



# Marijuana - Decriminalization<sup>1</sup>: Bill Status Update

**Research current through March 6, 2015.**

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<sup>1</sup> Decriminalization is not the same as legalization. Under the pending legislation detailed in this summary, the personal, non-medical use of marijuana remains unlawful. The legislation in this summary reduces the penalties associated with marijuana-related violations. This summary does not describe pending legislation to legalize the personal, non-medical use of marijuana.

<b>State and Bill Number</b>	<b>Description<sup>2</sup></b>	<b>Status and Date of Last Action</b>
U.S. 2015 HR 1013	“Regulate Marijuana Like Alcohol Act.” The act decriminalizes marijuana at the federal level, including removing it from all federal controlled substance schedules.	2/20/2015 - introduced and referred to Committees on the Judiciary, Energy & Commerce, Ways & Means, Natural Resources, and Agriculture.
U.S. 2015 HR 1014	“Marijuana Tax Revenue Act of 2015.” The act imposes a federal excise tax on the sale of marijuana for non-medical purposes as well as apply an occupational tax for marijuana businesses. The bill also requires the IRS to produce periodic studies of the marijuana industry and to issue recommendations to Congress. It phases in an excise tax on the sale by a producer (generally the grower) to the next stage of production (generally the processor creating the useable product). This tax is initially set at 10% and rises over time to 25% as the legal market displaces the black market. Medical marijuana is exempt from this tax.	2/20/2015 – referred to House Committee on Ways & Means.
Arizona 2015 HB 2006	Makes the knowing possession, use, or production of less than one ounce of marijuana subject to a civil penalty of not more than \$100. If the amount of marijuana is between one ounce and two pounds, a violation becomes a petty offense.	1/12/2015 – filed.

<sup>2</sup> The word “marijuana” (or “marihuana”) is spelled as it is in the respective bill.

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Connecticut 2015 SB 952	Among other things, provides that any person who possesses or has under his or her control any quantity of any narcotic substance, controlled substance or hallucinogenic substance other than marijuana or who possesses one-half ounce or more of a cannabis-type substance, except as authorized in this chapter, shall be guilty of a class A misdemeanor.	2/19/2015 – referred to Joint Committee on Judiciary.
Delaware 2015 HB 39	Provides that persons who possess one ounce or less of marijuana shall be assessed a civil penalty that will not become part of a criminal record and must forfeit the marijuana. Likewise, the private use or consumption of less than an ounce of marijuana shall be punishable by a civil penalty. Persons charged with one of these civil violations are not subject to incarceration. Furthermore, under Section 2 of this bill the public use or consumption of an ounce or less of marijuana will be an unclassified misdemeanor punishable by a fine of not more than \$200 or imprisonment for not more than five (5) days.	1/29/2015 – introduced and assigned to Public Safety & Homeland Security Committee.
Florida 2015 HB 4041	Removes cannabis from the schedule of controlled substances and conforms other provisions.	3/3/2015 – introduced and referred to Committees on Criminal Justice, Justice Appropriations, Health & Human Services, and Judiciary.
Florida 2015 SB 1294	Removes cannabis from the schedule of controlled substances and conforms other provisions.	3/3/2015 – introduced.

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<b>State and Bill Number</b>	<b>Description<sup>2</sup></b>	<b>Status and Date of Last Action</b>
Georgia 2015 HB 283	Provides that a person's conviction of the offense of simple possession of marijuana after July 1, 2015, will not result in the suspension of such person's driver's license.	2/11/2015 – second readers.
Hawaii 2015 HB 372	Establishes a civil violation for possession of one ounce or less of marijuana that is subject to the following fines: \$100 for the first violation; \$250 for the second violation; and \$500 for the third or subsequent violation.	1/26/2015 – introduced and passed first reading; referred to House Committees on Judiciary and Finance.
Hawaii 2015 HB 1371	Repeals criminal penalties related to marijuana.	2/2/2015 – referred to Judiciary Committee.
Hawaii 2015 SB 596	Establishes a civil violation for possession of marijuana by a person 18 years of age or older of one ounce or less that is subject to a fine of not more than \$100, and establishes an adjudicatory structure for its enforcement. Clarifies that medical marijuana patients and primary caregiver may assert affirmative defense to prosecution, criminal or civil, involving possession of one ounce or less of marijuana. Excludes possession of one ounce or less of marijuana from authority of Hawaii paroling authority to require paroled prisoner to undergo and complete substance abuse treatment. Excludes possession of more than one ounce of marijuana from authority of courts to require a defendant to undergo and complete substance abuse treatment for probation violation. Clarifies definition of detrimental drug to exclude one ounce or less of marijuana. Excludes possession of one ounce or less of marijuana from offenses of promoting a detrimental drug in the second degree and third degree. Clarifies a civil violation for possession of marijuana does not constitute a prior offense for purposes of the conditional discharge law. <a href="#">Effective July 1, 2050.</a>	<a href="#">2/20/2015 – Committee report adopted; passed second reading as amended; referred to Senate Judiciary and Labor Committee.</a>

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Hawaii 2015 SB 666	Provides that possession of less than one ounce of marijuana shall be a civil rather than criminal offense subject to a penalty of no more than \$100. Provides for enforcement, notice, and adjudication of violations.	2/26/2015 - Judiciary and Labor Committee deferred the measure.
Hawaii 2015 SB 681	Establishes a civil penalty for possession of one ounce of less of marijuana or marijuana concentrate that is subject to a fine of not more than \$100. Makes various conforming amendments to statutes to reflect the establishment of the civil violation for possession of marijuana or marijuana concentrate of one ounce or less.	2/20/2015 – Committee report adopted; passed second reading as amended; referred to Senate Judiciary and Labor Committee.
Hawaii 2015 SB 708	Establishes a civil penalty for possession of one ounce of less of marijuana or marijuana concentrate that is subject to a fine of not more than \$100. Makes various conforming amendments to statutes to reflect the establishment of the civil violation for possession of marijuana or marijuana concentrate of one ounce or less.	2/26/2015 – Judiciary and Labor Committee deferred the measure.
Hawaii 2015 SB 879	Establishes a civil violation subject to a fine of \$100 for intentional or knowing possession of one ounce or less of marijuana. Amends the offense of promoting a detrimental drug in the third degree to clarify that the offense applies to the knowing possession of more than one ounce of marijuana. Effective 01/07/2059.	3/6/2015 – reported from Committee on Judiciary and Labor with recommendation of passage on second reading, as amended.

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<b>State and Bill Number</b>	<b>Description<sup>2</sup></b>	<b>Status and Date of Last Action</b>
Illinois 2015 HB 218	Amends the Cannabis Control Act. Provides that the knowing possession of not more than 30 grams of any substance containing cannabis is a petty offense charged by a Uniform Cannabis Ticket with a fine of \$100 (rather than a Class C misdemeanor for 2.5 grams or less, a Class B misdemeanor for more than 2.5 grams to 10 grams, and a Class A misdemeanor for more than 10 grams to 30 grams). Provides that knowing possession of more than 30 grams but not more than 500 grams of any substance containing cannabis is a Class A misdemeanor for a first offense (rather than a Class 4 felony) and a Class 4 felony for a subsequent offense (rather than a Class 3 felony).	3/4/2015 – co-sponsor added.
Illinois 2015 HB 1432	Provides that a person who knowingly possesses not more than 0.1 gram of any substance containing cannabis is guilty of a petty offense and shall be fined \$100 for a first offense, \$200 for a second offense, and \$300 for a third or subsequent offense. Provides that a person convicted of a third or subsequent offense shall perform 20 hours of community service at a drug-abuse treatment center licensed by the Department of Human Services.	2/24/2015 – assigned to Judiciary - Criminal Committee.
Illinois 2015 HB 2555	Amends the Illinois Vehicle Code to remove from the DUI offense operating a motor vehicle with any amount of an illegal drug in a person's system and makes it a separate Class B misdemeanor for a first offense and a Class A misdemeanor for subsequent offenses. Removes offense from implied consent for chemical testing for a suspected violation, statutory summary suspension for test refusal, driver's license suspension for conviction, and mandatory penalties for a second violation. Also removes offense from aggravated DUI.	3/2/2015 – assigned to Judiciary - Criminal Committee.

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Illinois 2015 HB 3245	Amends the Criminal Identification Act. Provides that the Department of State Police and the local law enforcement agency shall automatically expunge, on or before January 1 of each year, the law enforcement records of a person convicted of a civil law violation of possessing 30 grams or less of cannabis or drug paraphernalia possessed by the person arrested on the cannabis charge in the Department's or law enforcement agency's possession or control and which contains the final disposition which pertain to the person when arrested for that offense. Amends the Cannabis Control Act. Provides that the possession of 30 grams or less of cannabis is a civil law violation punishable by a maximum fine of \$125. Amends the Drug Paraphernalia Control Act. Provides that if a person is convicted of 30 grams or less of cannabis, the penalty for possession of any drug paraphernalia seized during the arrest for that offense shall be a civil law violation punishable by a maximum fine of \$125.	2/25/2015 – first reading and referred to Rules Committee.
Illinois 2015 HB 4010	Provides that the knowing possession of not more than 30 grams of any substance containing cannabis is a regulatory offense charged by a Uniform Cannabis Ticket with a fine of \$100 (rather than a Class C misdemeanor for 2.5 grams or less, a Class B misdemeanor for more than 2.5 grams to 10 grams, and a Class A misdemeanor for more than 10 grams to 30 grams).	2/27/2015 – first reading and referred to Rules Committee.

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Iowa 2015 HF 60	The bill specifies new criminal penalties for marijuana violations involving less than one kilogram of marijuana. Under the bill, it is unlawful for any person to knowingly or intentionally possess or possess with the intent to manufacture or deliver marijuana, and if a person violates this provision the person commits the following: if the violation involves at least 42.5 grams but not more than one kilogram the violation is a simple misdemeanor; if the violation involves less than 42.5 grams the violation is a simple misdemeanor punishable with a scheduled fine of \$300, but if the violation is near a school the penalty is a simple misdemeanor not a scheduled violation.	1/21/2015 – introduced, referred to Public Safety Committee.
Iowa 2015 HF 453	Reduces penalty for non-public possession of less than 42.5 grams of marijuana that was not offered for sale to a civil penalty of \$25.	3/2/2015 – introduced, referred to Public Safety Committee.
Iowa 2015 SSB 1005	The bill reclassifies marijuana, including tetrahydrocannabinols, as a schedule II controlled substance instead of a schedule I controlled substance and strikes references to the authority of the board of pharmacy to rules for the use of marijuana or tetrahydrocannabinols medicinal purposes. Except for the penalty for a first-offense possession five grams or less of marijuana, the penalties remain unchanged for violations involving marijuana under the bill. Under the bill, a person who possesses five grams or of marijuana commits a simple misdemeanor for a first offense. A simple misdemeanor is punishable by confinement for no than 30 days or a fine of at least \$65 but not more than or by both.	1/13/2015 – filed and assigned to Judiciary Committee.

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Iowa 2015 SSB 1108	Under the bill, a person who manufactures, delivers, or possesses with the intent to manufacture or deliver, marijuana, including its counterfeit or simulated forms, or acts with, enters into a common scheme or design with, or conspires with one or more persons to manufacture, deliver, or possess with the intent to manufacture or deliver marijuana, commits an aggravated misdemeanor if the amount of marijuana is less than 42.5 grams. Current law classifies such actions involving 50 kilograms or less of marijuana as a class "D" felony. Such actions involving at least 42.5 grams but not more than 50 kilograms of marijuana remain a class "D" felony under the bill.	1/29/2015 – filed and assigned to Judiciary Committee.
Iowa 2015 SF 219	Reduces penalty for possession of 5 grams or less of marijuana to a simple misdemeanor.	2/26/2015 – read first time in House after passing Senate.
Iowa 2015 SF 282	Reclassifies marijuana, including tetrahydrocannabinols, from a schedule I controlled substance to a schedule II controlled substance.	2/19/2015 – introduced; referred to Human Resources Committee.
Kansas 2015 HB 2049	Reduces penalty for first and second marijuana possession convictions to Class B nonperson misdemeanor and Class A nonperson misdemeanor, respectively.	2/26/2015 - withdrawn from Committee on the Whole calendar and referred to Committee on Appropriations.
Kansas 2015 HB 2338	Provides that the felony-level crime of unlawful manufacturing, cultivation, distribution or possession of controlled substances is not an inherently dangerous felony where the controlled substance involved is marijuana.	2/12/2015 – referred to Committee on Corrections and Juvenile Justice.

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Kansas 2015 SB 213	Provides that the felony-level crime of unlawful manufacturing, cultivation, distribution or possession of controlled substances is not an inherently dangerous felony where the controlled substance involved is marijuana.	2/20/2015 – hearing scheduled 2/24/2015.
Kentucky 2015 HB 305	Converts violations of misdemeanor possession of marijuana or controlled substances to pre-payable civil violations with set fines of \$100 and \$200.	2/5/2015 – referred to Judiciary Committee.
Kentucky 2015 SB 79	"Kentucky Cannabis Freedom Act." Amends KRS 218A.1422 to make the possession of two ounces of marijuana or less a violation punishable by a maximum fine of \$75. Amends KRS 218A.1423 to make the cultivation of five marijuana plants or less a Class B misdemeanor.	2/3/2015 – referred to Judiciary Committee.
Maryland 2015 HB 105	Makes the penalty for the possession or use of less than 10 grams of marijuana a civil offense with a fine of no more than \$100 (first offense), \$250 (second offense), or \$500 (third or subsequent).	1/23/2015 – first reading; referred to Judiciary Committee; hearing scheduled for 2/24/2015.
Maryland 2015 HB 374	Authorizes a person to file a petition for to expunge record if they were convicted of a certain crime involving the use or possession of less than 10 grams of marijuana.	2/6/2015 – first reading; referred to Judiciary Committee; hearing scheduled for 2/24/2015.

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Maryland 2015 HB 495	Specifies that the use or possession of 10 grams or more of marijuana is the misdemeanor of possession of marijuana.	2/11/2015 – first reading; referred to Judiciary Committee; hearing scheduled for 2/24/2015.
Maryland 2015 HB 615	Prohibits the Division of Parole and Probation from issuing a certain warrant or a certain notice of violation for an offender or parolee charged with a certain marijuana violation or who submits a urinalysis that is positive for marijuana.	2/12/2015 – first reading Judiciary.
Maryland 2015 HB 1248	Reduces maximum penalty for person unlawfully possessing controlled substances to one year in prison and/or \$1,000 fine.	3/6/2015 – first reading.
Maryland 2015 SB 168	Authorizes a person to file a petition for to expunge record if they were convicted of a certain crime involving the use or possession of less than 10 grams of marijuana.	1/30/2015 – first reading; referred to Judicial Proceedings Committee; hearing scheduled for 2/19/2015.
Maryland 2015 SB 517	Repeals the criminal prohibition on the use or possession of marijuana and instead establishes that civil penalties apply to the use or possession of any quantity of marijuana. Establishes a civil penalty for the smoking of marijuana in a public place. Requires a court to dismiss a use or possession of marijuana charge if the court finds that the person used or possessed marijuana because of a certain medical necessity.	2/6/2015 – first reading; referred to Committee on Judicial Proceedings; hearing scheduled for 3/4/2015.

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Michigan 2015 SB 80	Decriminalizes the possession or use of one (1) ounce or less of marihuana under certain circumstances.	2/4/2015 – referred to Committee on Judiciary.
Minnesota 2015 HF 994	Controlled substance crimes addressed by lowering threshold amounts, eliminating minimum sentences, expanding nonviolent controlled substance offender conditional release program, making stay of adjudication law for low-level offenders mandatory, and directing savings from changes to be used for treatment and educational programs.	2/18/2015 – introduction and first reading, referred to Committee on Public Safety and Crime Prevention Policy and Finance.
Mississippi 2015 HB 527	Reduces penalties for possession of 40 grams or less of marijuana.	2/3/2015 – died in Committee.
Missouri 2015 HB 978	Requires the Board of Probation and Parole to authorize the release of any offender who is incarcerated on August 28, 2015 and who is serving a life sentence without parole for marijuana offenses.	3/4/2015 – public hearing completed.
New Jersey 2014 AB 218	Amends current law regarding possession of marijuana - decriminalizes possession of 15 grams or less of marijuana; imposes civil penalties, and establishes fund for drug education.	1/16/2014 – referred to Assembly Judiciary Committee.
New Mexico 2015 SB 383	Changes penalties for possession of marijuana for first time offenders to civil offenses as follows: (1) \$50 penalty for one ounce or less; and (2) \$100 penalty for between one and four ounces. The penalties for second time offenders or for possession of more than four ounces remain criminal offenses.	2/3/2015 – do pass committee report adopted.

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New York 2015 AB 3284	Requires a criminal court to release a defendant charged with certain offenses involving marihuana on his or her own recognizance upon ordering a case adjourned in contemplation of dismissal.	1/22/2015 – introduced and referred to Committee on Assembly Codes.
New York 2015 SB 137	Decriminalizes the personal possession of marihuana, eliminating the possibility of imprisonment for a repeat offender.	1/7/2015 – referred to Committee on Senate Codes.
New York 2015 SB 3266	Allows for a petition to expunge records for certain marihuana convictions of criminal possession in the fifth degree.	2/4/2015 – introduced and referred to committee on Senate Codes.
North Dakota 2015 HB 1394	Reduces the criminal penalties for possessing one ounce or less of marijuana.	2/23/2015 - introduced in House and referred to Judiciary Committee.
North Dakota 2015 SB 2030	Reduces penalty for possession of drug paraphernalia for purposes of ingesting or inhaling marijuana to a class B misdemeanor.	2/20/2015 – referred to House Judiciary Committee after passage in Senate; hearing scheduled 3/9/2015.
Oregon 2015 HB 2799	Allows a person convicted of certain kinds of delivery of controlled substance to apply for an order setting aside conviction.	2/5/2015 – referred to Judiciary Committee.

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Rhode Island 2015 HB 5066	Amends the civil penalty for possession of one ounce or less of marijuana from a one hundred fifty dollar (\$150) fine to a fine of one hundred dollars (\$100) but not more than two hundred dollars (\$200), and would make said fine applicable whether the fine is imposed on a first or subsequent offense.	1/14/2015 – introduced, referred to Judiciary Committee.
South Carolina 2015 HB 3117	Decriminalizes the possession of twenty-eight grams or one ounce or less of marijuana or ten grams or less of hashish and authorizes law enforcement to issue a civil citation for possession of that same quantity of marijuana or hashish.	1/13/2015 – referred to Committee on Judiciary.
Tennessee 2015 HB 560	As introduced, removes marijuana from the list of ingestible or inhalable substances for which an object can be designated as drug paraphernalia.	2/18/2015 – assigned to Criminal Law Committee.
Tennessee 2015 HB 873	As introduced, deletes the offense for a person to distribute a small amount of marijuana not in excess of one-half ounce (14.175 grams). Increases the amount of marijuana, from one-half ounce to one ounce, that a person must possess, casually exchange, or distribute to be considered a criminal offense punishable as a Class C misdemeanor by a \$100 fine for each violation.	2/19/2015 – assigned to Criminal Law Committee.
Tennessee 2015 SB 661	As introduced, removes marijuana from the list of ingestible or inhalable substances for which an object can be designated as drug paraphernalia.	2/18/2015 – passed on second consideration and referred to Judiciary Committee.

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Tennessee 2015 SB 1211	As introduced, deletes the offense for a person to distribute a small amount of marijuana not in excess of one-half ounce (14.175 grams). Increases the amount of marijuana, from one-half ounce to one ounce, that a person must possess, casually exchange, or distribute to be considered a criminal offense punishable as a Class C misdemeanor by a \$100 fine for each violation.	2/19/2015 – passed on second consideration and referred to Judiciary Committee.
Texas 2015 HB 254	Reduces the penalties for possessing less than one gram of a penalty group 1 controlled substance to a class A misdemeanor.	2/11/2015 – introduced and referred to Criminal Jurisprudence Committee.
Texas 2015 HB 325	Reduces the penalties for possessing less than 0.35 ounces of marihuana to a Class C misdemeanor.	2/12/2015 – introduced and referred to Criminal Jurisprudence Committee.
Texas 2015 HB 403	Reduces the penalties for possessing less than one gram of a penalty group 1 controlled substance to a class A misdemeanor with minimum confinement of 180 days.	2/16/2015 – read first time and referred to Criminal Jurisprudence Committee.
Texas 2015 HB 414	Reduces the penalties for possession of one ounce or less of marihuana or a synthetic cannabinoid to a Class C misdemeanor.	2/16/2015 – read first time and referred to Criminal Jurisprudence Committee.

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Texas 2015 HB 507	Provides for a civil penalty for possession of one ounce or less of marihuana and, in such as case, an exception to prosecution for possession of associated drug paraphernalia.	2/16/2015 – read first time and referred to Criminal Jurisprudence Committee.
Texas 2015 HB 2165	Repeals marihuana offenses.	3/2/2015 – filed.
Texas 2015 SB 412	Reduces the penalty for possession of less than one gram of controlled substances to a Class A misdemeanor.	2/4/2015 – referred to Criminal Justice Committee.
Texas 2015 SB 851	Reduces the penalty for possession of between 0.02 and one gram of certain controlled substances to a Class A misdemeanor.	3/4/2015 – read first time and referred to Criminal Justice Committee.
Utah 2015 HB 348	Reduces the penalty for the personal possession of illegal substances from a felony, to a class A misdemeanor.	3/5/2015 – placed on second reading by Senate.
Virginia 2014 SB 686	Decriminalizes marijuana possession and changes the current \$500 criminal fine for simple marijuana possession to a maximum \$100 civil penalty payable to the Literary Fund and eliminates the 30-day jail sentence. The bill reduces the criminal penalties for distribution and possession with intent to distribute etc. of marijuana. The bill creates a rebuttable presumption that a person who grows no more than six marijuana plants grows marijuana for personal use and not for distribution and provides that the suspended sentence/substance abuse screening provisions apply only to criminal violations or to civil violations by a minor.	1/28/2015 – passed by indefinitely in Courts of Justice Committee.

Yellow highlighted text indicates legislation that has been enacted into law.

Red text indicates that the legislature presently is not in session.

Blue text represents updates from the previous NAMSDDL Bill Status Update.

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<b><u>State and Bill Number</u></b>	<b><u>Description<sup>2</sup></u></b>	<b><u>Status and Date of Last Action</u></b>
Wyoming 2015 HB 29	Replaces criminal penalties for possession of less than an ounce of marihuana with a civil fine only (for first and second offenses) as follows: possession of up to half an ounce would be punishable by a \$50 fine, and possession of between half and one ounce would be punishable by a \$100 fine.	1/21/2015 – failed in vote by Committee on the Whole.

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