



Marijuana - Decriminalization¹: 2015 Legislative Session Bill Status Update

Research current through December 9, 2015.

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

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	Description²	Status and Date of Last Action
U.S. 2015 HR 1013	“Regulate Marijuana Like Alcohol Act.” The act decriminalizes marijuana at the federal level, including removing it from all federal controlled substance schedules.	3/16/2015 – referred to House subcommittees.
U.S. 2015 HR 1940	“Respect State Marijuana Laws Act of 2015.” Amends the Controlled Substances Act to provide that the provisions related to marihuana “shall not apply to any person acting in compliance with State laws relating to the production, possession, distribution, dispensation, administration or delivery of marihuana.”	4/22/2015 – introduced and referred to Committee on Judiciary.
U.S. 2015 HR 3518	“Stop Civil Asset Forfeiture Funding for Marijuana Suppression Act of 2015.” Provides that “no property [from the Asset Forfeiture Fund] may be transferred to a Federal agency or a State and local agency, if that property is used for any purpose pertaining to the Domestic Cannabis Suppression/Eradication Program of the Drug Enforcement Administration, or any substantially similar program.” Bill also states that “it is the sense of Congress that [DEA] expends a large amount of resources on enforcing prohibitions on marijuana. The DEA administrator’s comments about the relative harm of marijuana support Congress’s belief that the DEA’s marijuana prohibition policy is an inappropriate use of resources.”	9/16/2015 – introduced and referred to Committee on Judiciary.
U.S. 2015 HR 3629	“Respect States’ and Citizens’ Rights Act of 2015.” Amends the Controlled Substances Act to provide that “in the case of any State law that pertains to marihuana, no provision of this title shall be construed as indicating an intent on the part of the Congress to occupy the field in which that provision operates, including criminal penalties, to the exclusion of State law on the same subject matter, nor shall any provision of this title be construed as preempting any such State law.”	9/28/2015 – introduced and referred to the Committees on Judiciary and Energy and Commerce.

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

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State and Bill Number	Description²	Status and Date of Last Action
U.S. 2015 S 2237	“Ending Federal Marijuana Prohibition Act of 2015.” Limits the application of Federal laws to the distribution and consumption of marihuana, and for other purposes.	11/4/2015 – read twice and referred to Committee on Judiciary.
Alabama 2015 SB 67	Reduces the crime for possession of marijuana in the first degree (if possessed for personal use) if previously convicted of possession in the second degree to a Class D felony.	5/18/2015 – enacted (Act No. 2015-185); effective 1/30/2016.
Delaware 2015 HB 39	Provides that persons who possess one ounce or less of marijuana shall be assessed a civil penalty that will not become part of a criminal record and must forfeit the marijuana. Likewise, the private use or consumption of less than an ounce of marijuana shall be punishable by a civil penalty. Persons charged with one of these civil violations are not subject to incarceration. Furthermore, under Section 2 of this bill the public use or consumption of an ounce or less of marijuana will be an unclassified misdemeanor punishable by a fine of not more than \$200 or imprisonment for not more than five (5) days.	6/18/2015 – enacted (2015 Laws Chapter 38); effective 12/18/2015.
Florida 2016 HB 4021	Removes cannabis from Florida’s schedule of controlled substances and adjusts other laws, including removing certain criminal penalties related to the possession or sale of cannabis.	10/7/2015 – referred to Health and Human Services Committee and Judiciary Committee.
Florida 2016 SB 616	Removes cannabis from Florida’s schedule of controlled substances and makes other conforming provisions.	11/4/2015 – referred to Committees on: (1) Regulated Industries; (2) Criminal Justice; and (3) Appropriations.
Hawaii 2015 SR 19-15	Resolution requesting DEA to initiate rescheduling proceedings to remove marijuana from federal Schedule I.	4/6/2015 – report and resolution adopted.

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State and Bill Number	Description²	Status and Date of Last Action
Illinois 2015 HB 218	Amends the Cannabis Control Act. Provides that the knowing possession of not more than 30 grams of any substance containing cannabis is a petty offense charged by a Uniform Cannabis Ticket with a fine of \$100 (rather than a Class C misdemeanor for 2.5 grams or less, a Class B misdemeanor for more than 2.5 grams to 10 grams, and a Class A misdemeanor for more than 10 grams to 30 grams). Provides that knowing possession of more than 30 grams but not more than 500 grams of any substance containing cannabis is a Class A misdemeanor for a first offense (rather than a Class 4 felony) and a Class 4 felony for a subsequent offense (rather than a Class 3 felony).	9/9/2015 – bill dead; no action taken after Governor’s amendatory veto.
Illinois 2015 HB 1432	Provides that a person who knowingly possesses not more than 0.1 gram of any substance containing cannabis is guilty of a petty offense and shall be fined \$100 for a first offense, \$200 for a second offense, and \$300 for a third or subsequent offense. Provides that a person convicted of a third or subsequent offense shall perform 20 hours of community service at a drug-abuse treatment center licensed by the Department of Human Services.	5/20/2015 – tabled.
Illinois 2015 HB 2555	Amends the Illinois Vehicle Code to remove from the DUI offense operating a motor vehicle with any amount of an illegal drug in a person’s system and makes it a separate Class B misdemeanor for a first offense and a Class A misdemeanor for subsequent offenses. Removes offense from implied consent for chemical testing for a suspected violation, statutory summary suspension for test refusal, driver’s license suspension for conviction, and mandatory penalties for a second violation. Also removes offense from aggravated DUI.	4/24/2015 – re-referred to Rules Committee.

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State and Bill Number	Description²	Status and Date of Last Action
Illinois 2015 HB 3245	Amends the Criminal Identification Act. Provides that the Department of State Police and the local law enforcement agency shall automatically expunge, on or before January 1 of each year, the law enforcement records of a person convicted of a civil law violation of possessing 30 grams or less of cannabis or drug paraphernalia possessed by the person arrested on the cannabis charge in the Department's or law enforcement agency's possession or control and which contains the final disposition which pertain to the person when arrested for that offense. Amends the Cannabis Control Act. Provides that the possession of 30 grams or less of cannabis is a civil law violation punishable by a maximum fine of \$125. Amends the Drug Paraphernalia Control Act. Provides that if a person is convicted of 30 grams or less of cannabis, the penalty for possession of any drug paraphernalia seized during the arrest for that offense shall be a civil law violation punishable by a maximum fine of \$125.	3/27/2015 – re-referred to Rules Committee.
Illinois 2015 HB 4010	Provides that the knowing possession of not more than 30 grams of any substance containing cannabis is a regulatory offense charged by a Uniform Cannabis Ticket with a fine of \$100 (rather than a Class C misdemeanor for 2.5 grams or less, a Class B misdemeanor for more than 2.5 grams to 10 grams, and a Class A misdemeanor for more than 10 grams to 30 grams).	3/27/2015 – re-referred to Rules Committee.
Illinois 2015 HB 4345	Amends the Criminal Identification Act to provide that whenever a person has been convicted of a felony or misdemeanor violation of the Illinois Cannabis Control Act, he or she may petition the Illinois Circuit Court to expunge the records of his or her arrest, charge not initiated by arrest, and conviction records. The removal is allowed only if criminal penalties for that offense are subsequently removed by law.	12/2/2015 – first reading and referred to Rules Committee.
Illinois 2015 HB 4357	Among other provisions, provides that the possession of ten grams or less of cannabis is a civil law violation punishable by a minimum fine of \$100 and a maximum fine of \$200.	12/9/2015 – filed with Clerk.

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Louisiana 2015 HB 149	Present law provides for increased penalties for habitual offenders, including offenders who have been convicted of possession of marijuana or synthetic cannabinoids. The proposed law reduces penalties for repeat offenders who possess marijuana. The present law is retained as to synthetic cannabinoids.	6/29/2015 – enacted (Act No. 295); effective 6/29/2015.
Michigan 2015 SB 80	Decriminalizes the possession or use of one (1) ounce or less of marihuana under certain circumstances.	2/4/2015 – referred to Committee on Judiciary.
Missouri 2016 HB 1524	Allows misdemeanor and felony marijuana convictions to be expunged for certain persons if such offenses occurred within three years prior to a constitutional amendment or other statutory enactment legalizing marijuana. If a person's record is expunged, the person must pay a \$200 fine.	12/1/2015 – pre-filed.
Missouri 2016 SB 761	Exempts marijuana from controlled substance forfeiture provisions.	12/1/2015 – pre-filed.
New Jersey 2014 AB 218	Amends current law regarding possession of marijuana - decriminalizes possession of 15 grams or less of marijuana; imposes civil penalties, and establishes fund for drug education.	1/16/2014 – referred to Assembly Judiciary Committee.
North Dakota 2015 HB 1394	Reduces the criminal penalties for possessing one ounce or less of marijuana to a Class B misdemeanor.	4/8/2015 – enacted (2015 Laws H.B 1394); effective 8/1/2015.
North Dakota 2015 SB 2030	Reduces penalty for possession of drug paraphernalia for purposes of ingesting or inhaling marijuana to a class B misdemeanor.	4/20/2015 – enacted (2015 Laws S.B. 2030); effective 8/1/2015.
Pennsylvania 2015 HR 373	Resolution petitioning the Pennsylvania Secretary of Health and the United States Drug Enforcement Administration to reschedule cannabis from a Schedule I to a Schedule II controlled substance within their respective jurisdictions.	6/5/2015 – referred to Committee on Health.

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Rhode Island 2015 HB 5874	This act would provide that records pertaining to marijuana violations would not be open to the public and would not be available from the traffic tribunal. In addition, the time period for the doubling and tripling of fines would start at the time of disposition rather than at the time of the commission of the offense.	6/19/2015 – enacted (2015 Laws Chapter 15-110); effective 6/19/2015.
Utah 2015 HB 348	Reduces the penalty for the personal possession of illegal substances from a felony, to a class A misdemeanor.	3/31/2015 – enacted (2015 Laws Chapter 412); effective 10/1/2015.
Virginia 2016 HB 74	Allows a person convicted of a first offense of possession of controlled substances or marijuana who was not afforded the opportunity to be placed on probation in lieu of a conviction to petition to have his conviction expunged after a 10-year period has expired following the conviction.	12/7/2015 – pre-filed; committee referral pending.
Wisconsin 2015 AB 246	This bill eliminates: (1) the penalty for possession of marijuana if the amount of marijuana involved is no more than 25 grams; (2) the penalty for manufacturing or for possessing with the intent to manufacture, distribute, or deliver if the amount of marijuana involved is no more than 25 grams or the number of plants involved is no more than two; and (3) the penalty for distributing or delivering marijuana if the amount of marijuana involved is no more than 25 grams or the number of plants involved is no more than two. The bill retains the current-law penalty for distributing or delivering any amount of marijuana to a person who is no more than 17 years of age (minor) by a person who is at least three years older than the minor. This bill limits local governments to enacting ordinances prohibiting only the possession of more than 25 grams of marijuana.	5/27/2015 – read first time and referred to Committee on Criminal Justice and Public Safety.

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Wisconsin 2015 SB 167	This bill eliminates: (1) the penalty for possession of marijuana if the amount of marijuana involved is no more than 25 grams; (2) the penalty for manufacturing or for possessing with the intent to manufacture, distribute, or deliver if the amount of marijuana involved is no more than 25 grams or the number of plants involved is no more than two; and (3) the penalty for distributing or delivering marijuana if the amount of marijuana involved is no more than 25 grams or the number of plants involved is no more than two. The bill retains the current-law penalty for distributing or delivering any amount of marijuana to a person who is no more than 17 years of age (minor) by a person who is at least three years older than the minor. This bill limits local governments to enacting ordinances prohibiting only the possession of more than 25 grams of marijuana.	5/21/2015 – read first time and referred to Committee on Judiciary and Public Safety.
Wisconsin 2015 SB 221	Current law designates tetrahydrocannabinols (“THC”) as a schedule I controlled substance, but specifies that THC does not include cannabidiol (“CBD oil”) in a form without a psychoactive effect that is dispensed by a pharmacy or physician approved by the Controlled Substances Board or that is possessed by an individual who has documentation from a physician that the CBD oil is used for the treatment of a seizure disorder. This bill eliminates the requirement that, to be excluded from the definition of THC, the CBD oil must be dispensed by an approved pharmacy or physician or possessed by an individual with such documentation.	11/24/2015 – public hearing held.

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