



# Marijuana - Decriminalization<sup>1</sup>: 2016 Legislative Session Bill Status Update

**Research current through May 6, 2016.**

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<sup>1</sup> 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.

<b><u>State and Bill Number</u></b>	<b><u>Description<sup>2</sup></u></b>	<b><u>Status and Date of Last Action</u></b>
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 3124	Permits the expungement of records of certain marijuana-related offenses.	7/21/2015 – introduced in House.
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/Eradiation 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.

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

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<b>State and Bill Number</b>	<b>Description<sup>2</sup></b>	<b>Status and Date of Last Action</b>
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 2016 HB 257	Under existing law, a person who possesses marijuana for his or her personal use is guilty of a Class A misdemeanor, punishable by imprisonment for not more than one year, a fine of not more than \$6,000, or a combination of imprisonment and a fine. This bill would define unlawful possession of marijuana in the first degree as possession of over one ounce of marijuana and unlawful possession of marijuana in the second degree as possession of one ounce of marijuana or less. This bill would make the first offense of unlawful possession of marijuana in the second degree a violation, punishable by a fine only.	2/18/2016 – read first time 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 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 (Act No. A21-0273); effective 1/14/2016, expires on 4/13/2016.

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<b>State and Bill Number</b>	<b>Description<sup>2</sup></b>	<b>Status and Date of Last Action</b>
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 establish a private club task force to provide a report making recommendations regarding the licensing and operation of venues at which marijuana may be consumed within the parameters of 401(a)(1) of the District of Columbia Uniform Controlled Substances Act of 1981. Requires 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.	2/18/2016 – enacted by D.C. Council (Act No. A21-0319); transmitted to Congress, with anticipated effective date of 4/29/2016.
District of Columbia 2015 LB 674	Amends, on an emergency basis, due to congressional review, 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 establish a private club task force to provide a report making recommendations regarding the licensing and operation of venues at which marijuana may be consumed within the parameters of 401(a)(1) of the District of Columbia Uniform Controlled Substances Act of 1981; 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.	4/27/2016 – enacted (Act. No. A21-0364); expires 7/25/2016.

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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).
District of Columbia 2015 LR 612	To declare the existence of an emergency, due to congressional review, 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 establish a private club task force to provide a report making recommendations regarding the licensing and operation of venues at which marijuana may be consumed within the parameters of 401(a)(1) of the District of Columbia Uniform Controlled Substances Act of 1981; 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.	4/5/2016 – adopted (No. R21-0443); effective 4/5/2016.

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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.	3/11/2016 – died in Committee.
Florida 2016 SB 616	Removes cannabis from Florida's schedule of controlled substances and makes other conforming provisions.	3/11/2016 – died in Committee.
Georgia 2015 HB 1046	Provides for the following penalties for possession of one ounce or less of marijuana: (1) for a first violation, a fine not to exceed \$250.00 and a clinical evaluation; (2) for a second violation, a fine not to exceed \$500.00 and a clinical evaluation; and (3) for a third and for subsequent violations, a fine not to exceed \$750.00 and a clinical evaluation.	2/22/2016 – second readers.
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.
Hawaii 2015 HB 372	Establishes a civil violation for possession of one ounce or less of marijuana that is subject to the following fines: \$100 for the first violation; \$250 for the second violation; and \$500 for the third or subsequent violation.	12/17/2015 – carried over to 2016 session.
Hawaii 2015 HB 1371	Repeals criminal penalties related to marijuana.	12/17/2015 – carried over to 2016 session.
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.

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Hawaii 2015 HCR 127-16	Resolution by the House of Representatives, with the Senate concurring, that the Legislative Reference Bureau is requested to conduct a study on the potential impact on state government of decriminalizing the illegal possession of drugs for personal use in Hawaii. The study is to include: (1) a survey of all existing criminal drug offenses in Hawaii that are class C felonies or lower offenses and pertain to the illegal possession of a harmful drug, detrimental drug, marijuana, or marijuana concentrate, as defined in section 712-1240, Hawaii Revised Statutes; (2) a review of the current national drug policy of Portugal pertaining to the illegal possession of drugs for personal use, with a focus on the use of the policy as a potential model for the decriminalization of certain or all of the offenses identified under paragraph (1); and (3) the potential impact on administrative and judicial systems of state government of decriminalizing certain or all of the offenses identified under paragraph (1), such that the conduct constituting an offense would constitute an administrative or civil violation rather than a criminal offense.	4/29/2016 – adopted.
Hawaii 2015 SB 189	As substituted, the act is to reclassifies marijuana from as a hallucinogenic substance listed as a schedule I controlled substance to a hallucinogenic substance listed as a schedule II controlled substance. The effective date is moved to July 1, 2050.	1/12/2016 – re-referred to committees.
Hawaii 2015 SB 596	Establishes a civil violation for possession by a person 18 years of age or older of one ounce or less of marijuana that is subject to a fine of not more than \$100, and establishes an adjudicatory structure for its enforcement. Deletes reporting requirements of board of education for students possessing one ounce or less of marijuana. Clarifies that medical marijuana patients and primary caregiver may assert affirmative defense to prosecution, criminal or civil, involving possession of one ounce or less of marijuana. (Continued below)	1/21/2016 – re-referred to Committees on Consumer Protection & Housing and Judiciary & Labor..

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Hawaii 2015 SB 596 (Continued)	Excludes possession of one ounce or less of marijuana from authority of Hawaii paroling authority to require paroled prisoner to undergo and complete substance abuse treatment. Excludes possession of more than one ounce of marijuana from authority of courts to require a defendant to undergo and complete substance abuse treatment for probation violation. Clarifies definition of detrimental drug to exclude one ounce or less of marijuana. Excludes possession of one ounce or less of marijuana from offenses of promoting a detrimental drug in the second degree and third degree. Clarifies a civil violation for possession of marijuana does not constitute a prior offense for purposes of the conditional discharge law.	1/21/2016 – re-referred to Committees on Consumer Protection & Housing and Judiciary & Labor..
Hawaii 2015 SB 666	Provides that possession of less than one ounce of marijuana shall be a civil rather than criminal offense subject to a penalty of no more than \$100. Provides for enforcement, notice, and adjudication of violations.	12/17/2015 – carried over to 2016 session.
Hawaii 2015 SB 681	Establishes a civil penalty for possession of one ounce of less of marijuana or marijuana concentrate that is subject to a fine of not more than \$100. Makes various conforming amendments to statutes to reflect the establishment of the civil violation for possession of marijuana or marijuana concentrate of one ounce or less.	12/17/2015 – carried over to 2016 session.
Hawaii 2015 SB 708	Establishes a civil penalty for possession of one ounce of less of marijuana or marijuana concentrate that is subject to a fine of not more than \$100. Makes various conforming amendments to statutes to reflect the establishment of the civil violation for possession of marijuana or marijuana concentrate of one ounce or less.	12/17/2015 – carried over to 2016 session.
Hawaii 2015 SB 879	Establishes a civil violation subject to a fine of \$100 for intentional or knowing possession of one ounce or less of marijuana. Amends the offense of promoting a detrimental drug in the third degree to clarify that the offense applies to the knowing possession of more than one ounce of marijuana. Effective 01/07/2059.	12/17/2015 – carried over to 2016 session.

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Hawaii 2015 SB 2424	Excludes hashish, 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 – re-referred to Committees on Consumer Protection & Housing and Judiciary & Labor..
Hawaii 2015 SB 2656	Establishes a civil penalty for possession of one ounce of less of marijuana or marijuana concentrate that is subject to a fine of not more than \$100. Makes various conforming amendments to statutes to reflect the establishment of the civil violation for possession of marijuana or marijuana concentrate of one ounce or less.	1/27/2016 – referred to Committees on Judiciary & Labor and Ways & Means.
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.	4/15/2016 – second reading - short debate.
Illinois 2015 HB 6572	Amends the Alcoholism and other Drug Abuse and Dependency Act. Provides that an addict may elect treatment under supervision of a designated program if the offense is possession of a controlled substance or possession of 500 grams or less of cannabis. Amends the Cannabis Control Act. Provides that possession of 57 grams or less of cannabis is a civil violation with a \$25 fine. Provides that the manufacture, delivery, or possession with intent to deliver, or manufacture, 30 grams or less of any substance containing cannabis is a civil violation and subject to a \$25 fine. (Continued below)	5/6/2016 – filed.

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Illinois 2015 HB 6572 (Continued)	Provides that possessing, growing, producing, or processing not more than 5 cannabis sativa plants, provided that the growing is not conducted openly or publicly and is not provided for sale or consideration, shall constitute a civil violation and shall be subject to a fine of \$25. Amends the Drug Paraphernalia Control Act. Provides that if a person has possession of 57 grams or less of cannabis, the penalty for possession of any drug paraphernalia seized during the violation for that offense shall be a civil violation punishable by a fine of \$25.	5/6/2016 – filed.
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).	5/4/2016 – do pass / short debate in House Restorative Justice Committee.
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.

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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.
Iowa 2015 SR 114	Resolution that urges the Congress of the United States to enact legislation to reclassify cannabis as a schedule II controlled substance under the United States Controlled Substances Act to facilitate research and testing on the potential benefits of medical cannabis.	4/14/2016 – resolution filed; referred to Committee on Rules & Administration.
Kansas 2015 HB 2049	Senate substitute for 2015 HB 2049, as amended, 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.	5/1/2016 – conference committee reports adopted in both houses.
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 2015 SB 517	This bill establishes that the use or possession of marijuana involving smoking marijuana in a public place is a civil offense, punishable by a fine of up to \$500. The bill also repeals the criminal prohibition on possession of marijuana-related paraphernalia, eliminates any penalty, and makes conforming changes.	1/21/2016 – veto overridden; adopted (2016 Laws Chapter 4); effective 2/20/2016.
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.	2/3/2016 – hearing scheduled for 3/8/2016.

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Maryland 2016 HB 565	This bill clarifies that a person who violates the prohibition against possessing a controlled dangerous substance (CDS) involving marijuana in the amount of 10 grams or more is guilty of the misdemeanor of possession of marijuana and establishes additional procedures for prosecution of civil cases for possession of less than 10 grams of marijuana.	4/7/2016 – enrolled.
Maryland 2016 HB 1119	This bill establishes that the use or possession of a de minimis quantity of specified controlled dangerous substances (CDS) is a civil offense punishable by a fine of up to \$100 for a first offense and \$250 for a second offense. The maximum fine for a third or subsequent offense is \$500.	3/14/2016 – unfavorable report from Committee on Judiciary.
Maryland 2016 SB 891	This bill increases the maximum amount of marijuana that a person may use or possess that is subject to civil penalties from 10 grams to one ounce. The bill establishes that the violation is a code violation and establishes additional procedures for prosecution of civil cases for possession of less than one ounce of marijuana. Additionally, a driver of a motor vehicle may not smoke or otherwise consume marijuana, and an occupant may not smoke marijuana, in a passenger area of a motor vehicle on a highway; a violation of these provisions is a misdemeanor, subject to a maximum fine of \$500.	2/10/2016 – hearing scheduled for 3/2/2016.
Maryland 2016 SB 1005	Among other provisions, and except when in possession of less than 10 grams of marijuana, alters penalties to establish that a defendant in possession of marijuana is guilty of a misdemeanor and (1) for a first conviction, subject to imprisonment for up to six months and/or a fine of up to \$1,000 and (2) for a second or subsequent conviction, subject to the current law penalty of imprisonment for up to one year and/or a fine of up to \$1,000.	4/5/2016 – passed enrolled.
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.

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Michigan 2015 SJR O	A joint resolution proposing an amendment to the state constitution, by adding section 40a to article IV, to decriminalize the possession and use of marihuana.	2/24/2016 – introduced and 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.	2/23/2016 – hearing conducted in Committee on Judiciary and Civil & Criminal Jurisprudence.
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.	4/21/2016 – deemed inexpedient to legislate by Senate.
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.	5/4/2016 – House committee report - ought to pass as amended.

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New Jersey 2016 AB 2050	This bill amends N.J.S.2C:35-10, possession, use or being under the influence, to provide that a person who is found to possess 15 grams or less of marijuana would be subject to a civil penalty: \$150 fine for a first violation, a \$200 fine for a second violation, and a \$500 fine for a third or subsequent violation. The bill allows the court to waive the penalties in case of extreme financial hardship. Under the current law, possession of more than 15 grams but less than 50 grams (a disorderly persons offense) and possession of 50 grams or more (which is a crime of the fourth degree) would remain unchanged. Under section 1 of P.L.1964, c.289 (C.39:4-49.1) a person who operates a motor vehicle while in possession with a controlled dangerous substance or prescription drugs without a valid prescription is subject to a fine of not less \$50 and forfeits his right to operate a motor vehicle for two years. The bill provides that these penalties would not apply to possession of 15 grams or less of marijuana.	1/27/2016 – introduced and referred to Assembly Judiciary Committee.
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.
New York 2015 SB 137	Provides that the unlawful possession of marihuana may only occur if the marihuana is burning. Also, provides that the violation is punishable only by a fine of up to \$100.	4/13/2016 – amended and recommitted to Senate 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.

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New York 2015 SB 7227	Removes “open to public view” as one of the possible basis for the violation of possession of marihuana in the fifth degree. Now, only possession of marihuana that is burning is a violation.	4/8/2016 – introduced and referred to Committee on Senate 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.	4/12/2016 – committee recommended measure be held for further study.
South Carolina 2015 HB 4798	Provides that “is not unlawful for a veteran with an honorable discharge or a general under honorable conditions discharge, whom the United States Department of Veterans Affairs has diagnosed with service-connected post-traumatic stress disorder (PTSD) arising from the veteran's duty in an area that the President of the United States designated by executive order as an area in which United States armed forces are engaging or have engaged in combat to possess twenty-eight grams or one ounce or less of marijuana or ten grams or less of hashish.”	2/2/2016 – introduced and referred to Committee on Judiciary.
Tennessee 2015 HB 873	As introduced, deletes the offense for a person to distribute a small amount of marijuana not in excess of one-half ounce (14.175 grams). Increases the amount of marijuana, from one-half ounce to one ounce, that a person must possess, casually exchange, or distribute to be considered a criminal offense punishable as a Class C misdemeanor by a \$100 fine for each violation.	4/6/2016 – taken off notice for calendar in subcommittee.
Tennessee 2015 HB 2144	Excludes from the definition of marijuana, cannabis oil containing the substance cannabidiol, with less than six tenths of one percent (0.6%) of tetrahydrocannabinol, including the necessary seeds and plants, when manufactured, processed, transferred, dispensed, or possessed by a four-year public or private institution of higher education certified by the drug enforcement administration located in the state as part of a clinical research study on the treatment of intractable seizures, cancer, or other diseases.	5/9/2016 – enrolled bill sent to Governor.

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<b>State and Bill Number</b>	<b>Description<sup>2</sup></b>	<b>Status and Date of Last Action</b>
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.	4/13/2016 – taken off notice for calendar in subcommittee.
Tennessee 2015 SB 1211	As introduced, deletes the offense for a person to distribute a small amount of marijuana not in excess of one-half ounce (14.175 grams). Increases the amount of marijuana, from one-half ounce to one ounce, that a person must possess, casually exchange, or distribute to be considered a criminal offense punishable as a Class C misdemeanor by a \$100 fine for each violation.	3/30/2016 – failed in committee.
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.	4/19/2016 – substituted by 2015 HB 2144
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.	4/12/2016 – failed in committee.
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.	2/16/2016 – left in 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.	2/16/2016 – left in Committee for Courts of Justice.

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<b>State and Bill Number</b>	<b>Description<sup>2</sup></b>	<b>Status and Date of Last Action</b>
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.	2/16/2016 – left in Committee for Courts of Justice.
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.	2/16/2016 – left in Committee for Courts of Justice.
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.	2/16/2016 – left in Committee for Courts of Justice.
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.	2/16/2016 – left in Committee for Courts of Justice.

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<b>State and Bill Number</b>	<b>Description<sup>2</sup></b>	<b>Status and Date of Last Action</b>
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.	2/16/2016 – left in Committee for Courts of Justice.
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.	2/16/2016 – left in Committee for Courts of Justice.
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.	3/8/2016 – left in House Committee for Courts of Justice.

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<b>State and Bill Number</b>	<b>Description<sup>2</sup></b>	<b>Status and Date of Last Action</b>
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.	2/3/2016 – passed by indefinitely in Courts of Justice Committee.
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.	3/8/2016 – left in House 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.	2/3/2016 – continued to 2017 in Committee on Courts of Justice.

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<b>State and Bill Number</b>	<b>Description<sup>2</sup></b>	<b>Status and Date of Last Action</b>
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.	2/3/2016 – incorporated into 2015 SB 327.
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.	2/17/2016 – left in Committee on Rules.
West Virginia 2016 HB 4576	The purpose of this bill is to increase the penalties for transportation of narcotics and certain controlled substances into the state. The bill additionally exempts marihuana from these provisions.	3/1/2016 – tabled on third reading in House.
West Virginia 2016 HB 4602	The purpose of this bill is to increase mandatory minimum sentences for trafficking drugs into the state; to increase periods of ineligibility for parole for certain violations; to establish penalties for conspiracy and for use or possession of a firearm in drug transactions. Offenses involving marihuana are excluded from the mandatory minimums for the purposes of this section.	2/17/2016 – introduced and referred to Committee on Prevention and Treatment of Substance Abuse.
West Virginia 2016 SB 479	The purpose of this bill is to increase the penalties for transportation of narcotics and certain controlled substances into the State. The bill additionally exempts marihuana from these provisions.	2/2/2016 – introduced and referred to Committee on Judiciary.
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. (Continued below)	4/13/2016 – failed pursuant to Senate Joint Resolution 1.

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<b>State and Bill Number</b>	<b>Description<sup>2</sup></b>	<b>Status and Date of Last Action</b>
Wisconsin 2015 AB 246 (Continued)	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.	4/13/2016 – failed pursuant to Senate Joint Resolution 1.
Wisconsin 2015 AB 944	This bill requires a court to order expunged a record for a non-felony possession of marijuana offense under any of the following circumstances: (1) at least five years have elapsed since the conviction, the person was under the age of 21 when he or she committed the offense, and the court did not already order the record expunged; (2) at least ten years have elapsed since the conviction, the person was at least 21 but under 25 when he or she committed the offense, and the court did not already order the record expunged; or (3) at least ten years have elapsed since the conviction if the person was at least 25 when he or she committed the offense.	4/13/2016 – failed pursuant to Senate Joint Resolution 1.
Wisconsin 2015 AB 945	Under this bill, the penalty for the possession of marijuana following a conviction for a violation of the Uniform Controlled Substances Act is reduced from a Class I felony to a fine of no more than \$1,000 or imprisonment for not more than six months, or both, which is the same penalty as for the first offense of possession of marijuana. The penalty, however, remains a Class I felony if the repeat offense occurred on the grounds of a school or if, during the course of the repeat offense, the person carried a dangerous weapon, the person used force against another person, or a person died or suffered great bodily harm.	4/13/2016 – failed pursuant to Senate Joint Resolution 1.
Wisconsin 2015 AB 994	The bill reclassifies second offense possession of marijuana from a Class I felony to a Class A misdemeanor. Under current law, first offense possession of marijuana is a Class A misdemeanor, while a second or subsequent offense for possessing marijuana is a Class I felony. Under the bill, a first or second offense is a Class A misdemeanor, and a third or subsequent offense is a Class I felony.	4/13/2016 - failed pursuant to Senate Joint Resolution 1.

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<b>State and Bill Number</b>	<b>Description<sup>2</sup></b>	<b>Status and Date of Last Action</b>
Wisconsin 2015 AB 995	The bill changes the penalties for marijuana possession. Under current law, a person who possesses marijuana may, for a first offense, be fined up to \$1,000, imprisoned for up to six months, or both. A second or subsequent offense is a Class I felony. Under the bill, a person who possesses marijuana may, for a first offense, be fined up to \$1,000, imprisoned for up to three months, or both; a person who commits a second offense may be fined up to \$1,000, imprisoned for up to six months, or both; and a person who commits a third or subsequent offense is guilty of a Class I felony.	4/13/2016 – failed pursuant to Senate Joint Resolution 1.
Wisconsin 2015 AB 997	Under current law, a person who possesses or attempts to possess tetrahydrocannabinols (THC) is guilty of a misdemeanor and may be imprisoned for not more than six months or fined not more than \$1,000, or both, for a first offense and is guilty of a felony and may be imprisoned for no more than three years and six month or fined not more than \$10,000, or both, for a second or subsequent offense. Under this bill, a first offense would be a misdemeanor for which the person could be imprisoned not more than 90 days or fined not more than \$1,000, or both. A second offense would subject the person to the penalty for a first offense under current law, and a third or subsequent offense would subject the person to the penalty for a second offense under current law.	4/13/2016 – failed pursuant to Senate Joint Resolution 1.
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. (Continued below)	4/13/2016 – failed pursuant to Senate Joint Resolution 1.

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<b>State and Bill Number</b>	<b>Description<sup>2</sup></b>	<b>Status and Date of Last Action</b>
Wisconsin 2015 SB 167 (Continued)	This bill limits local governments to enacting ordinances prohibiting only the possession of more than 25 grams of marijuana.	4/13/2016 – failed pursuant to Senate Joint Resolution 1.
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.	4/13/2016 – failed pursuant to Senate Joint Resolution 1.
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.	2/9/2016 – failed introduction.
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.	2/8/2016 – failed introduction.

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