



Marijuana - Decriminalization¹: 2016 Legislative Session Bill Status Update

Research current through February 2, 2016.

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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.

<u>State and Bill Number</u>	<u>Description²</u>	<u>Status and Date of Last Action</u>
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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<u>State and Bill Number</u>	<u>Description²</u>	<u>Status and Date of Last Action</u>
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.
Arizona 2016 HB 2007	Provides that a violation involving an amount of marijuana not possessed for sale having a weight of less than one ounce is subject to a civil penalty of not more than \$100, except that if the person does not pay the penalty in full within 90 days, the penalty increases to double the original amount .	2/2/2016 – House second read.
District of Columbia 2015 LR 504	To declare the existence of an emergency with respect to the need to amend the Marijuana Possession Decriminalization Amendment Act of 2014 to clarify that, for the purposes of the act, a private club is a place to which the public is invited, but does not include a private residence, and that the prohibition on consumption of marijuana in public is not limited by the Legalization of Possession of Minimal Amounts of Marijuana for Personal Use Initiative of 2014; and to amend Chapter 28 of Title 47 of the District of Columbia Official Code to require the Mayor to revoke any certificate of occupancy or permit held by an entity that knowingly permits a violation of section 301(a) of the Marijuana Possession Decriminalization Amendment Act of 2014 to occur at the specific address or unit identified in the certificate of occupancy or permit.	1/5/2016 – adopted (No. R21-0365).

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State and Bill Number	Description ²	Status and Date of Last Action
District of Columbia 2015 LB 549	To amend, on an emergency basis, the Marijuana Possession Decriminalization Amendment Act of 2014 to clarify that, for the purposes of the act, a private club is a place to which the public is invited, but does not include a private residence, and that the prohibition on consumption of marijuana in public is not limited by the Legalization of Possession of Minimal Amounts of Marijuana for Personal Use Initiative of 2014; and to amend Chapter 28 of Title 47 of the District of Columbia Official Code to require the Mayor to revoke any license, certificate of occupancy, or permit held by an entity that knowingly permits a violation of section 301(a) of the Marijuana Possession Decriminalization Amendment Act of 2014 to occur at the specific address or unit identified in the license, certificate of occupancy, or permit.	1/14/2016 – enacted (No. A21-0273); effective 1/14/2016, expires on 4/13/2016.
District of Columbia 2015 LB 550	To amend, on a temporary basis, the Marijuana Possession Decriminalization Amendment Act of 2014 to clarify that, for the purposes of the act, a private club is a place to which the public is invited, but does not include a private residence, and that the prohibition on consumption of marijuana in public is not limited by the Legalization of Possession of Minimal Amounts of Marijuana for Personal Use Initiative of 2014; and to amend Chapter 28 of Title 47 of the District of Columbia Official Code to require the Mayor to revoke any license, certificate of occupancy, or permit held by an entity that knowingly permits a violation of section 301(a) of the Marijuana Possession Decriminalization Amendment Act of 2014 to occur at the specific address or unit identified in the license, certificate of occupancy, or permit.	1/5/2016 – first reading.
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.	1/12/2016 – introduced.
Florida 2016 SB 616	Removes cannabis from Florida’s schedule of controlled substances and makes other conforming provisions.	1/12/2016 – introduced.
Georgia 2015 SB 254	Provides that simple possession of marijuana constitutes a misdemeanor even if amount possessed is above one ounce.	1/12/2016 – read and referred.

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Hawaii 2015 HB 1833	Excludes hashish, tetrahydrocannabinol (“THC”), and THC derivatives from the definition of “marijuana” as used in the Uniform Controlled Substances Act and from the definitions of “marijuana” and “usable marijuana” as used in the medical marijuana law. Defines “hashish” and “marijuana concentrate” in the Uniform Controlled Substances Act. Defines “hashish” for purposes of offenses related to drugs and intoxicating compounds.	1/27/2016 – referred to Committees on Health, Judiciary and Finance.
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.	1/26/2016 – assigned to Restorative Justice Committee.
Illinois 2015 SB 2228	Provides that the possession of 10 grams or less of cannabis is a civil law violation punishable by a minimum fine of \$100 and a maximum fine of \$200. Creates the offense of unlawful use of cannabis-based product manufacturing equipment and provides that a violation is a Class 2 felony. Provides that a person shall not drive or be in actual physical control of any vehicle, snowmobile, or watercraft when the person has, within two hours thereof, a THC concentration in the person’s whole blood or other bodily substance of 5 nanograms or more of delta-9-tetrahydrocannabinol per milliliter of whole blood or 10 nanograms or more of delta-9-tetrahydrocannabinol per milliliter of other bodily substance from the unlawful consumption of cannabis (rather than a cannabis THC concentration of any amount).	1/27/2016 – assigned to Committee on Criminal Law.

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State and Bill Number	Description²	Status and Date of Last Action
Iowa 2015 HF 2022	Lowers the criminal penalty for unlawful delivery of or possession of with the intent to deliver certain amounts of marijuana by increasing the amount of marijuana that can be delivered or possessed with intent to deliver and prosecuted as an accommodation offense and by striking the requirement that the marijuana not be “offered for sale.” The bill provides that in a prosecution for unlawful delivery or possession with intent to deliver marijuana, if a defendant delivers or possesses with intent to deliver less than 42.5 grams of marijuana, the defendant is guilty of an accommodation offense rather than unlawful delivery or possession with intent to deliver marijuana under Code section 124.401(1)(d).	1/13/2016 – introduced and referred to Committee on Judiciary.
Iowa 2015 SF 2025	The bill reclassifies marijuana, including tetrahydrocannabinols, as a schedule II controlled substance instead of a schedule I controlled substance and strikes references to the authority of the Iowa Board of Pharmacy to adopt rules for the use of marijuana or tetrahydrocannabinols for medicinal purposes.	1/19/2016 – introduced; referred to Committee on Judiciary.
Kansas 2015 HB 2049	As substituted, the bill would amend the penalties for possession of marijuana so that a first offense would be a class B nonperson misdemeanor, a second offense would be a class A nonperson misdemeanor, and a third or subsequent offense would be a drug severity level 5 felony. Under current law, a first offense is a class A nonperson misdemeanor and any subsequent offense is a drug severity level 5 felony.	1/27/2016 – committee report recommending substitute bill be passed.
Kentucky 2016 HB 154	Reduces penalty for possession of a controlled substance in the first degree to a Class A misdemeanor (previously was a Class D felony).	1/5/2016 – introduced; referred to Committee on Judiciary.
Maryland 2016 HB 268	Authorizes a person to file a petition for expungement if the person was convicted of possession of marijuana before 10/1/2014.	1/25/2016 – first reading; referred to Committee on Judiciary.

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Michigan 2015 SB 80	Decriminalizes the possession or use of one (1) ounce or less of marihuana under certain circumstances.	2/4/2015 – referred to Committee on Judiciary.
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.	1/7/2016 – read second time.
Missouri 2016 SB 761	Exempts marijuana from controlled substance forfeiture provisions.	12/1/2015 – pre-filed.
New Hampshire 2015 HB 1631	This bill reduces the penalty for possession of one-half ounce or less of marijuana to a violation subject to a fine of \$100 for a first offense, \$200 for a second offense and \$500 for a third or subsequent offense. The bill also reduces the penalty for possession of other amounts of marijuana.	1/28/2016 – executive session held.
New Hampshire 2015 SB 498	Amends the penalty section of the state's controlled drug act by reducing the penalty for obtaining, purchasing, transporting, possessing or having under one's control marijuana from a class A to an unspecified misdemeanor, and increasing the minimum fine under the controlled drug act from \$350 to \$500.	1/27/2016 – hearing in Judiciary Committee scheduled for 2/2/2016.
New York 2015 AB 3284	Requires a criminal court to release a defendant charged with certain offenses involving marihuana on his or her own recognizance upon ordering a case adjourned in contemplation of dismissal.	1/6/2016 – referred to Committee on Assembly Codes.
New York 2015 AB 6218	Eliminates the increase in fine and possible jail time for second and subsequent offenses of unlawful possession of less than 25 grams of marijuana.	1/6/2016 – referred to Committee on Assembly Codes.
New York 2015 AB 6493	Clarifies that possession of marihuana in the fifth degree is not applicable where marijuana is displayed in public pursuant to a request for action by a law enforcement officer.	1/6/2016 – referred to Committee on Assembly Codes.

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New York 2015 SB 137	Decriminalizes the personal possession of marihuana, eliminating the possibility of imprisonment for a repeat offender.	1/6/2016 – referred to Committee on Assembly Codes.
New York 2015 SB 3266	Allows for a petition for expungement of records for certain marihuana convictions of criminal possession in the fifth degree.	1/6/2016 – referred to Committee on Assembly Codes.
Rhode Island 2015 HB 7208	This act would amend the civil penalty for possession of one ounce or less of marijuana from a \$150 fine to a fine of \$100 - \$200, and would make said fine applicable whether the fine is imposed on a first or subsequent offense.	1/15/2016 - introduced and referred to Committee on Judiciary.
Tennessee 2015 HB 2144	As introduced, excludes from the definition of marijuana, the cannabis plant, with less than 0.9 percent THC, including seeds, resins, and oils, if used by a four-year institution of higher education in the state as part of certain clinical research studies. Amends TCA Section 39-17-402 and Chapter 936 of the Public Acts of 2014.	1/27/2016 – passed second consideration; assigned to Committee on Criminal Justice.
Tennessee 2015 HB 2310	As introduced, permits a metropolitan government or municipality to decriminalize possession of one ounce of marijuana or less by referendum. Amends TCA Title 40, Chapter 7.	1/25/2016 – passed first consideration.
Tennessee 2015 SB 2125	As introduced, excludes from the definition of marijuana, the cannabis plant, with less than 0.9% THC, including seeds, resins, and oils, if used by a four-year institution of higher education in the state as part of certain clinical research studies. Amends TCA Section 39-17-402 and Chapter 936 of the Public Acts of 2014.	1/25/2016 – passed on second consideration; referred to Committee on Judiciary.
Tennessee 2015 SB 2321	As introduced, permits a metropolitan government or municipality to decriminalize possession of one ounce of marijuana or less by referendum. Amends TCA Title 40, Chapter 7.	1/25/2016 – passed on second consideration; referred to Committee on Judiciary.

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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 – referred to Committee for Courts of Justice.
Virginia 2016 HB 112	Allows a person to petition for expungement of convictions and deferred disposition dismissals for marijuana possession, underage alcohol possession, and using a false ID to obtain alcohol when the offense occurred prior to the person's 21st birthday and five years have elapsed since the date of completion of all terms of sentencing and probation.	1/25/2016 – subcommittee recommends laying bill on table by voice vote.
Virginia 2016 HB 188	Allows a person to petition for expungement of convictions and deferred disposition dismissals for marijuana possession, underage alcohol possession, and using a false ID to obtain alcohol when the offense occurred prior to the person's 21st birthday and five years have elapsed since the date of completion of all terms of sentencing and probation.	1/25/2016 – subcommittee recommends laying bill on table by voice vote.
Virginia 2016 HB 708	Allows a person to petition for expungement of convictions and deferred disposition dismissals for marijuana possession, underage alcohol possession, and using a false ID to obtain alcohol when the offense occurred prior to the person's 21st birthday and five years have elapsed since the date of completion of all terms of sentencing and probation.	1/25/2016 – subcommittee recommends laying bill on table by voice vote.
Virginia 2016 HB 996	Allows a person convicted of a misdemeanor offense of possession of a controlled substance or marijuana, or charged with such an offense which charge was deferred and dismissed, who has successfully completed all terms of probation to file a petition for expungement one year after the completion of such terms if he has not been convicted of any offense involving violence. Any conviction that is expunged will be considered a prior conviction for purposes of prosecution of any subsequent offense for which the prior conviction statutorily enhances punishment.	1/25/2016 – subcommittee recommends laying bill on table by voice vote.

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Virginia 2016 HB 997	Decriminalizes marijuana possession and provides a civil penalty of no more than \$100 for a first violation, \$250 for a second violation, and \$500 for a third or subsequent violation. Under current law there is a maximum fine of \$500 and a maximum 30-day jail sentence for a first offense and subsequent offenses are a Class 1 misdemeanor. The bill reduces the criminal penalties for distribution and possession with intent to distribute marijuana.	1/25/2016 – subcommittee recommends laying bill on table by voice vote.
Virginia 2016 HB 1041	Revises the existing provision that a person loses his driver’s license for six months when convicted of or placed on deferred disposition for a drug offense to provide that the provision does not apply to simple possession of marijuana. The exception applies only to adults; juveniles will still be subject to license suspension.	1/25/2016 – subcommittee recommends laying bill on table by voice vote.
Virginia 2016 HB 1074	Decriminalizes marijuana possession and provides a civil penalty of no more than \$250 for a first violation and \$1,000 for a second or subsequent violation. Under current law, there is a maximum fine of \$500 and a maximum 30-day jail sentence for a first offense, and subsequent offenses are a Class 1 misdemeanor. The bill creates a rebuttable presumption that a person who possesses no more than one-half ounce of marijuana possesses it for personal use and provides that the suspended sentence/substance abuse screening provisions apply only to criminal violations or to civil violations by a minor.	1/25/2016 – subcommittee recommends laying bill on table by voice vote.
Virginia 2016 HJR 137	Resolution opposing the enactment or enforcement of a law requiring a six-month revocation or suspension of a person's driver’s license upon conviction of an offense involving the possession of marijuana	1/28/2016 – stricken from Rules Committee docket by voice vote.
Virginia 2016 SB 22	Allows a person to petition for expungement of convictions and deferred disposition dismissals for marijuana possession, underage alcohol possession, and using a false ID to obtain alcohol when the offense occurred prior to the person’s 21st birthday and five years have elapsed since the date of completion of all terms of sentencing and probation.	12/10/2015 – pre-filed and referred to Committee on Courts of Justice.

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Virginia 2016 SB 104	Decriminalizes marijuana possession and provides a civil penalty of no more than \$100 for a first violation, \$250 for a second violation, and \$500 for a third or subsequent violation. Under current law there is a maximum fine of \$500 and a maximum 30-day jail sentence for a first offense and subsequent offenses are a Class 1 misdemeanor. The bill reduces the criminal penalties for distribution and possession with intent to distribute marijuana. The bill creates a rebuttable presumption that a person who possesses no more than one ounce of marijuana possesses it for personal use and provides that the suspended sentence/substance abuse screening provisions apply only to criminal violations or to civil violations by a minor. The bill also limits forfeiture of property from sale or distribution of marijuana to quantities of more than one pound; currently there is no minimum amount.	12/23/2015 – pre-filed and referred to Committee on Courts of Justice.
Virginia 2016 SB 327	Revises the existing provision that a person loses his driver’s license for six months when convicted of or placed on deferred disposition for a drug offense to provide that the provision does not apply to simple possession of marijuana. The exception applies only to adults; juveniles will still be subject to license suspension. The provisions of the bill are contingent upon written assurance from the U.S. Department of Transportation that Virginia will not lose any federal funds as a result of implementation of the bill.	1/7/2016 – referred to Committee for Courts of Justice.
Virginia 2016 SB 521	Allows a person to petition for expungement of convictions and deferred disposition dismissals for marijuana possession, underage alcohol possession, and using a false ID to obtain alcohol when the offense occurred prior to the person’s 21st birthday and five years have elapsed since the date of completion of all terms of sentencing and probation.	1/13/2016 – referred to Committee on Courts of Justice.

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Virginia 2016 SB 613	Revises the existing provision that a person loses his driver's license for six months when convicted of or placed on deferred disposition for a drug offense to provide that the provision does not apply to simple possession of marijuana. The exception applies only to adults; juveniles will still be subject to license suspension.	1/20/2016 – referred to Courts of Justice Committee.
Virginia 2016 SJR 94	Resolution that the General Assembly opposes the enactment or enforcement of a law requiring a six-month revocation or suspension of a person's driver's license upon conviction of an offense involving the possession of marijuana.	1/13/2016 – referred to Committee on Rules.
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.	1/14/2016 – report passage recommended by committee.
Wyoming 2016 HB 3	Replaces criminal penalties for possession of less than an ounce of marihuana with a civil fine only (for first and second offenses) as follows: (1) possession of up to half an ounce would be punishable by a \$50 fine; and (2) possession of between half and one ounce would be punishable by a \$100 fine. For a third or subsequent offense, the possession of up to one ounce of marijuana could result in one or more of the following: (1) mandatory counseling; (2) fine between \$500 and \$1,000; (3) 30 days in jail; or (4) probation of up to one year.	12/17/2015 – bill number assigned.

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Wyoming 2016 HB 37	Increases to one pound the amount required for the crime of unlawful possession of controlled substances for the following: preparations, compounds, mixtures, or substances, including but not limited to baked goods, candies, drinks, edibles or any other similar form containing marihuana or tetrahydrocannabinols.	1/22/2016 – bill number assigned.

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