



Marijuana: Comparison of State Laws Legalizing Personal, Non-Medical Use

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NAMSDL – Marijuana: Comparison of State Laws Legalizing Personal, Non-Medical Use

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<u>ALASKA</u>	
Statute(s)	AS §§ 17.38.010 to 17.38.900; §§ 43.61.010 to 43.61.030.
Effective date	February 24, 2015.
Regulations	3 AAC 306.005 to 306.990; 15 AAC 61.010 to 61.990.
Regulating authority	Alaska Marijuana Control Board (“MCB”), within the Alaska Department of Commerce, Community, and Economic Development.
Website¹	https://www.commerce.alaska.gov/web/amco/AboutUs.aspx# .
Types of marijuana establishments	Retail marijuana store, cultivation facility, product manufacturing facility, and testing facility.
Status of market	Operational. The first retail marijuana store opened in October 2016. As of December 29, 2016, MCB has issued 78 marijuana establishment licenses, out of which 43 are operational. The 78 entities include 22 retail stores, 51 cultivation facilities, two product manufacturing facilities, and three testing facilities.
Amount of marijuana allowed	<ul style="list-style-type: none"> • A person over age 21 may purchase, possess, or transport up to one ounce of marijuana.² • May not purchase more than seven grams of marijuana concentrate for inhalation in one transaction. • Items purchased in any one transaction may not contain, in combination, more than 5,600 milligrams of THC. • Legal to possess, manufacture, or purchase marijuana accessories.
Restrictions on the use of marijuana	<ul style="list-style-type: none"> • Must be at least age 21 to purchase or consume marijuana; there is a fine of up to \$400 for providing false ID to a marijuana establishment. • Consumption in public is not allowed and violators are subject to a fine of up to \$100; “public” means “a place to which the public or a substantial group of people has access,” which includes “highways, transportation facilities, schools, places of amusement or business, parks, playgrounds, prisons, and hallways, lobbies and other portions of apartment houses and hotels not constituting rooms or apartments designed for actual residence.” • “Public” does not include any area on the premises of a licensed retail marijuana store designated for onsite consumption (if allowed by MCB).

¹ All websites listed in this summary were valid and accessible as of December 23, 2016.

² AS § 17.38.010 provides that nothing in the law “diminish[es] the right to privacy as interpreted by the Alaska Supreme Court” in *Ravin v. State of Alaska* [537 P.2d 494 (Alaska 1975)].” Under that decision and subsequent court rulings, the possession, use, and display of up to four ounces of marijuana by an adult in a private residence is protected under the person’s state right to privacy.

<u>ALASKA</u>	
Home cultivation - requirements and restrictions	<ul style="list-style-type: none"> • Individuals may possess up to six plants, with three or fewer being mature, flowering plants. • No more than 12 marijuana plants, with six or fewer being mature, flowering plants, may be present in a single dwelling regardless of the number of persons 21 years of age or older residing in the dwelling. • Possession of the marijuana produced by the plants is lawful on the premises where the plants were grown. • Plants cannot be within the unaided vision of the public. • Cultivator must take reasonable precaution to secure plants from unauthorized access. • Cultivator must own the property or have consent of the lawful owner to cultivate at that location. • May transfer to another person (age 21 or older) only one ounce and six plants without remuneration.
Marijuana establishment – fees	<ul style="list-style-type: none"> • Application fee (initial) → \$1,000. • Application fee (renewal) → \$600. • Retail marijuana store annual license→ \$5,000. • Limited marijuana cultivation facility annual license→ \$1,000. • Marijuana cultivation facility annual license→ \$5,000. • Marijuana concentrate manufacturing facility annual license→ \$1,000. • Marijuana product manufacturing facility annual license→ \$5,000. • Marijuana testing facility annual license→ \$1,000. • Marijuana handler permit card→ \$50.
Marijuana establishment application process	<p>The marijuana establishment license application process is ongoing in Alaska. Presently, there is no limit to the number of marijuana establishments that will be granted licenses. MCB must approve or deny an application within 90 days of being deemed complete. A local government may file a written protest to an application for an establishment within 60 days of the official date of notice of the application.</p>
Marijuana establishments – ownership requirements and restrictions	<ul style="list-style-type: none"> • Licensee, employee, or agent of a testing facility may not have an interest in any other type of establishment; otherwise, a person or entity may own multiple establishments and/or multiple types of establishments. • Applicants for marijuana establishment licenses must list all persons with a direct or indirect financial interest in the operation.

<u>ALASKA</u>	
Marijuana establishments – ownership requirements and restrictions (continued)	<ul style="list-style-type: none"> • License will not be issued if the applicant or any interested person in the applicant has been: (1) convicted of a disqualifying felony; (2) convicted of certain alcohol sales violations within five years; (3) convicted of a misdemeanor crime involving a controlled substance, violence against a person, use of a weapon, or dishonesty within the preceding five years; or (4) convicted of a class A misdemeanor relating to selling, furnishing, or distributing marijuana or operating an establishment where marijuana is consumed contrary to state law. • All owners, partners, limited liability company (“LLC”) members, or shareholders of the applying entity must be residents of Alaska. • If the entity is an LLC or corporation, it must be qualified to do business in Alaska. • Applicants must provide proof of possession to the premises location as part of the application process.
Marijuana establishments – operational requirements and restrictions	<ul style="list-style-type: none"> • Premises of any establishment may not be located within 500 feet of a school ground, a recreation or youth center, a building in which religious services are regularly conducted, or a correctional facility. • Each licensee, employee, or agent of a marijuana establishment who sells, cultivates, manufactures, tests, or transports marijuana or who checks the identification of a consumer or visitor, must obtain a marijuana handler permit prior to employment. • Prior to receiving permit, marijuana handlers must complete an education course approved by MCB and pass a written test. • MCB will suspend or revoke a marijuana establishment license issued under this chapter if any licensee is convicted of a felony or other disqualifying crime. • MCB may suspend or revoke a license, or impose a fine, this chapter, refuse to renew a license, or impose a civil fine, if it finds that a licensed establishment or licensee: (1) misrepresented a material fact on the application; (2) is following any practice or procedure that is contrary to the best interests of the public; or (3) failed, within a reasonable time after receiving a notice of violation, to correct any defect. <p>Specific to retail stores:</p> <ul style="list-style-type: none"> • No person under age 21 may enter retail store. • Store cannot be located in an establishment with a liquor license. • Store cannot operate between 5:00am and 8:00am. • Marijuana and marijuana products may not be visible from any public right-of-way.

<u>ALASKA</u>	
Marijuana establishments – operational requirements and restrictions (continued)	<p>Specific to retail stores:</p> <ul style="list-style-type: none"> • Store may not require any consumer identification other than a government-issued ID. • No person may consume marijuana on store premises, unless MCB permits such consumption in a specified area of store. • Must use the specified marijuana tracking system to make sure that product in the retail marijuana store’s possession is identified and tracked from the time of receipt until sale or transfer. • May not sell a marijuana product until required testing is complete. • Per transaction limit on sales is: (1) one ounce of usable marijuana; (2) seven grams of marijuana concentrate for inhalation; or (3) 5,600 milligrams of THC in all products combined. • No more than three business signs visible to public on right of way • Limitations placed or where advertisements can appear. <p>Specific to cultivation facilities:</p> <ul style="list-style-type: none"> • No person can consume marijuana inside building(s) or within 20 feet of the outside of any building. • Cannot extract marijuana concentrate onsite unless also a licensed marijuana product manufacturing facility. • Cultivation can occur indoor or outdoor (if allowed locally) within a fully enclosed, secure barrier. • Must provide a sample of each harvest batch of marijuana produced at the facility to a marijuana testing facility. <p>Specific to product manufacturing facilities:</p> <ul style="list-style-type: none"> • No person can consume marijuana on premises. • Cannot produce any product that resembles a familiar food or candy item, or is in packaging that could appeal to minors. • MCB must approve each product manufactured. • Must have a sample of each product manufactured tested by a licensed facility. • Potency limits → 5mg THC for single serving; 10 servings or 50mg THC in a larger packaged product.
Marijuana establishment – inspections	<ul style="list-style-type: none"> • Establishment or applicant must make the licensed (or proposed) premises, including any place for storage, available for inspection by a MCB employee or agent. • Inspection includes an inspection of the premises, facilities, qualifications of personnel, methods of operation, business and financial records, marijuana inventory tracking system, policies, and purposes of any marijuana establishment and of any applicant for a marijuana establishment license.

<u>ALASKA</u>	
Marijuana establishments – local control	<ul style="list-style-type: none"> • Local government may prohibit the operation of an establishment through the enactment of an ordinance or by a voter initiative. • An established village can exercise a local option to prohibit the operation of an establishment if a majority of the voters voting on the question vote to approve the option. • Locality can enact ordinances governing time, place, manner and number of establishments • Local government may designate a local regulatory authority that is responsible for processing applications submitted for a registration to operate a marijuana establishment within the boundaries of the local government.
Marijuana establishments – testing and labeling	<ul style="list-style-type: none"> • For each marijuana type or marijuana product cultivated or produced, the following tests are required: (1) potency testing on marijuana bud and flower, marijuana concentrate, and a marijuana product; and (2) microbial testing for certain specified substances. • Marijuana or marijuana products cannot be labeled as organic. • At the time of purchase at a retail store, a marijuana or marijuana product must have a label affixed providing the following information: (1) the retail marijuana store selling the marijuana product by name or distinctive logo and marijuana establishment license number; (2) the total estimated amount of THC in the labeled product; (3) statement that “Marijuana has intoxicating effects and may be habit forming and addictive”; (4) statement that “Marijuana impairs concentration, coordination, and judgment. Do not operate a vehicle or machinery under its influence”; (5) statement that “There are health risks associated with consumption of marijuana”; (6) statement that it is “For use only by adults twenty-one and older. Keep out of the reach of children”; and (7) statement that “Marijuana should not be used by women who are pregnant or breast feeding.”
Marijuana tracking system	<p>Franwell Marijuana Enforcement Tracking Reporting & Compliance (“METRC”) inventory tracking system. All marijuana establishments must use the inventory tracking system.</p>
Driving during / after use	<p>Marijuana laws provide that “[n]othing in this chapter is intended to allow driving under the influence of marijuana or to supersede laws related to driving under the influence of marijuana.” In Alaska, it is illegal to operate a motor vehicle “under the influence of . . . any controlled substance,” which includes marijuana.</p>

<u>ALASKA</u>	
Exemption from penalty provided by law	<ul style="list-style-type: none"> • Law provides that the following acts by persons aged 21 or older are “lawful and are not criminal or civil offenses under Alaska law or the law of any political subdivision of Alaska or bases for seizure or forfeiture of assets under Alaska law”: (1) possessing, using, displaying, purchasing, or transporting marijuana accessories or less than one ounce of marijuana; (2) cultivating marijuana in accordance with the law; and (3) consuming marijuana (except in public). • Acts in accordance with the law, when performed by a validly licensed marijuana establishment or person age 21 or older acting as an owner, employee, or agent of an establishment, “are lawful and shall not be an offense under Alaska law or be a basis for seizure or forfeiture of assets under Alaska law.”
Effect of law on employers and landlords	<ul style="list-style-type: none"> • Law does not require employers to permit or accommodate the use, consumption, possession, transfer, display, transportation, sale, or growing of marijuana in the workplace or to affect the ability of employers to have policies restricting the use of marijuana by employees. • Law does not prohibit a person, employer, school, hospital, recreation or youth center, or correction facility from prohibiting or otherwise regulating the possession, consumption, use, display, transfer, distribution, sale, transportation, or growing of marijuana on or in that property. • Law does not prohibit a corporation, or any other entity who occupies, owns, or controls private property from prohibiting or otherwise regulating the possession, consumption, use, display, transfer, distribution, sale, transportation, or growing of marijuana on or in that property.
Taxes on marijuana establishments	All non-exempt marijuana sold or transferred from a marijuana cultivation facility is taxed as follows: (1) any part of the bud and flower at \$50 an ounce; and (2) the remainder of the plant at \$15 an ounce. This does not include marijuana transferred to a licensed testing facility.
Retail taxes	Not addressed by law or regulations.
Fund(s) created	Not addressed by law or regulations.
Studies required or requested	Not addressed by law or regulations.

<u>CALIFORNIA</u>	
Statute(s)	Control, Regulate, and Tax Adult Use of Marijuana Act (known as “Proposition 64” on the November 2016 ballot). Cal. Health & Safety Code §§ 11018.1 to 11018.2; § 11018.5; §§ 11357 to 11360; § 11361.1; § 11361.5; § 11361.8; §§ 11362.1 to 11362.45; § 11362.712; § 11362.713; § 11362.755; § 11362.84; § 11362.85; Cal. Business & Professions Code §§ 26000 to 26211; Cal. Labor Code § 147.6; Cal. Water Code § 13276; Cal. Revenue & Taxation Code §§ 34010 to 34021.5; Cal. Food & Agricultural Code § 81000; § 81006; § 81008; § 81010.
Effective date	November 9, 2016.
Regulations	None adopted to date.
Regulating authority	<ul style="list-style-type: none"> • Bureau of Marijuana Control within the California Department of Consumer Affairs (“Bureau”) has the authority to create, issue, renew, discipline, suspend, or revoke licenses for the transportation, storage (unrelated to manufacturing activities), distribution, and sale of marijuana within the state. • California Department of Food and Agriculture (“Food & Agriculture”) will administer the law related to the cultivation of marijuana. • California Department of Public Health will administer the law associated with the manufacturing and testing of marijuana. • Collectively referred to as “licensing authorities” in Proposition 64.
Website	None to date.
Types of marijuana establishments	Licenses are to be issued for marijuana cultivators, manufacturers, testing facilities, distributors, retailers, and microbusinesses (cultivation/manufacturing/retailer combined). By January 1, 2018, the Bureau is to investigate the feasibility of creating one or more classifications of nonprofit licenses.
Status of market	Proposition 64 went into effect on November 9, 2016, legalizing personal possession and home cultivation. Licensing authorities must begin issuing licenses by January 1, 2018.
Amount of marijuana allowed	<ul style="list-style-type: none"> • May possess, process, transport, purchase, obtain, or give away not more than 28.5 grams of marijuana not in the form of concentrated cannabis. • If in the form of concentrated cannabis, the limit is eight grams.
Restrictions on the use of marijuana	<ul style="list-style-type: none"> • Must be age 21 or older to possess, consume, cultivate, purchase or transfer marijuana. • Cannot smoke or ingest marijuana: (1) in any public place; or (2) in a location where smoking tobacco is prohibited; violation is an infraction subject to fine up to \$100, except that violators under age 18 are required to complete four hours of a drug education program or counseling, and up to 10 hours of community service.

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<u>CALIFORNIA</u>	
Restrictions on the use of marijuana (continued)	<ul style="list-style-type: none"> • Cannot possess or smoke marijuana or marijuana products: (1) within 1,000 feet of a school, day care center, or youth center while children are present, except in or upon the grounds of a private (only if such smoking is not detectable by others); or (2) on the grounds of, or within, any correctional facility.
Home cultivation - requirements and restrictions	<ul style="list-style-type: none"> • Allowed to cultivate or process not more than six living marijuana plants and possess the marijuana produced by the plants. • Six is also the limit on the total number of plants that may be planted, cultivated, harvested, dried, or processed within a single private residence, or upon the grounds of that private residence, at one time. • Plants and the marijuana produced by those plants, in excess of 28.5 grams, must be kept in a locked space, and not be visible by normal unaided vision from a public place.
Marijuana establishment – fees	<ul style="list-style-type: none"> • Each licensing authority will establish a scale of application, licensing, and renewal fees, based upon the estimated cost of administering the law and the size of the business. • Licenses will be valid for 12 months from the date of issuance.
Marijuana establishment application process	<ul style="list-style-type: none"> • A licensing authority must give priority in issuing licenses to applicants that can demonstrate that they operated in compliance with California’s medicinal use of marijuana laws. • Among other application requirements, an applicant must list the source or sources of water the applicant will use for the licensed activities, including a certification that the applicant may use that water legally under California law.
Marijuana establishments - ownership requirements and restrictions	<ul style="list-style-type: none"> • A licensee cannot be licensed as a retailer of alcoholic beverages or of tobacco products. • Person or entity may hold multiple types of licenses except for a person/entity that has a testing license. • License may not be issued to anyone who has not been a California resident continuously from January 1, 2015. • License may not be issued if the applicant, or any of its officers, directors, or owners, has been subject to fines or penalties for cultivation or production of a controlled substance on public or private lands. • License may not be issued if the applicant, or any of its officers, directors, or owners, has been sanctioned for unauthorized commercial marijuana activities or commercial medical cannabis activities, or has had a license revoked within the three years immediately preceding the date the application.

<u>CALIFORNIA</u>	
Marijuana establishments - ownership requirements and restrictions (continued)	<ul style="list-style-type: none"> • License may not be issued if the applicant or licensee has been convicted of an offense that is substantially related to the qualifications, functions, or duties of the business or profession for which the application is made, unless the licensing authority allows it after a thorough review. • Conviction for any controlled substance felony subsequent to licensure is grounds for revocation of a license or denial of the renewal of a license.
Marijuana establishments – operational requirements and restrictions	<ul style="list-style-type: none"> • No licensed premises may be located within a 600-foot radius of a school providing instruction in kindergarten or any grades one through 12, day care center, or youth center that is in existence at the time the license is issued (unless a licensing authority or a local jurisdiction specifies a different distance). • Cultivators must ensure that the licensed premises do not pose an unreasonable risk of fire or combustion. • Indoor and outdoor marijuana cultivation must be done in accordance with state and local laws related to land conversion, grading, electricity usage, water usage, water quality, woodland and riparian habitat protection, and agricultural discharges. • All finished marijuana and marijuana products must be in a secured and locked room, safe, or vault, and in a manner reasonably designed to prevent diversion, theft, and loss. • Licensed retailers and microbusinesses must implement security measures reasonably designed to prevent unauthorized entrance into areas containing marijuana or marijuana products and theft of marijuana or marijuana products from the premises. • Marijuana deliveries may only be made by a licensed retailer, microbusiness, or nonprofit. • Marijuana products must: (1) not be designed to be appealing to children or easily confused with commercially sold candy or foods that do not contain marijuana; (2) be produced and sold with a standardized dosage not to exceed 10 mg of THC per serving; and (3) be delineated or scored into standardized serving sizes if the marijuana product contains more than one serving and is an edible marijuana product in solid form. • Licensees cannot employ anyone under age 21 or allow an underage person on premises (unless they are a licensed medical marijuana dispensary and the individual is at least age 18 and has a valid medicinal use registration card). • No advertising may be placed in broadcast, cable, radio, print and digital communications unless at least 71.6 percent of the audience is reasonably expected to be 21 years of age or older.

<u>CALIFORNIA</u>	
Marijuana establishments – operational requirements and restrictions (continued)	<ul style="list-style-type: none"> • Cannot advertise or market on a billboard or similar advertising device located on an interstate or state highway which crosses the border of any other state. • Cannot publish or disseminate advertising or marketing containing symbols, language, music, gestures, cartoon characters or other content elements known to appeal primarily to underage persons. • Cannot advertise or market marijuana or marijuana products on an advertising sign within 1,000 feet of a day care center, school, playground, or youth center. • Each sales invoice must include: (1) the name and address of the seller; (2) name and address of the purchaser; (3) date of sale and invoice number; (4) kind, quantity, size, and capacity of packages of marijuana or marijuana products sold; (5) cost to the purchaser, together with any discount applied to the price as shown on the Invoice; (6) place from which transport of the marijuana or marijuana product was made unless transport was made from the premises of the licensee; and (7) any other information specified by the bureau or the licensing authority.
Marijuana establishment - inspections	<ul style="list-style-type: none"> • Bureau may examine the books and records of a licensee and inspect the premises of a licensee as the licensing authority during standard business hours of the licensed facility or at any other reasonable time. • Licensees must keep records identified by the licensing authorities on the premises and must allow examination of the records by a licensing authority. • All records related to commercial marijuana activity as defined by the licensing authorities must be maintained for a minimum of seven years. • If a licensee, or an agent or employee of a licensee, fails to maintain or provide the records, the licensee shall be subject to a citation and fine of up to \$30,000 per individual violation. • Sales invoices and receipts may be maintained electronically and must be filed in such manner as to be readily accessible for examination by Bureau or California Board of Equalization. • For purposes of examining tax records, any peace officer, or board employee granted limited peace officer status, is authorized to enter and conduct inspections: (1) in a reasonable manner and at a reasonable time; (2) at any place where marijuana is cultivated, stored, or sold, or any site where evidence of tax evasion could be discovered; and (3) no more than once in a 24-hour period.

<u>CALIFORNIA</u>	
Marijuana establishments - local control	<ul style="list-style-type: none"> • City, county, or city and county may enact and enforce reasonable regulations concerning home cultivation including the prohibition of outside activity. • No city, county, or city and county may completely prohibit the use or cultivation inside a secure private residence or accessory structure. • Any local jurisdiction may issue temporary local licenses to nonprofit entities primarily providing whole-plant marijuana and marijuana products and seed stock to low income persons. • Local jurisdiction cannot prevent transportation or delivery of marijuana or marijuana products on public roads by a licensee complying with the law. • Law does not supersede or limit the authority of a local jurisdiction to adopt and enforce local ordinances to regulate marijuana businesses, such as through local zoning and land use requirements, business license requirements, and requirements related to reducing exposure to second hand smoke. • Local jurisdiction may allow for the smoking, vaporizing, and ingesting of marijuana or marijuana products on the premises of a retailer or microbusiness if: (1) access to the area where marijuana consumption is allowed is restricted to persons aged 21 and older; (2) marijuana consumption is not visible from any public place or non-age restricted area; and (3) sale or consumption of alcohol or tobacco is not allowed on the premise.
Marijuana establishments - testing and labeling	<ul style="list-style-type: none"> • No marijuana or marijuana products may be sold unless a representative sample of such marijuana or marijuana product has been tested by a certified testing service to determine: (1) whether the chemical profile of the sample conforms to the labeled content of compounds; and (2) that the presence of contaminants does not exceed the levels in the most current version of the American Herbal Pharmacopoeia monograph. • Testing must be performed in a manner consistent with general requirements for the competence of testing and calibrations activities. • Public Health is to develop procedures to: (1) ensure that testing of marijuana and marijuana products occurs prior to distribution to retailers, microbusinesses, or nonprofits; (2) specify how often licensees shall test marijuana and marijuana products; and (3) require destruction of harvested batches whose testing samples indicate noncompliance with standards.

<u>CALIFORNIA</u>	
Marijuana establishments - testing and labeling (continued)	<ul style="list-style-type: none"> • Prior to delivery or sale at a retailer, marijuana and marijuana products must be placed in a re-sealable, child resistant package. • Packages and labels cannot be attractive to children. • All marijuana and marijuana product labels and inserts must have the following information, among other things: (1) manufacture date and source; (2) for packages containing only dried flower, the net weight of marijuana in the package; (3) identification of the source and date of cultivation, the type of marijuana or marijuana product and the date of manufacturing and packaging; (4) appellation of origin, if any; (5) list of pharmacologically active ingredients, including, but not limited to THC, CBD, and other cannabinoid content; (6) the THC and other cannabinoid amount in milligrams per serving, servings per package; (7) the potency of the marijuana or marijuana product; (8) for marijuana products, a list of all ingredients and disclosure of nutritional information; (9) a list of any solvents, nonorganic pesticides, herbicides, and fertilizers that were used; (10) a warning if nuts or other known allergens are used; and (11) information associated with the unique identifier issued by the Department of Food and Agriculture. • All marijuana and marijuana products must have one of the following two statements, in bold print: (1) for marijuana – “GOVERNMENT WARNING: THIS PACKAGE CONTAINS MARIJUANA, A SCHEDULE I CONTROLLED SUBSTANCE. KEEP OUT OF REACH OF CHILDREN AND ANIMALS. MARIJUANA MAY ONLY BE POSSESSED OR CONSUMED BY PERSONS 21 YEARS OF AGE OR OLDER UNLESS THE PERSON IS A QUALIFIED PATIENT MARIJUANA USE WHILE PREGNANT OR BREASTFEEDING MAY BE HARMFUL. CONSUMPTION OF MARIJUANA IMPAIRS YOUR ABILITY TO DRIVE AND OPERATE MACHINERY PLEASE USE EXTREME CAUTION”; and (2) for marijuana products - “GOVERNMENT WARNING: THIS PRODUCT CONTAINS MARIJUANA, A SCHEDULE I CONTROLLED SUBSTANCE. KEEP OUT OF REACH OF CHILDREN AND ANIMALS. MARIJUANA PRODUCTS MAY ONLY BE POSSESSED OR CONSUMED BY PERSONS 21 YEARS OF AGE OR OLDER UNLESS THE PERSON IS A QUALIFIED PATIENT. THE INTOXICATING EFFECTS OF MARIJUANA PRODUCTS MAY BE DELAYED UP TO TWO HOURS. MARIJUANA USE WHILE PREGNANT OR BREASTFEEDING MAY BE HARMFUL. CONSUMPTION OF MARIJUANA PRODUCTS IMPAIRS YOUR ABILITY TO DRIVE AND OPERATE MACHINERY. PLEASE USE EXTREME CAUTION.”

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<u>CALIFORNIA</u>	
Marijuana tracking system	<ul style="list-style-type: none"> • Food and Agriculture, in consultation with the Bureau and the California Board of Equalization, is to expand the “track and trace program” used for the medicinal use of marijuana to include the reporting of the movement of marijuana and marijuana products throughout the distribution chain. • Program must include an electronic seed to sale software tracking system with data points for the different stages of commercial activity including, but not limited to, cultivation, harvest, processing, distribution, inventory, and sale. • Food and Agriculture to establish a program for the identification of permitted marijuana plants at a cultivation site during the cultivation period, with a unique identifier issued for each plant.
Driving during / after use	<ul style="list-style-type: none"> • Under California law, “it is unlawful for a person who is under the influence of any drug to drive a vehicle.” • Marijuana law provides that it is not legal for a person to possess an open container or open package of marijuana or marijuana products while driving, operating, or riding in the passenger seat or compartment of a motor vehicle or other vehicle. • Marijuana laws provide that it is illegal to smoke or ingest marijuana or marijuana products while: (1) driving or operating a motor vehicle; and (2) while riding in the passenger seat or compartment of a motor vehicle, except as permitted in a motor vehicle for transportation so long as no person under age 21 is present.
Exemption from penalty provided by law	<p>“Marijuana and marijuana products involved in any way with conduct deemed lawful by this section are not contraband nor subject to seizure, and no conduct deemed lawful by this section shall constitute the basis for detention, search, or arrest.”</p>
Effect of law on employers and landlords	<ul style="list-style-type: none"> • Law does not prevent public and private employers from maintaining a drug and alcohol free workplace. • Law does not require an employer to permit or accommodate the use, consumption, possession, transfer, display, transportation, sale, or growth of marijuana in the workplace. • Law does not prevent employers from prohibiting the use of marijuana by employees and prospective employees, or prevent employers from complying with state or federal law. • Law does not restrict the ability of a state or local government agency to prohibit any of the activities allowed by the law within a building owned, leased, or occupied by the state or local government agency. • Law does not restrict the ability of an individual or private entity to prohibit otherwise allowed conduct on the individual’s or entity’s privately owned property.

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<u>CALIFORNIA</u>	
Taxes on marijuana establishments	As of January 1, 2018, there is a cultivation tax (to be paid by cultivators) on all harvested marijuana that enters the commercial market of \$9.25 per ounce of flowers and \$2.75 per ounce of leaves.
Retail taxes	<ul style="list-style-type: none"> • As of January 1, 2018, there is an excise tax of 15% imposed on purchasers of marijuana or marijuana products that applies to the full price. • Excise tax is in addition to the sales and use tax imposed by the state and local governments. • County may impose an additional tax on the privilege of cultivating, manufacturing, producing, processing, preparing, storing, providing, donating, selling, or distributing marijuana.
Fund(s) created	<ul style="list-style-type: none"> • Medical Marijuana Regulation and Safety Act Fund is renamed the Marijuana Control Fund (the “Fund”). • Fund consists of all taxes, interest, penalties, and other amounts collected and paid less payment of refunds. • Cal. Revenue and Taxation Code § 34019 to contain an extensive listing of the allowed disbursements (and order of disbursements) from the Fund; disbursements include \$10M annually to a public university or universities for research and \$3M annually to the California Highway Patrol for research into impairment.
Studies required or requested	<ul style="list-style-type: none"> • Controller is to disburse \$10M annually for ten fiscal years (beginning 2018-19) to a public university or universities to research and evaluate the implementation and effect of the law and, if appropriate, make recommendations to the California Legislature and Governor regarding possible amendments. • Controller to disburse \$3M annually to the Department of the California Highway Patrol for four years (beginning fiscal year 2018-2019) to establish and adopt protocols to determine whether a driver is operating a vehicle while impaired, including impairment by the use of marijuana or marijuana products. • By March 1, 2018, the California Division of Occupational Safety and Health shall convene an advisory committee to evaluate whether there is a need to develop industry-specific regulations related to marijuana establishment activities, including whether specific requirements are needed to address exposure to second-hand marijuana smoke and the potential risks of combustion, inhalation, armed robberies, or repetitive strain injuries.

<u>COLORADO</u>	
Statute(s)	Colo. Const. art. XVIII, § 16; C.R.S.A §§ 12-43.4-101 to 12-43.4-1101; § 18-3-106; § 18-3-205; §§ 39-28.8-201 to 39-28.8-502; § 42-4-1301.
Effective date	December 10, 2012. The law will be repealed on September 1, 2019, absent additional legislative action.
Regulations	1 CCR 212-2.102 to 212-2.1704. A number of changes to the regulations took effect on January 1, 2017.
Regulating authority	Colorado Department of Revenue, Marijuana Enforcement Division (“MED”), also referred to in the law as the State Licensing Authority (“SLA”).
Website	https://www.colorado.gov/pacific/enforcement/marijuanaenforcement .
Types of marijuana establishments	Marijuana stores, cultivation facilities, product manufacturers, testing facilities, transporters, and business operators.
Status of market	Operational. Retail stores first opened January 1, 2014. According to MED data, as of December 1, 2016, there are 454 stores, 625 cultivation facilities, 236 product manufacturers, and 14 testing facilities licensed in Colorado.
Amount of marijuana allowed	<ul style="list-style-type: none"> • Limit for possession, use, purchase, or transfer without remuneration is one ounce of retail marijuana flower. • Legal to possess or use marijuana accessories. • In terms of retail purchases, one ounce of flower is equivalent to either eight grams of marijuana concentrate or 80 ten milligram servings of THC in marijuana products.
Restrictions on the use of marijuana	<ul style="list-style-type: none"> • Must be age 21 or older to possess, purchase or consume marijuana; it is a Class 2 misdemeanor for an underage person to buy or possess retail marijuana. • Cannot consume marijuana “openly and publicly or in a manner that endangers others.”
Home cultivation - requirements and restrictions	<ul style="list-style-type: none"> • Allowed to cultivate up to six plants, with three or fewer being mature, flowering plants. • Allowed to possess the marijuana produced by the plants on the premises where the plants are cultivated. • Growing must take place in an enclosed, locked space and not conducted “openly or publicly.” • Homemade products cannot be made available for sale.

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Marijuana establishment – fees	<ul style="list-style-type: none"> • Application fees are split 50/50 between MED and local jurisdiction. • New license application fees → \$500 (if a current medical licensee seeking to convert or adding a retail establishment); \$1,000 (testing facility); \$5,000 (all others). • Renewal application fee → \$300 (unless renewal is late). • New annual license fee → \$2,000 (retail store); \$1,500 (all others). • Renewal annual license fee → \$1,500. • License fee for cultivate facility applies only to cultivators with fewer than 1,800 plants; cultivators can be approved for additional numbers of plants, at an increased annual fee. • Fees exist for individual licensees and administrative changes.
Marijuana establishment application process	<ul style="list-style-type: none"> • Completed applications for new licenses must be approved or denied by MED within 45-90 days after receipt. • Application must be approved by local jurisdiction where facility is located and licensee may not operate until that approval is received. • Applicant has one year from the date of licensing by SLA to gain local approval or licensing. • Marijuana establishment must disclose all business interests at the time of initial application and at the time of each renewal application; business interests include “Financial Interests” and “Affiliated Interests”; any Financial Interest must be pre-approved by MED. • If proposed licensee is determined to be a closely-held entity, there are additional disclosures that must be made to MED. • Fingerprint-based criminal history record check for all owners, officers, managers, contractors, employees, and other support staff of entities.
Marijuana establishments - ownership requirements and restrictions	<ul style="list-style-type: none"> • Owner of a testing facility cannot own any other type of facility. • Entities with existing medical marijuana establishment licenses can hold retail licenses. • Retail marijuana business may be comprised of an unlimited number of direct beneficial interest owners that have been residents of Colorado for at least one year prior to the date of the application. • Publicly-traded company cannot be a direct beneficial interest owner. • As of January 1, 2017, a retail marijuana business that is comprised of one or more direct beneficial interest owners who have not been Colorado residents for at least one year prior to application shall have at least one officer who has been a Colorado resident for at least one year prior to application and all officers with day-to-day operational control over the business must be Colorado residents for at least one year prior to application.

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<u>COLORADO</u>	
Marijuana establishments - ownership requirements and restrictions (continued)	<ul style="list-style-type: none"> • Proposed owner must be at least age 21 and, among other things, cannot have failed to file tax returns related to any personal or medical marijuana establishment. • Subject to certain exceptions, a licensee cannot be a person convicted of a controlled substances felony within past 10 years or with other felony conviction(s) discharged within past five (5) years. • Owners cannot be persons who are not of good moral character or are financed by, or employ someone whose past criminal record indicates they are not of good moral character. • Owners cannot be sheriffs, deputy sheriffs, police officers, prosecuting officers, or employee of SLA. • Cannot hold a secured interest in marijuana or marijuana products. • Qualified Institutional Investors may hold ownership interests, in the aggregate, of 30% or less in the Retail Marijuana Establishment. • All applications for transfers of ownership and changes in licensed entities by marijuana establishments must be reported to the State Licensing Authority or its designee and relevant local jurisdiction at least 30 days prior to any requested transfer or change.
Marijuana establishments – operational requirements and restrictions	<ul style="list-style-type: none"> • All managers and employees of a retail marijuana establishment shall be residents of Colorado upon the date of their license application. • Retail marijuana or retail marijuana products may not be consumed on the premises of any establishment. • Areas where marijuana is cultivated, stored, weighed, packaged, or tested are “limited access areas” and only authorized persons (or visitors chaperoned by authorized persons) may enter. • Establishments are prohibited from selling or giving away any consumable product, including but not limited to cigarettes or alcohol, or edible product that does not contain marijuana. • Medical marijuana licensed operation and retail marijuana establishment with common ownership may be operated at the same location if: (1) the medicinal use establishment does not allow persons under age 21 on the premises; and (2) if the local jurisdiction permits such a dual operation. • Cannot sell, serve, distribute, or initiate the transport of marijuana or marijuana products at any time other than between 8:00 am and 12:00 am. • Online sales are not allowed. • As of October 2017, edible marijuana products in the shape of a human, animal, or fruit; or a shape that bears the likeness of a realistic or fictional human, animal or character are not allowed.

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<u>COLORADO</u>	
Marijuana establishments – operational requirements and restrictions (continued)	<ul style="list-style-type: none"> • No false, deceptive or misleading ads. • Cannot use TV/ internet/radio/print media advertising unless less than 30% of target audience is under 21. • Cannot use ads or logos that appeal to minors or target out-of-state residents. • Cannot assert that products are “safe”. • Retail establishment ads or signs cannot be visible to public from street, sidewalk, park or other public place except for fixed sign located on premises. • Each individually packaged edible marijuana product, even if comprised of multiple servings, may include no more than a total of 100 milligrams of active THC. • All cultivation facility licenses granted after November 30, 2015, authorize production of no more than 1,800 plants at any given time, subject to allowed increase by MED. • Retail establishment must retain books and records necessary to fully account for the business transactions conducted under its license for the current year and three preceding years; most recent six months of records must be on premises.
Marijuana establishment - inspections	<ul style="list-style-type: none"> • MED can inspect on-premises records on demand anytime during business hours and off premises records must be provided within three days of request by MED. • Establishments are subject to inspection by the local fire department, building inspector, or code enforcement officer to confirm that no health or safety concerns are present. • When the SLA deems it necessary, it may require an establishment to undergo an audit by an independent accountant; scope of the audit may include, but need not be limited, to financial transactions and inventory control measures. • Applicants and licensees must cooperate with MED employees of the Division who are conducting inspections or investigations.
Marijuana establishments - local control	<ul style="list-style-type: none"> • Local jurisdiction may prohibit the operation of retail marijuana establishments through the enactment of an ordinance or through a referred or initiated measure. • If a county acts to prohibit establishments through an initiated measure, the proponents must submit a petition signed by not less than 15% of the registered electors in the county. • Any local jurisdiction may enact ordinances or regulations governing the time, place, manner, and number of retail marijuana establishments, including a local licensing requirement. • If a local jurisdiction issues local licenses, they may schedule a public hearing on the application.

<u>COLORADO</u>	
Marijuana establishments - testing and labeling	<ul style="list-style-type: none"> • Cultivation or manufacturing facility cannot sell any product until its cultivation or production process has been validated through contaminant testing. • Facilities must also have samples taken for testing from 10% of harvest or production batches. • Retail establishments may be required to submit samples for testing based on random or risk-based processes. • Testing must also verify THC potency representations and homogeneity for correct labeling and provide a cannabinoid profile for the marijuana product. • Labels for marijuana and marijuana products must contain, at the very least: (1) warning labels; (2) amount of THC per serving and the number of servings per package for marijuana products; (3) a universal symbol indicating the package contains marijuana; and (4) the potency of the retail marijuana or retail marijuana product highlighted on the label.
Marijuana tracking system	<ul style="list-style-type: none"> • All operational licensed establishments must have an active Marijuana Inventory Tracking System (“METRC”), a radio-frequency identification system (“RFID”), account and have all inventory and plants associated with an RFID tag prior to their first transfer or sale of marijuana or marijuana product inventory. • Establishments must reconcile transactions to METRC on a daily basis.
Driving during / after use	<ul style="list-style-type: none"> • It is illegal to drive “under the influence” or “while impaired” by one or more drugs. • In addition, there is a permissible inference that a person is “under the influence” of a drug if his or her THC level in blood is greater than or equal to 5.0 ng/ml, at the time of the offense “or within a reasonable time thereafter.” • A person in the passenger area of a motor vehicle may not use marijuana or have an open marijuana container in their possession.
Exemption from penalty provided by law	<p>The possession and use of marijuana in accordance with state law by a person aged 21 or older are acts that “are not unlawful and shall not be an offense under Colorado law or the law of any locality within Colorado or be a basis for seizure or forfeiture of assets under Colorado law.”</p>

<u>COLORADO</u>	
Effect of law on employers and landlords	<ul style="list-style-type: none"> • Law does not require an employer to permit or accommodate the use, consumption, possession, transfer, display, transportation, sale or growing of marijuana in the workplace or to affect the ability of employers to have policies restricting the use of marijuana by employees. • Law does not prohibit a person, employer, school, hospital, detention facility, corporation or any other entity who occupies, owns or controls a property from prohibiting or otherwise regulating the possession, consumption, use, display, transfer, distribution, sale, transportation, or growing of marijuana on or in that property. • Law does not prohibit a person, employer, school, hospital, detention facility, corporation or any other entity who occupies, owns or controls a property from prohibiting or otherwise regulating the possession, consumption, use, display, transfer, distribution, sale, transportation, or growing of marijuana on or in that property.
Taxes on marijuana establishments	Retail marijuana is subject to a 15% excise tax on the first sale of marijuana from a cultivation facility to a store, product manufacturing facility, or another cultivation facility. The tax is applied to the average market price of the marijuana. Average market prices are developed for seeds, immature plants, wet whole plant, bud and trim.
Retail taxes	<ul style="list-style-type: none"> • Retail marijuana sales are subject to a 10% special sales tax plus Colorado’s regular 2.9% state sales tax. • Localities are entitled to apply their own general sales tax to marijuana, but they cannot establish marijuana specific taxes.
Fund(s) created	<ul style="list-style-type: none"> • Marijuana Tax Cash Fund (“Marijuana Fund”). • The first \$40 million from excise tax on producers goes to Public School Capital Construction Assistance Fund, with the remainder to the Marijuana Fund. • 15% of the special retail sales tax is distributed to local governments that allow retail marijuana sales, with the remaining 85% to the Marijuana Fund. • Amounts transferred to the Marijuana Fund may be appropriated by legislature in any fiscal year following the year of receipt towards the following programs, among other things: studies of law enforcement activities and costs, marijuana education and prevention campaigns for public and law enforcement, obtaining health data about marijuana and other drug use, school-based prevention, and community-based marijuana prevention programs.
Studies required or requested	MED must gather data and study law enforcement’s activity and costs related to the personal, non-medical use of marijuana in Colorado in 2006-2007 as compared to 2014-2015.

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<u>DISTRICT OF COLUMBIA</u>	
Statute(s)	DC Code §§ 22-571.01; 47-2844; 48-904.01; 48-911.01; 48-1103.
Effective date	February 26, 2015.
Regulations	None adopted to date.
Regulating authority	None.
Website	http://mpdc.dc.gov/page/facts-dc-marijuana-laws .
Types of marijuana establishments	Not allowed. District of Columbia law allows the possession, use, and home cultivation of marijuana only. It does not address (and thus does not legalize) retail cultivation or the retail sale of marijuana.
Status of market	N/A
Amount of marijuana allowed	<ul style="list-style-type: none"> • May possess, use, purchase, or transport marijuana weighing two ounces or less. • May transfer marijuana weighing one ounce or less to another person (age 21 or older) without remuneration.
Restrictions on the use of marijuana	<ul style="list-style-type: none"> • Must be aged 21 or older to possess, use, purchase or transport. • Cannot possess or consume marijuana on federal property (about 20% of land area in District). • Cannot possess or consume marijuana in a public place, which includes anywhere that the public is invited; a “private club,” including “any building, facility, or premises used or operated by an organization or association for a common avocational purpose, such as a fraternal, social, educational, or recreational purpose” is considered a place where the public is invited (and thus marijuana social clubs are not allowed). • Cannot possess or consumer marijuana in a drug free zone, which includes: (1) all areas within 1,000 feet of an appropriately identified public or private day care center, elementary school, vocational school, secondary school, junior college, college, or university; (2) any public swimming pool, playground, video arcade, youth center, or public library, or (3) in and around public housing.
Home cultivation - requirements and restrictions	<ul style="list-style-type: none"> • May possess, grow, harvest, or process, within the interior of a house or rental unit that constitutes such person’s principal residence, no more than six cannabis plants, with three or fewer being mature, flowering plants. • All persons residing within a single house or single rental unit may not possess, grow, harvest, or process collectively more than 12 cannabis plants, with six or fewer being mature, flowering plants.
Marijuana establishment – fees	N/A

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<u>DISTRICT OF COLUMBIA</u>	
Marijuana establishment application process	N/A
Marijuana establishments - ownership requirements and restrictions	N/A
Marijuana establishments – operational requirements and restrictions	N/A
Marijuana establishment - inspections	N/A
Marijuana establishments - local control	N/A
Marijuana establishments - testing and labeling	N/A
Marijuana tracking system	N/A
Driving during / after use	In the District of Columbia, it is illegal to drive while either “intoxicated” or “under the influence” of any drug. The marijuana-specific laws do not address driving during or after marijuana use.
Exemption from penalty provided by law	“Notwithstanding any provision of this chapter to the contrary, it shall be lawful, and shall not be an offense under District of Columbia law, for any person 21 years of age or older to” possess or use marijuana in accordance with the law.
Effect of law on employers and landlords	<ul style="list-style-type: none"> • Law does not require any District government agency or office, or any employer, to permit or accommodate the use, consumption, possession, transfer, display, transportation, sale, or growing of marijuana in the workplace. • Law does not restrict the ability of any agency, office, or employer to establish and enforce policies restricting the use of marijuana by employees.

<u>DISTRICT OF COLUMBIA</u>	
Effect of law on employers and landlords (continued)	<ul style="list-style-type: none"> • An employer may only test a prospective employee for marijuana use after a conditional offer of employment has been extended, unless otherwise required by law. • No District government agency or office shall limit or refuse to provide any facility service, program, or benefit to any person based upon or by reason of allowed conduct. • Law does not prohibit any person, business, corporation, organization, or other entity, or District government agency or office, who or which occupies, owns, or controls any real property, from prohibiting or regulating the possession, consumption, use, display, transfer, distribution, sale, transportation, or growing of marijuana on or in that property.
Taxes on marijuana establishments	N/A
Retail taxes	N/A
Fund(s) created	N/A
Studies required or requested	None.

<u>MAINE</u>	
Statute(s)	Maine Marijuana Legalization Measure (known as “Question 1” on the November 2016 ballot). 7 M.R.S.A. §§ 2441 to 2454; 36 M.R.S.A. § 1817.
Effective date	January 30, 2017 (30 days after December 31, 2016, when the Maine Governor signed a proclamation enacting Question 1).
Regulations	None adopted to date. Under the law, regulations are to be adopted within nine months of the effective date.
Regulating authority	Maine Department of Agriculture, Conservation and Forestry (“state licensing authority” or “SLA”).
Website	None to date.
Types of marijuana establishments	Retail marijuana store, retail marijuana social club, retail marijuana cultivation facility, retail marijuana products manufacturing facility, and retail marijuana testing facility.
Status of market	Not operational at this time.
Amount of marijuana allowed	<ul style="list-style-type: none"> • Person aged 21 or older may use, possess, or transport marijuana accessories and up to 2 1/2 ounces of prepared marijuana. • May transfer or furnish, without remuneration, up to 2 1/2 ounces of marijuana and up to six immature plants or seedlings to a person who is 21 years of age or older. • May possess, grow, cultivate, process, or transport up to six flowering marijuana plants, 12 immature plants, and unlimited seedlings, and possess all the marijuana produced by the plants at the adult’s residence. • May purchase up to 2 1/2 ounces of retail marijuana and marijuana accessories from a retail marijuana store. • May purchase up to 12 seedlings or immature plants from a retail marijuana cultivation facility.
Restrictions on the use of marijuana	<ul style="list-style-type: none"> • Must be age 21 or older to purchase or consume. • Cannot consume marijuana in a public place. A violation is a civil penalty subject to a fine up to \$100. • Cannot consume marijuana on federal property. • Restrictions on smoking tobacco products in specified areas also apply to smoking marijuana. • Cannot consume marijuana in any retail marijuana establishment other than a marijuana social club.

<u>MAINE</u>	
Home cultivation - requirements and restrictions	<ul style="list-style-type: none"> • Person age 21 or older may cultivate up to six flowering marijuana plants at that person’s place of residence, on property owned by that person, or on another person’s property with written permission of the owner of the property. • Marijuana plants cannot be visible from a public way without the use of binoculars, aircraft or other optical aids. • Must take reasonable precautions to prevent unauthorized access by a person under 21 years of age. • Must have a legible tag on each marijuana plant that includes, at least the person’s name and Maine driver’s license number or Maine identification number.
Marijuana establishment – fees	<ul style="list-style-type: none"> • Statutes enacted through Question 1 contain permissible ranges of fees; SLA is to establish actual fees through regulation. • Retail marijuana store→ annual license fee of \$250 to \$2,500. • Retail marijuana cultivation facility→ annual license fee of \$10 to \$100 per unit block (10’x 10’ block of marijuana canopy). • Retail marijuana products manufacturing facility→ annual license of \$100 to \$1,000. • Retail marijuana testing facility→ annual license of \$500. • Retail marijuana social club→ annual license of \$250 to \$2,500. • Application fees of \$10 to \$250. • Licenses are effective for one year.
Marijuana establishment – application process	<ul style="list-style-type: none"> • Applicant may apply for and be granted more than one type of license except that a person licensed as a retail marijuana testing facility may not hold any other retail marijuana establishment license. • SLA to issue or renew a license to operate a retail marijuana establishment within 90 days of the date of receipt of the application that meets all requirements unless the applicant is not in compliance with laws or the maximum number of establishments has been reached. • Caregivers and dispensaries who are registered under the medicinal use of marijuana laws and who have held a registration in good standing for two years must be given priority in the granting of marijuana establishment licenses. • SLA cannot limit the number of retail marijuana stores. • Municipality may regulate the number of retail marijuana stores, the location and operation of retail marijuana establishments, and may prohibit their operation. • SLA may establish limitations on amount of marijuana cultivation.

<u>MAINE</u>	
Marijuana establishments – ownership requirements and restrictions	<ul style="list-style-type: none"> • Any natural person who applies for a license must be age 21. • There is a criminal history check as part of application, which involves submitting fingerprints for state and federal law enforcement background investigation. • Any establishment license application must also be approved by the municipality where the establishment is located. • Transfers of ownership are allowed if both SLA and municipality approve. • No licensee may have had a marijuana license revoked, or been convicted of a “disqualifying drug offense,” which means a conviction for a violation of a state or federal controlled substance law that is a crime punishable by imprisonment for five years or more (unless any probation or incarceration was completed more than 10 years ago). • Sheriff, deputy sheriff, police officer, prosecuting officer, or an officer or employee of SLA or a municipality may not be a licensee. • SLA must require a complete disclosure of all persons having a direct or indirect financial interest, and the extent of such interest, in each license issued under this chapter. • Occupational licenses and registrations are required for owners, managers, operators, employees, contractors and other support staff employed at, working in or having access to restricted access areas of the licensed premises; SLA to adopt rules governing procedure for individual identification cards.
Marijuana establishments – operational requirements and restrictions	<ul style="list-style-type: none"> • No more than six retail marijuana cultivation facilities or more than 300 unit blocks of plant canopy may be located on the same parcel of property. • Amount of space approved for all marijuana cultivation statewide is limited to 800,000 square feet of plant canopy, unless SLA allows an additional amount. • If SLA imposes disciplinary action against an establishment, the action can include an order that that some or all of the licensee’s marijuana or marijuana products is not retail marijuana or a retail marijuana product and is an illegal controlled substance. <p>Specific to retail stores:</p> <ul style="list-style-type: none"> • Cannot sell or give away any consumable product not containing marijuana, including cigarettes, alcohol, and food. • Automatic dispensing machines that contain retail marijuana and retail marijuana products are prohibited. • A retail marijuana product may not contain an additive designed to make the product more appealing to children.

<u>MAINE</u>	
Marijuana establishments – operational requirements and restrictions (continued)	<p>Specific to retail stores:</p> <ul style="list-style-type: none"> • Cannot: (1) display any signs that are inconsistent with local laws or regulations; (2) use advertising material that is misleading, deceptive or false, or that is designed to appeal to a person under 21 years of age; (3) sell retail marijuana or retail marijuana products to a person under 21 years of age without checking the person’s identification; or (4) have on the licensed premises any retail marijuana, retail marijuana products or marijuana paraphernalia that shows evidence of consumption. • SLA to adopt rules to prohibit certain signs, marketing and advertising. <p>Specific to cultivation facilities:</p> <ul style="list-style-type: none"> • Cultivation facility may have a retail marijuana store if it is located on the same licensed premises as the retail marijuana cultivation facility. <p>Specific to products manufacturing facilities:</p> <ul style="list-style-type: none"> • Can cultivate marijuana if also hold a cultivation license. • May not add marijuana to a food product if the manufacturer of the food product holds a trademark to the food product’s name (unless the food product is just used as an ingredient). • Cannot intentionally or knowingly label or package a retail marijuana product in a manner that would cause a reasonable consumer confusion as to whether the retail marijuana product was a trademarked food product. <p>Specific to marijuana social clubs:</p> <ul style="list-style-type: none"> • All retail marijuana and retail marijuana products purchased at a licensed retail marijuana social club must be consumed or disposed of on and may not be taken off the licensed premises. • Must be at least age 21 to be on premises.
Marijuana establishment – inspections	<ul style="list-style-type: none"> • Licensee must keep a complete set of all records necessary to show fully the business transactions of the licensee, all of which must be open at all times during business hours for the inspection and examination by SLA or authorized representatives. • SLA may require an audit on such occasions as it may consider necessary by an auditor to be selected by SLA, with costs paid for by licensee. • Licensed premises, including any places of storage, where retail marijuana or retail marijuana products are stored, cultivated, sold, dispensed or tested are subject to inspection by the State or the municipality.

<u>MAINE</u>	
Marijuana establishment – inspections (continued)	<ul style="list-style-type: none"> • SLA may on its own motion or on complaint, after investigation and opportunity for a public hearing, fine a licensee or to suspend or revoke a license for a violation; fine imposed may not be less than \$500 nor more than \$10,000.
Marijuana establishments – local control	<ul style="list-style-type: none"> • Local municipality may regulate retail marijuana establishments and retail marijuana social clubs that are at least as restrictive as state law. • Marijuana establishment may not operate until it is licensed by SLA and approved by the municipality in which it is located. • If an application is denied by the municipality, a licensee has 90 days to locate and obtain legal interest in another property in a municipality that approves of the retail marijuana establishment or retail marijuana social club before the license is revoked. • Municipality may impose a separate local licensing requirement as a part of its restrictions on time, place, manner and the number of marijuana businesses.
Marijuana establishments – testing and labeling	<ul style="list-style-type: none"> • SLA must establish a retail marijuana and retail marijuana products independent testing and certification program. • Testing must include analysis for residual solvents, poisons, and toxins, harmful chemical, dangerous molds and mildew, harmful microbes, such as Escherichia coli and salmonella, and pesticides. • Testing must verify THC potency representations for correct labeling. • Marijuana and marijuana products sold at retail must contain labels listing: (1) license number of the retail marijuana cultivation facility license; (2) license number of the retail marijuana store license; (3) an identity statement and a universal symbol; (4) batch number; (5) net weight statement; (6) THC potency and the potency of such other cannabinoids or other chemicals; (7) warning labels; (8) solvents used in marijuana extraction; (9) amount of THC per serving and the number of servings per package for retail marijuana products; (10) list of ingredients and possible allergens for retail marijuana products; (11) recommended use date or expiration date for retail marijuana products; and (12) nutritional fact panel for edible retail marijuana products.
Marijuana tracking system	Marijuana establishments are required to track all marijuana or marijuana products from the point of entry into the business (or seed/plant if a cultivation facility) to the point of sale or transfer.
Driving during / after use	There is no provision in Question 1 regarding the use of marijuana before or while driving. Under Maine law, a person commits an offense if they operate a vehicle “[w]hile under the influence of intoxicants.” Intoxicants are defined as “alcohol, a drug other than alcohol, a combination of drugs or a combination of alcohol and drugs.”

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<u>MAINE</u>	
Exemption from penalty provided by law	“[T]he actions specified in this chapter are legal under the laws of this State and do not constitute a civil or criminal offense under the laws of this State or the law of any political subdivision within this State or serve as a basis for seizure or forfeiture of assets under state law.”
Effect of law on employers and landlords	<ul style="list-style-type: none"> • Law does not require “an employer to permit or accommodate the use, consumption, possession, trade, display, transportation, sale or growing of cannabis in the workplace.” • Law “does not affect the ability of employers to enact and enforce workplace policies restricting the use of marijuana by employees or to discipline employees who are under the influence of marijuana in the workplace.” • School, employer, or landlord “may not refuse to enroll or employ or lease to or otherwise penalize a person 21 years of age or older solely for that person’s consuming marijuana outside of the school’s, employer’s or landlord’s property.” • Person may not be denied parental rights and responsibilities with respect to or contact with a minor child as a result of acting in accordance with the law, “unless the person’s conduct is contrary to the best interest of the minor child.”
Taxes on marijuana establishments	Not addressed by law.
Retail taxes	Retail stores and social clubs must collect sales tax of 10% at the point of final sale.
Fund(s) created	<ul style="list-style-type: none"> • All sales tax revenue is to be deposited in the General Fund. • Revenue may not be used to directly fund any new state programs except for the Maine Criminal Justice Academy for the purpose of training law enforcement personnel on retail marijuana and retail marijuana products laws and rules.
Studies required or requested	Not addressed by law.

<u>MASSACHUSETTS</u>	
Statute(s)	Regulation and Taxation of Marijuana Act (known as “Question 4” on the November 2016 ballot). M.G.L.A. 10 §§ 76-77; M.G.L.A. 64N §§ 1 to 5; M.G.L.A. 94G §§ 1 to 14.
Effective date	December 15, 2016.
Regulations	None adopted to date. According to Question 4, initial regulations were to be adopted by September 15, 2017. In December 2016, the law was amended through legislation to push back the deadline for initial regulations to March 2018.
Regulating authority	Massachusetts Cannabis Control Commission (“Commission”).
Website	None to date.
Types of marijuana establishments	Marijuana cultivator, marijuana testing facility, marijuana product manufacturer, and marijuana retailer.
Status of market	Not operational. Under the new law (as amended in December 2016), if the Commission has not adopted regulations before July 2018, medical marijuana treatment centers may begin to possess, cultivate, process, manufacture, package, test, and sell marijuana and marijuana products until such regulations are adopted.
Amount of marijuana allowed	<ul style="list-style-type: none"> • May possess, use, purchase, or transfer (without remuneration) one ounce or less of marijuana, except that no more than five grams of marijuana may be in the form of marijuana concentrate. • May possess, within the person’s primary residence, up to 10 ounces of marijuana and any marijuana produced by marijuana plants cultivated on the premises. • If more than one ounce of marijuana is possessed at a person’s residence, the amount above one ounce must be “secured by a lock.”
Restrictions on the use of marijuana	<ul style="list-style-type: none"> • Must be at least 21 years of age to possess, use, purchase, obtain, cultivate, process, manufacture, deliver or sell or otherwise transfer marijuana or marijuana accessories. • Cannot consume in a public place or smoke where smoking tobacco is prohibited. A violation is a civil penalty of not more than \$100. • Cannot possess or consume marijuana or marijuana accessories on the grounds of or within a public or private school where children attend classes in preschool programs, kindergarten programs or grades one to 12, inclusive, or on the grounds of or within any correctional facility.

<u>MASSACHUSETTS</u>	
Restrictions on the use of marijuana (continued)	<ul style="list-style-type: none"> • Possession (outside the residence) of between one and two ounces, or possession (inside residence) of between seven and 12 plants is a civil penalty subject to a fine of up to \$100. • Unless done pursuant to a marijuana product manufacturer license, no person can manufacture marijuana or hemp by means of any liquid or gas, other than alcohol, that has a flashpoint below 100 degrees Fahrenheit.
Home cultivation - requirements and restrictions	<ul style="list-style-type: none"> • Allowed to cultivate or process up to six marijuana plants for personal use so long as not more than 12 plants are cultivated on the premises at once. • Allowed to possess any marijuana produced by marijuana plants cultivated on the premises. • Marijuana cannot be visible from a public place without the use of binoculars, aircraft or other optical aids and must be in an area equipped with a lock or other security device. A violation is a civil penalty of up to \$300.
Marijuana establishment – fees	<ul style="list-style-type: none"> • Commission to set license fees by regulation. • Initial application fee cannot exceed \$3,000. • Annual license for retail marijuana store, product manufacturer, or cultivator cannot exceed \$15,000. • Annual license for testing facility cannot exceed \$10,000. • Licenses are effective for one year.
Marijuana establishment – application process	<ul style="list-style-type: none"> • Upon receipt of a complete application and fee, the Commission must forward a copy of the application to the city or town in which the marijuana establishment is to be located. • Within 90 days (and assuming locality approves application), Commission must either: (1) issue the appropriate license; or (2) send to the applicant a notice of rejection setting forth specific reasons why the application was denied.
Marijuana establishments – ownership requirements and restrictions	<ul style="list-style-type: none"> • Regulations cannot prohibit a medical marijuana treatment center and an experienced marijuana establishment operator from operating a medical marijuana treatment center and a marijuana establishment at a shared location. • Individual who will be a controlling person of the proposed marijuana establishment cannot have been convicted of a felony (except a prior conviction solely for a marijuana offense unless the offense involved distribution of a controlled substance to a minor).

<u>MASSACHUSETTS</u>	
Marijuana establishments – operational requirements and restrictions	<ul style="list-style-type: none"> • Establishment cannot be within 500 feet of a pre-existing public or private school providing education in kindergarten or any of grades one through 12 (unless a city or town adopts an ordinance or by-law that reduces the distance requirement). • Commission may suspend or revoke the license of a licensee for violating laws and regulations. • Establishment must secure every entrance so that access to areas containing marijuana is restricted to employees and others permitted to access. • Inventory and equipment must be secured during and after hours. • Any greenhouse or outdoor marijuana cultivation must have sufficient security measures to prevent unauthorized entry, including perimeter security fencing. • No cultivation, processing, manufacture, sale, or display of marijuana or marijuana products may be visible from a public place without the use of binoculars, aircraft or other optical aids. • No person under 21 years of age may volunteer or work for the marijuana establishment. • No marijuana establishment may cultivate, manufacture, sell or otherwise transact business with any products containing cannabinoids other than those that were produced, distributed and taxed in compliance with state law
Marijuana establishment – inspections	<ul style="list-style-type: none"> • Commission is required to conduct investigations of compliance and perform regular inspections of marijuana establishments and the books and records of marijuana establishments. • Establishment may not refuse to allow representatives of the Commission to inspect the entire premises or audit books and records.
Marijuana establishments – local control	<ul style="list-style-type: none"> • City or town may adopt ordinances and by-laws that impose reasonable safeguards on the operation of marijuana establishments, provided they are not unreasonably impracticable and are not in conflict with the law. • Localities may govern the time, place and manner of marijuana establishment operations and of any business dealing in marijuana accessories. • Localities may limit the number of marijuana establishments in the city or town. • Locality may restrict the licensed cultivation, processing and manufacturing of marijuana that is a public nuisance. • Locality may establish reasonable restrictions on public signs. • Localities may establish civil penalties for violations.

<u>MASSACHUSETTS</u>	
Marijuana establishments – local control (continued)	<ul style="list-style-type: none"> • Limitations must be enacted via a city/town vote if the proposed regulation: (1) prohibits the operation of one or more types of establishments; (2) limits the number of establishments to less than 20% of the number of retail alcohol establishment licenses; or (3) limits the number of establishments to less than the number of medical marijuana treatment centers registered to engage in the same type of activity in the locality.
Marijuana establishments – testing and labeling	<ul style="list-style-type: none"> • Commission to adopt regulations that establish requirements for the testing of random samples of marijuana and marijuana products to verify that marijuana and marijuana products are accurately labeled and do not contain excess contaminants. • Labels must include: (1) a symbol or other easily recognizable mark indicating that the package contains marijuana; (2) an identification of the marijuana cultivator or the marijuana product manufacturer who produced the marijuana or marijuana product; and (3) the amount of THC in a package and in each serving of a marijuana; (4) the number of servings in a package; and (5) a list of ingredients and possible allergens. • Commission to adopt regulations pertaining to labels.
Marijuana tracking system	Not addressed by law.
Driving during / after use	<ul style="list-style-type: none"> • Law does not amend existing penalties for operating, a motor vehicle while impaired by marijuana or a marijuana product. • It is illegal to operate a motor vehicle “while under the influence of intoxicating liquor, or of marijuana, narcotic drugs, depressants or stimulant substances.” • Person may not possess an open container of marijuana in the passenger area of a vehicle while the vehicle is in any publicly accessed area; a violator faces a civil penalty up to \$500.
Exemption from penalty provided by law	<ul style="list-style-type: none"> • A person aged 21 years or older who possess, uses, cultivates, or purchases marijuana in accordance with the law “shall not be arrested, prosecuted, penalized, sanctioned or disqualified under the laws of the commonwealth in any manner, or denied any right or privilege and shall not be subject to seizure or forfeiture of assets.” • Absent “clear, convincing and articulable evidence” that there is “an unreasonable danger to the safety of a minor child,” neither the presence of cannabinoid components in a person’s bodily fluids nor conduct permitted under the law can form “the sole or primary basis” for removal, termination, or denial of custody, visitation or any other parental right or responsibility. • As a matter of public policy, contracts related to the operation of marijuana establishments are enforceable.

<u>MASSACHUSETTS</u>	
Effect of law on employers and landlords	<ul style="list-style-type: none"> • Law does not prevent a person from prohibiting or regulating the consumption, display, production, processing, manufacture or sale of marijuana and marijuana accessories on or in property the person owns, occupies or manages. • Lease agreement may not prohibit a tenant from consuming marijuana by a means other than smoking on or in property in which the tenant resides unless allowing it would cause the landlord to violate a federal law or regulation. • Law does not prevent the commonwealth or local government agency from prohibiting or otherwise regulating the possession or consumption of marijuana or marijuana accessories within a building owned, leased or occupied by the commonwealth or agency. • An employer is not required to permit or accommodate the use or possession of marijuana in the workplace. • Law does not prevent an employer from enforcing workplace policies restricting the consumption of marijuana by employees.
Taxes on marijuana establishments	Not addressed by law.
Retail taxes	<ul style="list-style-type: none"> • There is an excise tax (in addition to state sales tax) on the sale of marijuana or marijuana products by a marijuana retailer to anyone other than a marijuana establishment at a rate of 3.75 per cent of the total sales price. • Any city or town may impose a local sales tax upon the sale or transfer of marijuana or marijuana products by a marijuana retailer at a rate not greater than 2 per cent.
Fund(s) created	<ul style="list-style-type: none"> • Marijuana Regulation Fund, which consists of all monies received as a result of applications for and licensing of marijuana establishments, all civil penalties received for violations, and revenue generated by the state tax. • Monies in the fund shall be expended first for the implementation, administration and enforcement of the marijuana laws by the Commission and cities and towns that authorize the operation of marijuana establishments; any unexpended balances at the end of a fiscal year may be redeposited in the General Fund.
Studies required or requested	Statutorily created Cannabis Advisory Board may study and make recommendations on the regulation of marijuana and marijuana products.

<u>NEVADA</u>	
Statute(s)	Initiative to Regulate and Tax Marijuana (known as “Question 2” on the November 2016 ballot). Question 2 does not specify a location in the Nevada Code for the new laws.
Effective date	January 1, 2017.
Regulations	None adopted to date. Implementing regulations are to be adopted by January 1, 2018.
Regulating authority	Nevada Department of Taxation (“Department”).
Website	https://tax.nv.gov/FAQs/Retail_Marijuana/ .
Types of marijuana establishments	Marijuana cultivation facility, testing facility, product manufacturing facility, distributor, and retail store.
Status of market	Not operational to date. Department is directed to begin receiving applications for marijuana establishments by January 1, 2018.
Amount of marijuana allowed	<ul style="list-style-type: none"> • Person may possess, use, consume, purchase, or transport marijuana paraphernalia and one ounce or less of marijuana. • If marijuana is in a concentrated form, the limit is 1/8th ounce. • May transfer up to these two amounts to another person age 21 or older without remuneration.
Restrictions on the use of marijuana	<ul style="list-style-type: none"> • Must be age 21 or older to purchase, transfer, possess, or consume. • May not possess or use marijuana: (1) on the grounds of a school providing instruction to preschool, kindergarten, or grades one to 12; or (2) on grounds or within any correctional facility.
Home cultivation - requirements and restrictions	<ul style="list-style-type: none"> • Each person aged 21 or older is allowed to possess up to six marijuana plants for personal use and all marijuana produced by the plants; however, no more than 12 plants may be located in any one residence. • Cultivation must take place within an enclosed area equipped with a lock or other security device that allows only authorized entry. • Unless a person is an agent of a cultivation facility, no one is allowed to cultivate marijuana within 25 miles of a licensed retail store. • Marijuana plants cannot be visible from a public place by unaided vision. • Cannot cultivate marijuana without consent of lawful owner. • For a first violation, it is a misdemeanor with a fine up to \$600.

<u>NEVADA</u>	
Marijuana establishment – fees	<ul style="list-style-type: none"> • Application fee for any type of establishment→ \$5,000. • Retail store (initial license, max. fee)→ \$20,000. • Retail store (renewal license, max. fee)→ \$6,600. • Cultivation facility (initial license, max. fee)→ \$30,000. • Cultivation facility (renewal license, max. fee)→ \$10,000. • Product manufacturing facility (initial license, max. fee)→ \$10,000. • Product manufacturing facility (renewal license, max. fee)→ \$3,300. • Distributor (initial license, max. fee)→ \$15,000. • Distributor (renewal license, max. fee)→ \$5,000. • Testing facility (initial license, max. fee)→ \$15,000. • Testing facility (renewal license, max. fee)→ \$5,000. • Licenses are valid for one year.
Marijuana establishment – application process	<ul style="list-style-type: none"> • Department must issue license or provide explanation for denial within 90 days of receiving a completed application. • For first 18 months, applications for stores, manufacturing facilities, cultivation facilities, and testing facilities will only be accepted from persons holding state medical marijuana establishment registration certificates. • For first 18 months, applications for distributor licenses will only be accepted from persons holding a state wholesaler dealer license.
Marijuana establishments – ownership requirements and restrictions	<ul style="list-style-type: none"> • Business must be licensed in Nevada. • Proposed owners, officers, and board members cannot: (1) have been convicted of an “excluded felony offense”; (2) have severed a similar function for a personal or medicinal use marijuana establishment whose license or certificate was revoked. • Department to adopt regulations to enable a dual licensee to operate a marijuana establishment and an establishment for the medicinal use of marijuana at the same location.
Marijuana establishments – operational requirements and restrictions	<ul style="list-style-type: none"> • Cannot be located: (1) within 1,000 feet of pre-existing preschool or school with any students in grades kindergarten through 12; or (2) within 300 feet of a pre-existing “community facility” (day care, park, playground, public pool, church or synagogue). • Restrictions on the number of retail store licenses that may be granted in each county→ for counties with a population below 55,000, the limit is two; limitations increase based on population to a limit of 80 licenses in counties with a population above 700,000. • Department may grant a county government’s request for additional stores above default limit. • Each entrance and all inventory/equipment must be secured to prevent unauthorized access and theft.

<u>NEVADA</u>	
Marijuana establishments – operational requirements and restrictions (continued)	<ul style="list-style-type: none"> • Establishments must run criminal history checks for all potential workers and anyone who is not age 21 or has an “excluded felony offense” may not be employed. • Cultivation must take place in an enclosed, locked area; area can be uncovered but there must be security fencing at least eight ft. high. • Cultivation, processing, and manufacturing of marijuana cannot be visible to general public by unaided view. • Customer must show ID issued by a federal, state, county or municipal government.
Marijuana establishment – inspections	Establishment is subject to “reasonable inspection” by Department in the presence of licensee holder or authorized agent.
Marijuana establishments – local control	<ul style="list-style-type: none"> • Locality may adopt and enforce control measures pertaining to zoning and land use. • Locality must affirm to Department that a proposed establishment does not violate local zoning or land use ordinances.
Marijuana establishments – testing and labeling	Department to adopt regulations governing the requirements for the testing and labeling of marijuana products, including “a numerical indication of potency based on the ration of THC to the weight of a product intended for oral consumption.”
Marijuana tracking system	Not addressed by law.
Driving during / after use	<ul style="list-style-type: none"> • Question 2 provides that the law does not permit anyone to drive or operate a motor vehicle while under the influence of or impaired by marijuana. • Under Nevada law, it is unlawful for any person who is under the influence of a controlled substance to drive or be in actual physical control of a vehicle. • Under Nevada law, it is illegal for any person to drive or be in actual physical control of a vehicle on a highway or publically-accessed premises with greater than the following amounts of marijuana or marijuana metabolite in their urine or blood: (1) marijuana (10 ng/ml urine; 2 ng/ml blood); and (2) marijuana metabolite (15 ng/ml urine; 5 ng/ml blood).
Exemption from penalty provided by law	<ul style="list-style-type: none"> • It is “not unlawful and . . . not an offense or . . . a basis for seizure or forfeiture of assets” for persons age 21 or older to manufacture, possess, use, transport, or purchase marijuana or marijuana paraphernalia, in accordance with the law.

<u>NEVADA</u>	
Exemption from penalty provided by law (continued)	<ul style="list-style-type: none"> • It is “lawful and must not, [in Nevada], be used as the basis for prosecution or penalty” for a person aged 21 or older to cultivate, harvest, process, package, or sell marijuana through establishments. • It is the public policy of Nevada that contracts related to marijuana establishments are enforceable.
Effect of law on employers and landlords	<ul style="list-style-type: none"> • Law does not prohibit a public or private employer from maintaining or enforcing a workplace policy prohibiting or restricting actions allowed under the marijuana law. • Laws does not prohibit a state or local governmental agency that owns or occupies a building from restricting the cultivation, processing, sale, or use of marijuana on that property. • Person who occupies, owns, or controls real property may prohibit or restrict the cultivation, processing, sale, or use of marijuana on that property.
Taxes on marijuana establishments	Wholesale tax of 15% on sales by a marijuana cultivation facility.
Retail taxes	General state and local retail sales taxes apply.
Fund(s) created	Fees, tax revenues and penalties collected are to be applied first to pay costs of Department and each locality to regulate; any remaining funds should be remitted to the State Treasurer for deposit in the Nevada State Distributive School Account.
Studies required or requested	Not addressed by law.

<u>OREGON</u>	
Statute(s)	O.R.S. §§ 475B.005 to 475B.399; §§ 475B.550 to 475B.800; § 316.680, § 475.525, § 475.752, § 475.856, § 475.860, § 475.864, and § 571.315.
Effective date	July 1, 2015.
Regulations	OAR 845-025-1000 to 845-025-8700.
Regulating authority	<ul style="list-style-type: none"> • Industry licensing, enforcement at locations, and the cannabis tracking system are regulated by the Oregon Liquor Control Commission (“OLCC”). • Product testing and labeling requirements are regulated by the Oregon Health Authority (“OHA”). • Collection of taxes is regulated by the Oregon Department of Revenue (“Revenue”).
Website	http://www.oregon.gov/olcc/marijuana/Pages/default.aspx .
Types of marijuana establishments	Marijuana producer, processor, wholesaler, retailer, laboratory, and certificate for research.
Status of market	Operational. Retail locations opened in October 2016. According to OLCC data, as of December 22, 2016, there are the following number of active licenses in Oregon: (1) 19 laboratory; (2) 345 producer; (3) 23 processor; (4) 28 wholesaler; (5) 104 retailer; and (6) zero research.
Amount of marijuana allowed	<ul style="list-style-type: none"> • Individual possession limits are: (1) one ounce of usable marijuana; (2) 16 ounces of a cannabinoid product in solid form; (3) 72 ounces of a cannabinoid product in liquid form; and (4) 16 ounces of cannabinoid extracts or concentrates, whether sold alone or contained in an inhalant delivery system. • Person(s) may possess up to eight ounces of usable marijuana in a single residence.
Restrictions on use of marijuana	<ul style="list-style-type: none"> • Must be 21 or older to possess, consume or transport marijuana. • Cannot consume marijuana in a public place, which is defined as a place to which the general public has access and includes, but is not limited to, hallways, lobbies, and other parts of apartment houses and hotels not constituting rooms or apartments designed for actual residence, and highways, streets, schools, places of amusement, parks, playgrounds and premises used in connection with public passenger transportation.” • It is a Class B violation for an underage person to attempt to purchase marijuana or enter an age-restricted portion of an establishment and a violation can result in a suspension of driving privileges for up to one year.

<u>OREGON</u>	
Restrictions on the use of marijuana (continued)	<ul style="list-style-type: none"> • A person with control over real property may not knowingly allow an underage person to consume marijuana on the property or remain on the property after consumption. • Cannot give marijuana to any person who is visibly intoxicated. • Cannot import or export marijuana from Oregon; a violation can be a violation, misdemeanor, or felony, depending on amount.
Home cultivation - requirements and restrictions	<ul style="list-style-type: none"> • Up to four marijuana plants and ten seeds are allowed per household (not per person). • Marijuana and products may not be visible to normal unaided vision from a public place.
Marijuana establishment – fees	<ul style="list-style-type: none"> • Application fee of \$250 for all license types. • Producers → annual license fees go from \$1,000 to \$5,750 based on size of production. • Processor, retailers, laboratories → annual licenses fees are \$4,750. Wholesaler license fees vary from \$1,000 to \$4,750 depending on size.
Marijuana establishment – application process	<ul style="list-style-type: none"> • Typical processing time for review of an application is about two to three months once assigned to an investigator. • Prior to receiving a license, an applicant must request a land use compatibility statement from the city or county that authorizes the land use. • Land use compatibility statement must demonstrate that the requested license is for a land use that is allowable. • All individuals/entities with a financial interest of at least 10% in the proposed entity must be identified.
Marijuana establishments – ownership requirements and restrictions	<ul style="list-style-type: none"> • Licenses cannot be granted to: (1) persons under age 21; (2) habitual users to excess of alcohol, habit forming drugs, marijuana or controlled substances; or (3) persons convicted of state/federal law that is substantially related to fitness of running the business. • OLCC may require the fingerprints of certain individuals listed on an application for a criminal background check.
Marijuana establishments – operational requirements and restrictions	<ul style="list-style-type: none"> • Retailers and processors that produce marijuana extracts and concentrates may not be located in areas zoned solely for residential use. • Establishments cannot be located on the same premises as an entity with a liquor license. • Establishments must have defined boundaries and cannot be mobile. • Different establishment types may be located on the same property; however, OLCC may require those premises to be segregated.

<u>OREGON</u>	
Marijuana establishments – operational requirements and restrictions (continued)	<ul style="list-style-type: none"> • OLCC may require a licensee to maintain general liability insurance in a sufficient (but affordable) amount. • Only producers may possess a mature plant. • All establishment employees must have marijuana workers’ permits • Maximum canopy size for producers is 5,000 square feet (if indoor) and 20,000 square feet (if outdoor). • Licensees must include the following statements on all advertising: (1) “Do not operate a vehicle or machinery under the influence of this drug”. (2) “For use only by adults twenty-one years of age and older.”; and (3) “Keep out of the reach of children.” • Retailers cannot be located within 1,000 feet of a previously existing: (1) public elementary or secondary school for which attendance is compulsory; or (2) a private or parochial elementary or secondary school. • Retailers may operate only between 7am and 10pm. • Deliveries by retailers to consumers are allowed in certain circumstances, but only between 8am and 9pm. • In any one transaction, in addition to possession limits, only five grams of cannabinoid extracts or concentrates can be transferred, whether sold alone or contained in an inhalant delivery system. • Marijuana cannot be given as a prize, premium or consideration for lottery, contest, game of chance or skill, or competition of any kind. • Licensees must contact any utility provider to ensure that the licensee complies with any local ordinance or utility requirements such as water use, discharge into the sewer system, or electrical use.
Marijuana establishment – inspections	<ul style="list-style-type: none"> • OLCC can examine records of any licensee upon 72 hours’ notice (and may examine records of producers at any time). • Producers must keep records of all sales, number of ounces produced and number of plants for two years. • All marijuana licensees may be subject to inspection of licensed premises by state or local government officials to determine compliance with state or local health and safety laws.
Marijuana establishments – local control	<ul style="list-style-type: none"> • Cities and counties that voted 55% or more in opposition to the personal use ballot measure (Measure 91) had until December 27, 2015, to adopt an ordinance prohibiting one or more types of establishments without putting the decision to a vote. • For all other cities and counties, they can opt out of allowing marijuana establishments only through a voter initiative, and only if the requirements for preparing, circulating and filing a petition for an election are followed.

<u>OREGON</u>	
Marijuana establishments – local control (continued)	<ul style="list-style-type: none"> • Cities and counties may adopt reasonable regulations regarding time, place and manner of operation if needed to prevent adverse effects.
Marijuana establishments – testing and labeling	<ul style="list-style-type: none"> • To receive a laboratory license a lab must be accredited by the Oregon Environmental Laboratory Accreditation program (ORELAP). • Until March 1, 2017, if OLCC determines that there is insufficient laboratory capacity for the testing of pesticides, it may allow licensed labs to test randomly chosen samples from batches of usable marijuana for pesticides, rather than every batch. • Marijuana items for ultimate sale to a consumer, except for immature plants and seeds, must: (1) be packaged in a container that is certified as child-resistant by a third-party firm; or (2) placed within an exit package that is certified as child-resistant. • If a marijuana item is a cannabinoid product that contains more than 15 mg of THC (or if the item is an extract or concentrate), it must be packaged in a container or placed in an exit package that is capable of being resealed and made child resistant again after it has been opened. • Packages and labels cannot be designed to be attractive to minors.
Marijuana tracking system	<ul style="list-style-type: none"> • All licenses must use Oregon’s “Cannabis Tracking System” or “CTS” (through METRC) as the primary inventory and recording keeping system. • All licensees must reconcile all on-premises and in-transit marijuana item inventories each day in CTS at the close of business.
Driving during / after use	<p>It is illegal to drive in Oregon while “under the influence” of any controlled substance. When the marijuana law was initially enacted, it provided that it was illegal to use marijuana while driving. That provision has been repealed.</p>
Exemption from penalty provided by law	<ul style="list-style-type: none"> • Licensees and licensee representatives may produce, deliver and possess marijuana items pursuant to law and such actions do “not constitute a criminal or civil offense under the laws of this state.” • A contract is not unenforceable on the basis that manufacturing, distributing, dispensing, possessing or using marijuana is prohibited by federal law. • Law does not prohibit a recipient of a federal grant or an applicant for a federal grant from prohibiting the manufacture, delivery, possession or use of marijuana to the extent necessary to satisfy federal requirements for the grant.

<u>OREGON</u>	
Effect of law on employers and landlords	<ul style="list-style-type: none"> To prohibit a party to a federal contract or a person applying to be a party to a federal contract from prohibiting the manufacture, delivery, possession or use of marijuana to the extent necessary to comply with the terms and conditions of the contract or to satisfy federal requirements for the contract.
Taxes on marijuana establishments	None at this time.
Retail taxes	The baseline retail tax rate is 17%; under certain circumstances, cities and towns can add up to an additional 3% tax.
Fund(s) created	<ul style="list-style-type: none"> Oregon Marijuana Account (“OMA”). OLCC may retain an amount (not to exceed \$250,000) remitted as a working cash balance with the balance of tax and license proceeds going to OMA. Funds in OMA are allocated as follows: (1) 40% to Common School Fund; (2) 20% to Mental Health Alcoholism and Drug Services Account; (3) 15% to State Police Account; (4) 10% to counties in the state to assist law enforcement; (5) 10% to cities in the state to assist law enforcement; and (6) 5% to Oregon Health Authority.
Studies required or requested	OLCC must investigate the influence of marijuana on driving ability and present the results/ recommendations to the state legislature by January 1, 2017.

<u>WASHINGTON</u>	
Statute(s)	RCWA § 46.04.586; § 46.20.308; §§ 46.61.502 to 46.61.506; §§ 69.50.101 to 69.50.609.
Effective date	December 6, 2012.
Regulations	WAC 314-55-005 to 314-55-540.
Regulating authority	Washington Liquor and Cannabis Control Board (“Board”).
Website	http://lcb.wa.gov/marj/marijuana-2017 .
Types of marijuana establishments	Marijuana producer, processor, retailer, and certified third-party testing laboratory.
Status of market	Operational. Retail sales began July 8, 2014. According to the Board, as of December 12, 2016, the following number of licenses have been issued: (1) 174 producer; (2) 917 producer/processor; (3) 141 processor; and (4) 467 retailer. In addition, as of the same date there are 17 certified third-party testing labs.
Amount of marijuana allowed	Purchase limits in a single transaction from a retailer are: (1) one ounce of useable marijuana; (2) 16 ounces of marijuana-infused product in solid form; (3) 72 ounces of marijuana-infused product in liquid form; and (4) seven grams of marijuana concentrate for inhalation.
Restrictions on the use of marijuana	<ul style="list-style-type: none"> • Must be age 21 or older to possess, consume, purchase or transport marijuana. • It is illegal to either open a package containing marijuana or consume marijuana “in view of the general public.”
Home cultivation - requirements and restrictions	None. Washington law does not allow home cultivation of marijuana for personal, non-medical use. All marijuana consumed for personal, non-medical use must originate from a state licensed retail establishment.
Marijuana establishment – fees	<ul style="list-style-type: none"> • Application fee of \$266 for all types of establishments. • License fee of \$1,062 for all types of establishments.
Marijuana establishment – application process	As of December 2016, the Board is not accepting applications for establishment licenses. In 2015, a law was enacted that “folded” the state’s unlicensed medicinal-use marijuana dispensaries into the personal use framework. Under the law, medicinal-use dispensaries were required by July 1, 2016 to either become licensed retailers (with a medicinal-use endorsement, if desired) or close. As part of the change, the limit on the number of retailers was increased from 334 to 556, allocated geographically throughout the state.

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Marijuana establishments – ownership requirements and restrictions	<ul style="list-style-type: none"> • Licensee can be both a marijuana producer and processor, but neither may have a financial interest in a marijuana retailer. • No entity can hold more than the following number of licenses at once: (1) three processor; (2) three retail; or (3) one producer. • Owners or operators must be at least age 21. • All applicants, members, managers or agents must have resided in the state of Washington for at least six months prior to application. • Business entities must have been formed in state. • License will not be granted if person exceeds a disqualifying number of “points” based on prior arrests and/or convictions. • Board must approve a proposed entity’s “true parties of interest,” financiers, and persons who exercise control over business. • Licensees must receive prior Board approval before making certain ownership changes.
Marijuana establishments – operational requirements and restrictions	<ul style="list-style-type: none"> • Establishments cannot be located within 1,000 feet of the perimeter of any elementary or secondary school, playground, recreation center or facility, child care center, public park, public transit center, library, or any game arcade admission to which is not restricted to persons 21 and older. • Local governments can pass ordinances to lessen the buffer down to 100 feet around all entities except elementary and secondary schools and public playgrounds. • Premises may not be at a location where law enforcement access, without notice or cause, is limited, such as a personal residence. • Marijuana production must take place: (1) within a fully enclosed secure indoor facility or greenhouse with rigid walls, a roof, and doors; or (2) outdoors in nonrigid greenhouses, other structures, or an expanse of open or cleared ground fully enclosed by a physical barrier at least eight feet tall. • Outdoor grow site must be physically separate from another grow site. • Maximum allowed amount of marijuana on a producer’s premises at any time is: (1) for outdoor or greenhouse grows, one and one-quarter of a year’s harvest; or (2) for indoor grows, six months of their annual harvest. • Licensees must carry and maintain commercial general liability insurance and if necessary, commercial umbrella insurance. • Marijuana retailers may have up to four months of their average inventory on premises at any given time. • Retailers may sell marijuana and products only between the hours of 8 a.m. and 12 a.m. • Retailer cannot operate a vending machine or drive-through facility.

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Marijuana establishments – operational requirements and restrictions (continued)	<ul style="list-style-type: none"> • Conditional sales of marijuana are prohibited. • Potentially hazardous foods that require time-temperature control may not be infused with marijuana. • Single serving of a marijuana-infused product must not exceed 10 milligrams active THC. • Maximum number of servings in any one single unit of marijuana-infused product meant to be eaten or swallowed is 10 servings or 100 milligrams of active THC. • Processors are limited to certain methods, equipment, solvents, gases and mediums when creating marijuana extracts. • Usable marijuana and marijuana-infused products must be stored behind a counter or other barrier to ensure a customer does not have direct access to the product. • Transportation license allows the licensee to physically transport or deliver marijuana, marijuana concentrates, and marijuana-infused products between licensed marijuana businesses within Washington state. • Licensees must keep records that clearly reflect all financial transactions and the financial condition of the business and transportation of all marijuana for three-year period.
Marijuana establishment – inspections	<ul style="list-style-type: none"> • All licensed premises used in the production, processing, storage, transportation or sale of marijuana, usable marijuana, marijuana concentrates, marijuana-infused products, or any premises or parts of premises used or in any way connected, physically or otherwise, with the licensed business may be inspected by a law enforcement officer of the Board. • Business records and any vehicle assigned for the purpose of transporting marijuana, may be inspected. • Marijuana, usable marijuana, marijuana concentrates, or marijuana-infused products on the licensed premises can be inspected for the purpose of analyzing samples.
Marijuana establishments – local control	<ul style="list-style-type: none"> • Although it is not directly spelled out in the marijuana law, cities, towns, and counties in Washington can choose to prohibit or to designate zones for marijuana businesses under their authority to regulate land uses within their jurisdictions. • Law specifically provides that a city, town, or county may adopt an ordinance prohibiting a marijuana producer or processor from operating a business within areas zoned primarily for residential use or rural use with a minimum lot size of five acres or smaller. • Locality where an establishment is or desires to be located is notified of a new/renewal application and it has a right to file a written objection against the application, with such objection to be given “substantial weight” by the Board.

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Marijuana establishments – testing and labeling	<ul style="list-style-type: none"> • Producers and processors must submit representative samples of marijuana, useable marijuana, or marijuana-infused products to an independent, third-party testing laboratory for inspection and testing. • Regulations provide sampling protocols for use in testing. • Third-party testing labs must meet certain certification criteria in order to be certified; Center for Laboratory Sciences on the Campus of the Columbia Basin College performs the certification process. • Marijuana-infused edible products in solid form must meet the following requirements: (1) if there is more than one serving in the package, each serving must be packaged individually in childproof packaging and placed in the outer package; (2) label must prominently display the number of servings in the package; (3) products must be homogenized to ensure uniform disbursement of cannabinoids throughout the product; and (4) all marijuana-infused solid edibles must prominently display on the label “This product contains marijuana.” • Marijuana-infused edible products in liquid form must meet the following requirements: (1) if there is more than one serving in the package, a measuring device must be included in the package with the product; (2) label must prominently display the number of servings in the package and the amount of product per serving; (3) liquid edibles must be homogenized to ensure uniform disbursement of cannabinoids throughout the product; and (4) edibles must prominently display on the label “This product contains marijuana.” • All marijuana and marijuana products when sold at retail must include accompanying material that is attached to the package or is given separately to the consumer containing the following warnings: (1) This product has intoxicating effects and may be habit forming. Smoking is hazardous to your health”; (2) “There may be health risks associated with consumption of this product”; (3) “Should not be used by women that are pregnant or breast feeding”; (4) “For use only by adults twenty-one and older. Keep out of reach of children”; (5) “Marijuana can impair concentration, coordination, and judgment. Do not operate a vehicle or machinery under the influence of this drug”; and (6) Statement that discloses all pesticides applied during production and processing.

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Marijuana tracking system	<ul style="list-style-type: none"> Producers, processors, and retailers can employ their own inventory tracking software as long as it allows for seed-to-sale tracking and the collection and submission of the specific information required. Board uses BioTrackTHC. All marijuana plants eight or more inches in height or width must be physically tagged and tracked individually.
Driving during / after use	<ul style="list-style-type: none"> It is illegal to drive while “under the influence of . . . marijuana.” It is illegal to drive with a THC level in the blood of 5.0 (ng/ml) or more for persons 21 and older or with a THC level above 0.0 (ng/ml) for persons under age 21.
Exemption from penalty provided by law	The performance of actions by marijuana producers, processors, and retailers in accordance with the law “shall not be a criminal or civil offense under Washington state law.”
Effect of law on employers and landlords	Not addressed by law.
Taxes on marijuana establishments	None.
Retail taxes	<ul style="list-style-type: none"> There is a 37% excise tax on all taxable sales of marijuana, marijuana concentrates, useable marijuana, and marijuana-infused products. State business & occupation (“B&O”) taxes and local retail sales taxes apply.
Fund(s) created	<ul style="list-style-type: none"> Dedicated Marijuana Account (“Account”) At quarterly intervals, the following amounts are disbursed: \$125,000 to Department of Social and Health Services (“SHS”) to administer/analyze healthy youth survey; \$50,000 to SHS for cost/benefit analysis of law; \$5,000 to Univ. of Washington Alcohol and Drug Abuse Institute; \$23,750 to the Washington Department of Enterprise Services and at least \$1.25 million to Board for administration expenses. Remainder of funds allocated per RCWA 69.50.540.
Studies required or requested	Not addressed by law.