



Marijuana – Follow-up Legislation in States that Legalized Personal Use: 2015 Legislative Session Bill Status Update

Research current through December 9, 2015.

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As 2015 comes to a close, this version of the update removes all unpassed legislation in states where sessions have ended. What remains in this update is legislation: (1) passed in 2015; (2) still pending in states with ongoing sessions; and (3) introduced for the 2016 session.

State and Bill Number	Description¹	Status and Date of Last Action
U.S. 2015 HR 1855	“Small Business Tax Equity Act of 2015.” Amends the Internal Revenue Code to exempt a trade or business that conducts marijuana sales in compliance with state law from the prohibition against allowing business-related tax credits or deductions for expenditures in connection with trafficking in controlled substances.	4/16/2015 – introduced and referred to Committee on Ways and Means.
U.S. 2015 S 987	Identical to 2015 HR 1855.	4/16/2015 – read twice and referred to Committee on Finance.
U.S. 2015 S 2132	“An Act Making Appropriations to Stop Regulatory Excess and for Other Purposes, 2016.” Section 639 of the act provides that “none of the funds made available in this Act may be used, with respect to a State where marijuana is legal for recreational or medicinal purposes, to prohibit or penalize a financial institution solely because the institution provides financial services to an entity that is a manufacturer, producer, or a person that participates in any business or organized activity that: (1) involves handling marijuana or marijuana products; and (2) engages in such activity pursuant to a law established by a State or a unit of local government.”	10/6/2015 – read second time and placed on Senate Legislative Calendar under General Orders.
Alaska 2015 HB 123	Establishes the Marijuana Control Board within the Alaska Department of Commerce, Community, and Economic Development to control the cultivation, manufacture and sale of retail marijuana in the state.	5/4/2015 – enacted (2015 Laws Chapter 4); effective 5/5/2015.
Alaska 2015 SB 26	Appropriates \$2,360,100 from the general fund to the Alaska Alcoholic Beverage Control Board, for the costs associated with the regulation of marijuana for the fiscal years ending June 30, 2015, and June 30, 2016.	6/29/2015 – enacted (2015 Laws Chapter 38); effective 7/1/2015.

¹ The word “marijuana” (or “marihuana”) is spelled as it is in the respective bill.

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Colorado 2015 HB 1255	The bill requires the state Department of Human Services (“Department”) and the Department of Revenue to submit reports to specified committees of the general assembly on improper use of electronic benefits transfer cards (“EBT cards”) at certain prohibited locations. The bill requires the Department, by January 1, 2016, to adopt rules enforcing the prohibition against the use of EBT cards at prohibited establishments including increasing penalties for repeated violations. The establishments include those licensed to sell marijuana for medicinal or personal use purposes.	5/1/2015 – enacted (2015 Laws Chp. 149); effective 5/1/2015.
Colorado 2015 HB 1273	The bill adds sexual assaults and the unlawful use of marijuana on school grounds, in a school vehicle, or at a school activity or sanctioned event to the current list of conduct and discipline code violations that a school is required to report as part of the safe school reporting requirements.	6/5/2015 – enacted (2015 Laws Chapter 323); effective 6/5/2015.
Colorado 2015 HB 1283	The bill requires the state Department of Public Health and Environment to develop and maintain a marijuana laboratory testing reference library or contract with an organization that represents marijuana testing laboratories for the development and maintenance of the reference library. The reference library is responsible for proficiency testing and remediating problems with licensed laboratories. This library must contain a catalog of methodologies for marijuana testing in the areas of potency, homogeneity, contaminants, and solvents. The reference library and methodologies must be publicly available by December 31, 2015.	6/5/2015 – enacted (2015 Laws Chapter 307); effective 6/5/2015.

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Colorado 2015 HB 1367	If necessary, the bill refers a ballot issue to the voters at the November 3, 2015, statewide election to allow the state to retain and spend state revenues that would otherwise be refunded for exceeding an estimate included in the ballot information booklet. If voters approve the ballot measure, then moneys set aside for the potential refund will instead be used as follows: (1) \$40 million is transferred to the public school capital construction assistance fund; (2) \$12 million is appropriated for youth programs, marijuana education and prevention programs, law enforcement services, substance abuse programs, poison control services and the newly created local government retail marijuana impact grant program; and (3) \$6 million will remain in the general fund.	6/4/2015 – enacted (2015 Laws Chapter 271); effective 6/4/2015.
Colorado 2015 HB 1379	The bill creates a permitted economic interest registration (“registration”) in both the regulated medical marijuana and retail marijuana systems. A registration can be held by a person or company with the ability to enter into different types of financial arrangements with a medical marijuana or retail marijuana licensee as long as the registrant cannot and does not exercise any control over the licensee. A registration may only be issued to a person or company who is entering into an agreement with an established medical or retail marijuana licensee.	5/29/2015 – enacted (2015 Laws Chapter 250); effective 8/5/2015.
Colorado 2015 HB 1387	Current law allows the operator of a licensed medical marijuana center, an optional premises cultivation license or a licensed medical marijuana-infused products business to apply for a retail marijuana establishment license. At the time an applicant’s retail marijuana establishment license becomes effective, the applicant is allowed to transfer medical marijuana inventory to retail marijuana inventory. The bill prohibits an applicant from making a transfer of medical marijuana inventory to retail marijuana inventory beginning on July 1, 2016.	6/5/2015 – enacted (2015 Laws Chapter 332); effective 6/5/2015.

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Colorado 2015 SB 65	Current Colorado statutes prohibit the use of electronic benefits transfer cards at automated teller machines in liquor stores, gambling establishments, and firearms dealers. As amended, the bill extends these prohibitions to establishments licensed to sell medical marijuana, medical marijuana-infused, retail marijuana, or retail marijuana-infused products. The prohibition takes effect 60 days after law goes into effect.	5/1/2015 – enacted (2015 Laws Chapter 148); effective 5/1/2015.
Colorado 2015 SB 167	Creates a one-year exception to the prohibition on appropriating moneys in the marijuana cash tax fund for the current fiscal year and authorizes the general assembly to appropriate a certain amount of moneys in the fund received by the state during the 2014-15 fiscal year; and reduces four appropriations for marijuana-related programs and services in four principal departments of the executive branch of state government.	3/13/2015 – enacted (2015 Laws Chapter 15); effective 3/13/2015.
Colorado 2015 SB 249	The bill increases the amount that the state treasurer is required to transfer on June 30, 2015, from the marijuana tax cash fund to the general fund by \$27.7 million to \$30.8 million.	5/1/2015 – enacted (2015 Laws Chapter 136); effective 5/1/2015.
District of Columbia 2013 LB 1016	Prohibits, on an emergency basis, employers from testing potential employees for marijuana use during the hiring process, unless otherwise required by law.	1/25/2015 – enacted (Act number A20-0610); effective 1/25/2015 (expires 9/6/2015).
District of Columbia 2015 LB 23	“Marijuana Legalization and Regulation Act of 2015.” Legalizes the possession, consumption, display, purchasing, or transporting of 2 ounces or less pf marijuana and marijuana-infused products for personal use, not in public, for persons over the age of 21. Violation by persons under age 21 is a civil infraction. The bill designates that the Alcoholic Beverage Regulation Administration shall receive all income from taxes, licensing fees, penalties, and forfeitures related to the District of Columbia marijuana industry.	2/9/2015 – public hearing held.

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District of Columbia 2015 LB 25	"Prohibition of Pre-Employment Marijuana Testing Act of 2015." Prohibits employers from testing potential employees for marijuana use during the hiring process, unless otherwise required by law.	6/1/2015 – adopted (Act No. A21-0067); transmitted to Congress for review; projected law date is 7/22/2015.
District of Columbia 2015 LB 106	Clarifies that private clubs will continue to be prohibited from offering marijuana to their members and that marijuana cannot be consumed in public space. This legislation is necessary to ensure that we enforce the will of the people who voted overwhelmingly in support of Initiative 71 by implementing the law in a safe, fair, and transparent manner.	6/4/2015 – enacted (Law No. L21-0011); effective 6/4/2015 to 1/15/2016.
Oregon 2015 HB 2041	Imposes tax on retail sale of marijuana items to be imposed upon consumers and collected and remitted by marijuana retailers. Requires marijuana retailers to submit returns quarterly. Directs the Oregon Department of Revenue to administer and enforce provisions of tax. Repeals existing privilege tax imposed on marijuana producers and administered and enforced by Oregon Liquor Control Commission. Applies to retail sales by licensed marijuana retailers of marijuana items occurring on or after January 1, 2016. Requires proceeds of tax to be deposited in Oregon Marijuana Account and provides for distributions from account. Prohibits cities and counties that pass ordinances prohibiting medical or recreational marijuana facilities or sites from receiving proceeds of marijuana taxation.	7/20/2015 – enacted (2015 Laws Chapter 699); effective 10/5/2015.
Oregon 2015 HB 2313	Amended 6/5/2015 to remove provisions related to marijuana.	6/26/2015 – enacted (2015 Laws Chapter 509); effective 6/22/2015.

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Oregon 2015 HB 3400	Establishes licensure qualifications for marijuana producers, marijuana processors, marijuana wholesalers and marijuana retailers. Directs the Oregon Liquor Control Commission to adopt certain rules related to licensure. Provides commission with additional enforcement powers over licensees, including use of seed to sale tracking system. Directs commission to establish canopy sizes for marijuana producers. Establishes land use law with respect to marijuana producers. (Continued below).	6/30/2015 – enacted (2015 Laws Chapter 614); effective 6/30/2015.
Oregon 2015 HB 3400 (continued)	Establishes that cannabinoid edibles are subject to laws of this state related to processing food. Requires individuals who perform certain type of work for or on behalf of marijuana retailers to obtain valid permit from Commission. Provides for time, place and manner of regulation of licensees by local governments. Authorizes governing body of local governments to refer to electors ordinance under which 3 percent tax may be imposed on sale of marijuana items. Becomes operative January 1, 2016.	6/30/2015 – enacted (2015 Laws Chapter 614); effective 6/30/2015.
Oregon 2015 HB 5047	Notwithstanding any other law limiting expenditures, the amount of \$8,332,933 is established for the biennium beginning July 1, 2015, as the maximum limit for payment of expenses from fees, moneys or other revenues, including Miscellaneous Receipts, but excluding lottery funds and federal funds, collected or received by the Oregon Liquor Control Commission, from the Oregon Liquor Control Commission Account and the Marijuana Control and Regulation Fund for expenses related to the regulation of recreational marijuana.	8/12/2015 – enacted (2015 Laws Chapter 817); effective 8/12/2015.
Oregon 2015 SJM 12	Urges Congress to support development of solution to financial issues arising from marijuana industry and to declassify marijuana as Schedule I drug under federal Controlled Substances Act.	7/7/2015 – adopted.

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Oregon 2015 SB 460	Allows medical marijuana dispensaries, beginning October 1, 2015, to sell limited marijuana retail product to persons at least 21 years of age. Allows local governments to adopt ordinances that prohibit sales of limited marijuana retail product. Requires the Oregon Health Authority (“Authority”) to create rules to implement Act. Allows the Authority to prohibit medical marijuana dispensaries in violation of Act from selling limited marijuana retail product. The law sunsets on December 31, 2016.	7/27/2015 – enacted (2015 Laws Chapter 784); effective 7/27/2015.
Washington 2015 HB 1276	Includes a proposed open container law for marijuana that prohibits a driver from traveling with marijuana in the passenger area unless the driver is age 21 or over and the driver is transporting a recently purchased (and still sealed) package.	6/30/2015 – enacted (2015 Laws Second Special Session Chapter 3); effective 9/26/2015.
Washington 2015 HB 1965	As of the effective date of the bill, a nonrefundable additional fee (of 6.2 percent) is imposed on all applications and renewals of licenses relating to marijuana required under chapter 69.50 RCW. The provision expires June 30, 2017.	7/6/2015 – enacted (2015 Laws Third Special Session Chapter 26); effective 7/1/2015.
Washington 2015 HB 2000	Authorizes the Governor to enter into agreements with federally recognized Indian tribes in the state of Washington concerning marijuana. Such agreements may include provisions pertaining to: the lawful commercial production, processing, sale, and possession of marijuana for both recreational and medical purposes; marijuana-related research activities; law enforcement, both criminal and civil; and taxation.	5/8/2015 – enacted (2015 Laws Chapter 207); effective 7/24/2015.

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Washington 2015 HB 2136	Bill provides that the legislature intends to reform the current tax structure for the regulated legal marijuana system to create price parity with the large medical and illicit markets with the specific objective of increasing the market share of the legal and highly regulated marijuana market. The legislature further intends to share marijuana tax revenues with local jurisdictions for public safety purposes and to facilitate the ongoing process of ensuring a safe regulated marijuana market in all communities across the state. The legislature further intends to provide qualifying patients and their designated providers a retail sales and use tax exemption on marijuana purchased or obtained for medical use when authorized by a health care professional.	6/30/2015 – enacted (2015 Laws Second Special Session Chapter 4); effective 7/1/2015.
Washington 2015 SB 5121	Establishes a marijuana research license for the purposes of: (1) testing chemical potency and composition levels; (2) conducting clinical investigations of marijuana-derived drug products; (3) conducting research on the efficacy and safety of administering marijuana as part of medical treatment; and (4) conducting genomic or agricultural research.	4/24/2015 – enacted (2015 Laws Chapter 71); effective 7/24/2015.

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