older	One ounce of usable marijuana; 16 ounces of marijuana-infused solids; 72 ounces of marijuana-infused liquids, five grams of extracts/concentrates; also up to eight ounces in a residence if it was grown in the home	Four marijuana 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 if doing so in the locality set out in the application is not demanded by public interest or convenience.	The Oregon Liquor Control Commission 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.
Washington (2012)	21 and older	Up to an ounce of marijuana, 16 ounces of marijuana-infused solids, and 72 ounces of marijuana-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. As of October 1, 2018, there were 504 licensed marijuana retailers, 88% with a medical endorsement. 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.
Commonwealth of the Northern Mariana Islands (a U.S. territory) (2018)	21 and older	One ounce of usable marijuana, or up to eight ounces in a residence if grown in the home; 16 ounces of marijuana-infused solids; and 72 ounces of marijuana-infused liquids, five grams of extracts or concentrates	Yes, for adults registered on the Homegrown Marijuana Registry, which costs \$5. Six mature and 12 immature plants are allowed per household or cultivation location	Producers, micro-production, processors, retailers, wholesalers, lounges, testing facilities; lounges, special events No commonwealth-wide limits on the number of licenses.	There is no specific time frame for the initial licenses, but rules must be implemented and forms must be available within six months of the regulatory commission's organizational meeting, and the processing of licenses may not be unreasonably delayed.

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Alaska (2014)	Marijuana Control Board (previously, the Alcohol Control Board)	<p>Inventory tracking requirements, along with other specific security requirements</p> <p>Representative samples of each harvest must be tested for potency and contamination. Packaging may not target persons under 21. All marijuana sold must be labeled with specific information, including potency info, test results, and warnings, including regarding intoxicating and impairing effects, driving, and advising pregnant or breastfeeding women against cannabis use. Cannabis products have THC limits of five milligrams per serving and 50 mg/package.</p>	\$50/ounce excise tax on marijuana flower sold at wholesale; \$15/ounce on trim	<p>Municipal governments may enact ordinances that govern the time, place, manner, and number of marijuana businesses that can operate.</p> <p>Opt-out: Local governments may also ban marijuana businesses altogether through an ordinance or by voter initiative.</p>	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.
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)	<p>The program is operating under emergency rules as of October 2018, including security requirements. Tracking is expected by late 2018.</p> <p>Emergency labeling, packaging, and testing rules took effect July 1, 2018. Packaging must be re-sealable and child-resistant and may not be attractive to children, resemble typical food products, make health claims, or include cartoons.</p>	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.	<p>Businesses can only operate if they are allowed under local ordinances. Localities may require permits, too.</p> <p>Opt-out: Municipalities can limit marijuana businesses by ordinance until 2019, then by popular vote.</p>	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)	Seed-to-sale tracking; specific security and video systems must be installed; businesses must abide by specific alarm and lock standards Marijuana and marijuana products must be tested for potency and labeled with the results in addition to other warning label requirements. The state adopted criteria for pesticide use.	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. Medical patients pay a lower rate.	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.
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)	Regulations have not been issued yet. Law requires seed-to-sale tracking and lab testing. Packaging must be opaque and cannot be designed to appeal to minors. Labels will include safety info, allergens, use-by date, and cannabinoid profile.	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%.	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.	Regulations have not been issued yet (as of fall 2018). The law itself indicates all qualified applicants are approved, provided they are allowed under local law.
Massachusetts (2016)	The Cannabis Control Commission, a five-member board	Seed-to-sale tracking is required, along with other specific security requirements, including around transportation, emergency plans, lighting, and 24-hour video calendars. Cannabis must be in plain packaging without bright colors or cartoon characters and must be designed to prevent the accidental ingestion by minors. Warnings are required. Products are limited to five mg of THC per serving and 100 mg/package. Cannabis must undergo lab testing.	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.	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 will be open to all qualified applicants.

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Michigan (2018)	Department of Licensing and Regulatory Affairs	<p>The department is directed to establish monitoring requirements to track the transfer of marijuana by licensees. Security requirements will be fully developed by the department and must cover lighting, physical security, alarm systems, and secure transport.</p> <p>Edible products that are attractive to children or resemble commercially sold candy are prohibited.</p>	<p>Retail cannabis-specific excise tax of 10% (applied at the point of sale); standard sales tax of 6%.</p> <p>The 10% excise tax does not apply to medical marijuana.</p>	<p>Municipalities may regulate, ban, or limit the number of marijuana businesses in its boundaries. Individuals may petition to initiate an ordinance to provide for the number of establishments or completely prohibit them. Municipalities may charge annual fees up to \$5,000 to defray enforcement costs.</p>	<p>The law directs the department to approve all qualified applicants who are compliant with the law, provided they are allowed by the municipality.</p>
Nevada (2016)	Department of Taxation	<p>Security requirements include seed-to-sale tracking, lighting requirements, video cameras, alarms, and electronic monitoring.</p> <p>Packaging must be opaque and child-resistant and cannot include cartoons, mascots, toys, or be modeled after brands marketed to children. Edibles are limited to 10 mg of THC per serving and 100 mg per package.</p>	<p>15% excise tax on wholesale; 10% cannabis-specific sales tax; standard state and local sales taxes also apply</p> <p>The 10% retail sales tax is waived for registered medical patients.</p>	<p>Local governments will have the ability to adopt and enforce local marijuana control measures pertaining to zoning and land use for marijuana establishments.</p>	<p>For at least the first 18 months, medical marijuana establishments receive priority in license applications.</p>
Oregon (2014)	Oregon Liquor Control Commission (OLCC)	<p>Seed-to-sale tracking and other security requirements, including video surveillance, alarms, and on-site safes</p> <p>Cannabis products are tested for microbiological contaminants, pesticides, other contaminants, solvents, and THC and CBD amounts. Labeling includes health and safety warnings, activation time, testing results, potency, serving size and number of servings per package, and content of the cannabis item.</p>	<p>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%.</p> <p>Medical cannabis is not taxed.</p>	<p>Municipalities may enact time, place, and manner zoning ordinances. Some may ban under certain circumstances.</p> <p>If a municipality enacts an ordinance restricting the licensing of dispensaries, the ordinance must be submitted to voters for approval.</p>	<p>Applicants must apply according to OLCC criteria and provide evidence of their ability to meet public health and safety standards and industry best practices.</p> <p>Everyone who meets state standards may be licensed, in communities that allow them. However, the OLCC has paused licensing.</p>

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Washington (2012)	Washington State Liquor and Cannabis Control Board	<p>Licensed entities must use “seed-to-sale” tracking to prevent diversion. Specific security systems are required, including perimeter alarms and video systems.</p> <p>Infused products and concentrates must be in child-resistant packaging. Warnings that cannabis can be habit forming and about driving are required. Lab testing is required, as is labeling with the concentration of THC and CBD and the number of servings. Labels cannot be false or misleading, depict a minor, or include toys or other images especially appealing to minors.</p>	<p>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</p> <p>Registered patients are exempt from the standard sales taxes.</p>	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.
Northern Mariana Islands (2018)	CNMI Cannabis Commission	Regulations have not been issued yet. Testing is required unless it is not feasible due to a lack of a lab (the islands have around 55,000 residents). Cannabis products must use opaque, child-resistant packaging and must have a standard symbol, where possible.	A 10% tax is collected at the point of sale to adult-use consumers on all marijuana and marijuana products. The legislature is directed to enact a tax on wholesale cannabis.	Local legislative delegations may enact marijuana regulation laws within their senatorial districts. These may include time, place, and manner regulations and civil penalties for violations.	Regulations have not been issued yet. It appears qualified applicants will be approved.

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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.	It will be. Public comment is being accepted on draft regulations allowing on-site consumption retailers.	No.
California (2016)	Yes. Includes 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, 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.	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.	Not at retailers. Denver has an ordinance allowing licensing of bring-your-own cannabis.	No.
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)					
Nevada (2016)	Yes, possession offenses can be sealed three years after one's sentence was completed.	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.	Yes, if it is allowed by the locality. Las Vegas is working on regulations as of fall 2018.	Yes.

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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.
Washington (2012)	No. Not across the board. Judges are allowed — but not required — to grant petitions to vacate some old convictions, if certain conditions are met. Sealing of convictions is also discretionary. Bills to vacate all prior marijuana convictions for up to 40 grams of marijuana (about 11.6 grams more than is legal) have failed to advance. Seattle’s city attorney announced in 2018 that the city will vacate misdemeanor possession convictions prior to legalization.	No, possession of marijuana by a minor is a misdemeanor. Generally, it 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.
Northern Mariana Islands (2018)	No, none so far. However, the penalty for simple possession prior to legalization was a \$50 fine.	Yes, the penalty for up to an ounce is a \$50 fine.	No.	Yes, the law provides for two types of licensed lounges: bring-your-own cannabis and lounges where cannabis is sold on-site. Alcohol is not allowed on-site.	Yes. Retailers may make deliveries to consumers who place such orders.

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