



Marijuana – State Laws that Decriminalize¹ Personal, Non-Medical Use

Research current through February 26, 2015.

This project was supported by Grant No. G1399ONDCP03A, awarded by the Office of National Drug Control Policy. Points of view or opinions in this document are those of the author and do not necessarily represent the official position or policies of the Office of National Drug Control Policy or the United States Government.

¹ Decriminalization is not the same as legalization. Under the state laws detailed in this summary, the personal, non-medical use of marijuana remains unlawful. The laws in this summary reduce the penalties associated with marijuana-related violations. This summary does not describe state laws that have legalized the personal, non-medical use of marijuana.

<u>Jurisdiction</u>	<u>Statute</u>	<u>Amount</u>	<u>Penalty</u>	<u>Notes</u>
Alaska ²	None. Authority is <i>Ravin v. State</i> , 537 P.2d 494 (Alaska 1975); and <i>Noy v. State</i> , 83 P.3d 545 (Alaska Ct. App. 2003).	Possession, use, and display of up to four (4) ounces of marijuana, by an adult, in a private residence.	None. The acts are protected by the right to privacy per the Alaskan Constitution.	
California	Cal. Health and Safety Code § 11357	Possession by a person of less than 28.5 grams of marijuana (other than concentrated cannabis) so long as it is not upon the grounds of, or within, any school providing instruction in kindergarten or any of grades 1 through 12 during hours the school is open for classes or school-related programs.	Infraction punishable by a fine of not more than \$100.	Anyone under age 18 who possesses less than 28.5 grams of marijuana (other than concentrated cannabis) on the grounds of, or within, a school is guilty of a misdemeanor but may only be subject to a fine of not more than \$250 for a first offense and not more than \$500 or commitment to a juvenile hall for a subsequent offense.
Connecticut	C.G.S.A. § 21a-279a	Possession of, or has under his/her control, less than ½ ounce of a cannabis-type substance.	Civil fine of \$150 for a first offense and between \$200 and \$500 for a subsequent offense.	For a third offense, the person also will be referred for participation in a drug education program at his/her own expense.

² Alaskan Ballot Measure 2, enacted November 4, 2014 and effective February 24, 2015, legalizes the possession and personal non-medical use of one ounce or less of marijuana by persons age 21 and older. Per its own terms, the Ballot Measure did not “diminish the right to privacy as interpreted by the Alaska Supreme Court in *Ravin v. State of Alaska*.” AS § 17.38.010.

<u>Jurisdiction</u>	<u>Statute</u>	<u>Amount</u>	<u>Penalty</u>	<u>Notes</u>
District of Columbia ³	DC ST § 48-1201, et seq.	Possession or transfer without remuneration of marijuana weighing one (1) ounce or less.	A civil fine of \$25 and seizure of any marijuana and paraphernalia visible to the police officer at the time of the civil violation.	For persons under age 18, the Office of Administrative Hearings mails a copy of the notice of violation to the parent or guardian of the person.
Maine	22 M.R.S.A. § 2383	Possession of a “usable amount” of marijuana (up to 2½ ounces).	Civil fine of between \$350 and \$600 for up to 1¼ ounces and between \$700 and \$1,000 for up to 2½ ounces.	
Maryland	MD Code, Criminal Law, § 5-601	Use or possession of less than ten (10) grams of marijuana.	First violation – a fine not exceeding \$100. Second violation – a fine not exceeding \$250. Third or subsequent violation – a fine not exceeding \$500.	In addition to a fine, a court shall order a violator under the age of 21 years (or a three-time offender age 21 or older) to attend a drug education program approved by the Department of Health and Mental Hygiene, refer the person to an assessment for substance abuse disorder, and refer the person to substance abuse treatment, if necessary.

³ On November 4, 2014, a majority of District of Columbia (D.C.) voters approved Initiative 71 (Legalization of Possession of Minimal Amounts of Marijuana for Personal Use Act of 2014) which legalized the possession of less than two ounces of marijuana for personal non-medical use on non-federal lands in D.C. Unlike other states, however, Congress has the power to review all legislation passed by the D.C. Council and prevent such legislation from taking effect. In the fiscal year 2015 spending bill passed by Congress in December 2014, a provision was included that prevents D.C. from using any local funds “to enact ... any law, rule or regulation to legalize or otherwise reduce penalties associated with the possession, use or distribution of any schedule I substance under the Controlled Substances Act (21 U.S.C. 801 et seq.) or any tetrahydrocannabinols derivative.” Given the FY2015 spending measure, the House majority’s position is that D.C. Initiative 71 cannot legally take effect. The D.C. Council, however, has moved forward with the steps to enact Initiative 71, which included sending the measure to Congress in mid-January 2015 for a 30-day review. The review period ended at midnight on February, 26, 2015 without Congressional action, and thus the D.C. Council believes that Initiative 71 is now in effect. As a result of these actions, the legalization of personal non-medical use of marijuana in D.C. remains unsettled.

<u>Jurisdiction</u>	<u>Statute</u>	<u>Amount</u>	<u>Penalty</u>	<u>Notes</u>
Massachusetts	M.G.L.A. 94C § 32L	Possession of up to one (1) ounce of marijuana.	Civil fine of \$100 and forfeiture of the marijuana.	Anyone under 18 is subject to the same forfeiture and civil penalty provisions, but he/she also must complete a drug awareness program, and his/her parents or legal guardian must be notified. If the juvenile fails to complete a drug awareness program and the required community service and pay the civil penalty within 1 year of the offense, the civil penalty may increase to \$1,000.
Minnesota	M.S.A. § 152.027	Possession or “sale” (for no remuneration) of a small amount of marijuana (defined in M.S.A § 152.01(16) as 42.5 grams or less).	Petty misdemeanor and must participate in a drug education program unless the court enters a written finding that a drug education program is inappropriate.	Anyone previously convicted of an unlawful “sale” (for no remuneration) of a small amount of marijuana and is subsequently convicted of an unlawful “sale” within 2 years of the original offense is guilty of a misdemeanor and must participate in a chemical dependency evaluation and treatment if an evaluation warrants such measures.
Mississippi	Miss. Code Ann. § 41-29-139(2)	Possession of 30 grams or less of marijuana or synthetic cannabinoids.	For a first offense - civil fine of between \$100 and \$250.	For a second offense- between five and 60 days in jail, mandatory participation in a drug education program, and a fine of \$250. Anyone previously convicted twice and is subsequently convicted again within 2 years of the first offense is guilty of a misdemeanor and must pay between \$250 and \$500 and must spend between five days and six months in jail.

<u>Jurisdiction</u>	<u>Statute</u>	<u>Amount</u>	<u>Penalty</u>	<u>Notes</u>
Nebraska	Neb. Rev. St. § 28-416(13)	Possession of one (1) ounce or less of marijuana.	Infraction, with a citation and a fine of up to \$300 and may be required to attend a drug education course, as defined in Neb. Rev. Stat. § 29-433.	Anyone committing a second offense is guilty of a misdemeanor, receives a citation and is fined \$400, and may be spend up to five days in jail. For all subsequent offenses, the person is guilty of a misdemeanor, receives a citation, is fined \$500, and may spend up to 7 days in jail.
Nevada	N.R.S. § 453.336(4)	Possession of one (1) ounce or less of marijuana.	For a first offense - misdemeanor, either punishable by a fine of up to \$600 or required to attend a drug treatment and rehabilitation program if an evaluation determines that the offender is a drug addict. For a second offense - misdemeanor either punishable by a fine of up to \$1,000 or required to attend a drug treatment and rehabilitation program.	Penalties are stronger for subsequent offenses.
New York	N.Y. Penal Law § 221.05	Possession of less than 25 grams of marijuana.	Civil fine of up to \$100 for a first offense and \$200 for a second offense.	Anyone committing a third offense must pay a fine of up to \$250 or spend up to 15 days in jail, or both.

<u>Jurisdiction</u>	<u>Statute</u>	<u>Amount</u>	<u>Penalty</u>	<u>Notes</u>
North Carolina	N.C. Gen. Stat. § 90-95	Possession of up to one-half ounce of marijuana; seven (7) grams of a synthetic cannabinoid or any mixture containing such a substance; or one-twentieth (1/20) of an ounce of hashish.	Misdemeanor with a fine of up to \$200, and if any jail sentence is imposed, it must be suspended.	Anyone committing a second through fifth subsequent offense must pay a fine of up to \$200 and may be sentenced to up to 15 days in jail.
Ohio	R.C. § 2925.11	Possession of up to 100 grams of marijuana.	Minor misdemeanor with a fine of up to \$150, as provided for in R.C. § 2901.02.	
Oregon ⁴	O.R.S. § 475.864	Possession of less than one (1) ounce of marijuana.	Presumptive civil fine of \$650.	

⁴ Oregon Ballot Measure 91, which legalizes the possession and personal non-medical use of small amounts of marijuana by persons age 21 and older, goes into effect on July 1, 2015. Starting on July 1, 2015, the civil fine will apply only to persons under age 21 who possess less than one ounce of marijuana.

<u>Jurisdiction</u>	<u>Statute</u>	<u>Amount</u>	<u>Penalty</u>	<u>Notes</u>
Rhode Island	Gen.Laws 1956, § 21-28-4.01(c)(2)	Possession of one (1) ounce or less.	Civil fine of \$150 and forfeiture of the marijuana for the first and second offenses. If person is under age 18, he/she must complete a drug awareness program and community service as determined by the court. (If the minor does not complete the drug awareness program and community service within 1 year of the offense, the fine increases to \$300.)	Anyone committing a third offense within 18 months of the last two offenses will be fined between \$200 and \$500, and may spend up to 30 days in jail, or both.
Vermont	18 V.S.A. §§ 4230a-b	Possession of up to one (1) ounce of marijuana or five (5) grams of hashish.	For persons aged 21 and over - civil fine of up to \$200 for the first offense, \$300 for the second offense and \$500 for the third or subsequent offense; For persons under 21 – for a first or second offense they must be referred to the Youth Substance Abuse Safety Program.	Anyone under age 21 who commits a third offense must spend up to 30 days in jail, be fined up to \$600, or both.

Note: As of February 2015, 15 cities in Michigan have ordinances which decriminalize the personal possession and/or use of marijuana. They include: (1) Ann Arbor (possession of a small amount carries a fine of \$25 for the first offense, \$50 for the second offense and \$100 for the third offense); (2) Detroit (possession of less than one ounce on personal property); (3) Ferndale (possession and transfer of up to one ounce); (4) Flint (possession of less than one ounce); (5) Grand Rapids (possession of less than one ounce on personal property); (6) Jackson (possession and use of up to one ounce); (7) Lansing (possession, use and transfer of up to one ounce); (8) Hazel Park (possession or use of less than one ounce on private property by person age 21 or older); (9) Oak Park (same); (10) Berkley (legal for any adult above the age of 21 to possess, use or transfer up to an ounce of marijuana on private property); (11) Huntington Woods (same); (12) Pleasant Ridge (same); (13) Saginaw (possession and use of less than one ounce of marijuana on private property by an adult above the age of 21); (14) Mount Pleasant (same); and (15) Port Huron (same).