



Marijuana – Personal Non-Medical Use: 2016 Legislative Session Bill Status Update

Research current through February 2, 2016.

This project was supported by Grant No. G15599ONDCP03A, 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.

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State and Bill Number	Description¹	Status and Date of Last Action
U.S. 2015 HR 1014	“Marijuana Tax Revenue Act of 2015.” Imposes a federal excise tax on the sale of marijuana for non-medical purposes as well as apply an occupational tax for marijuana businesses. The bill also requires the IRS to produce periodic studies of the marijuana industry and to issue recommendations to Congress. It phases in an excise tax on the sale by a producer (generally the grower) to the next stage of production (generally the processor creating the useable product). This tax is initially set at 10% and rises over time to 25% as the legal market displaces the black market. Medical marijuana is exempt from this tax.	2/20/2015 – referred to House Committee on Ways & Means.
U.S. 2015 HR 2076	“Marijuana Businesses Access to Banking Act of 2015.” Creates protections for depository institutions that provide financial services to marijuana-related businesses in states that have legalized.	4/28/2015 – introduced and referred to Committees on Judiciary and Financial Services.
U.S. 2015 HR 2331	“No Welfare for Weed Act of 2015.” Amends the Food and Nutrition Act of 2008 to prohibit the use of benefits to purchase marijuana products, to amend part A of title IV of the Social Security Act to prohibit assistance provided under the program of block grants to States for temporary assistance for needy families from being accessed through the use of an electronic benefit transfer card at any store that offers marijuana for sale and for other purposes.	5/14/2015 – introduced and referred to Committees on Ways and Means and Agriculture.
U.S. 2015 HR 2598	“Lucid Act of 2015.” Amends title 23, United States Code, to establish requirements relating to marijuana-impaired driving, to direct the Administrator of the National Highway Traffic Safety Administration to issue comprehensive guidance on the best practices to prevent marijuana-impaired driving and for other purposes.	6/1/2015 – introduced and referred to Committee on Transportation and Infrastructure.

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

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State and Bill Number	Description¹	Status and Date of Last Action
U.S. 2015 HR 3010	Prohibits assistance provided under the program of block grants to States for temporary assistance for needy families from being accessed through the use of an electronic benefit transfer card at any store that offers marijuana for sale.	7/9/2015 – introduced in House.
U.S. 2015 HR 3561	Amends Section 484(r) of the Higher Education Act of 1965 to exclude certain marijuana-related offenses from the drug-related offenses that result in students being barred from receiving Federal educational loans, grants, and work assistance, and for other purposes.	9/18/2015 – introduced and referred to Committee on Education and the Workforce.
U.S. 2015 HR 3763	“Surface Transportation Reauthorization and Reform Act of 2015.” Among many other provisions, the bill provides that the Secretary of Transportation is to conduct a study on marijuana impaired driving and prepare a report to Congress within one year.	10/29/2015 – reported as amended to the House by committee.
U.S. 2015 S 1726	Creates protections for depository institutions that provide financial services to marijuana-related businesses, and for other purposes.	7/9/2015 – introduced in Senate.
U.S. 2015 S 1910	An original bill making appropriations for financial services and general government for the fiscal year ending September 30, 2016, and for other purposes. Provides that none of the funds may be used, with respect to a State where marijuana is legal for recreational or medicinal purposes, to prohibit or penalize a financial institution solely because the institution provides financial services to an entity that is a manufacturer, producer, or a person that participates in any business or organized activity that—(1) involves handling marijuana or marijuana products; and (2) engages in such activity pursuant to a law established by a State or a unit of local government.	7/30/2015 – introduced in Senate.

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State and Bill Number	Description¹	Status and Date of Last Action
Arizona 2016 HB 2006	Allows people aged 21 and older to: (1) possess, consume, use, display, purchase or transport marijuana accessories or one ounce or less of marijuana; and/or (2) possess, grow, process or transport not more than five marijuana plants and the marijuana produced by the plants on the premises where the plants were grown. Authorizes and regulates marijuana cultivation facilities, marijuana testing facilities, marijuana product manufacturing facilities and retail marijuana stores. Provides for a tax at the rate of \$50 per ounce, or proportionate part thereof, on the sale or transfer of marijuana from a marijuana cultivation facility to a retail marijuana store or marijuana product manufacturing facility.	1/25/2016 – House second read.
Arizona 2016 HB 2406	Comprehensive legislation to allow persons aged 21 and older to possess, consume, use, display, purchase or transport cannabis accessories or one ounce or less of cannabis.	1/14/2016 – filed.
Hawaii 2015 HB 717	Legalizes under state law the growing, processing, possession, transfer, and personal use of one ounce or less (or five plants) of marijuana for persons at least 21 years of age. Requires licensing to operate marijuana establishments. Subjects marijuana establishments to excise taxes and income taxes.	12/17/2015 – carried over to 2016 session.
Hawaii 2015 HB 841	Repeals criminal and civil penalties related to marijuana. Prohibits the furnishing of marijuana to a minor. Allows the cultivation of up to 10 marijuana plants on private property. Prohibits counties from prohibiting the cultivation of marijuana on private property.	12/17/2015 – carried over to 2016 session.
Hawaii 2015 HB 889	Repeals criminal and civil penalties related to marijuana. Prohibits the furnishing of marijuana to a minor. Allows the cultivation of up to 10 marijuana plants on private property. Prohibits counties from prohibiting the cultivation of marijuana on private property.	12/17/2015 – carried over to 2016 session.

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State and Bill Number	Description¹	Status and Date of Last Action
Hawaii 2015 HB 1203	Authorizes the counties to adopt ordinances to legalize marijuana possession, sale, and use, for persons over the age of twenty-one. Clarifies that penal code provisions pertaining to drug and intoxicating compounds offenses do not apply to counties that have adopted ordinances legalizing marijuana and adopted administrative rules to regulate marijuana.	12/17/2015 – carried over to 2016 session.
Hawaii 2015 SB 383	Repeals criminal and civil penalties related to marijuana. Prohibits the furnishing of marijuana to a minor. Allows the cultivation of up to 10 marijuana plants on private property. Prohibits counties from prohibiting the cultivation of marijuana on private property.	1/21/2016 – re-referred to House Public Safety and Military Affairs Committee, Senate Judiciary and Labor and Ways and Means Committees.
Hawaii 2015 SB 873	Legalizes under state law the growing, processing, possession, transfer, and personal use of one ounce or less (or six plants) of marijuana for persons at least twenty-one years of age. Requires licensing to operate marijuana establishments. Subjects marijuana establishments to excise taxes and income taxes.	1/21/2016 – re-referred to House Public Safety and Military Affairs Committee; referred to Senate Judiciary and Labor and Ways and Means Committees.
Hawaii 2015 SB 1259	Authorizes the counties to adopt ordinances to legalize marijuana possession, sale, and use, for persons over the age of twenty-one. Clarifies that penal code provisions pertaining to drug and intoxicating compounds offenses do not apply to counties that have adopted ordinances legalizing marijuana and adopted administrative rules to regulate marijuana.	12/17/2015 – carried over to 2016 session.

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State and Bill Number	Description¹	Status and Date of Last Action
<p>Illinois 2015 HB 4276</p>	<p>Creates the Cannabis Regulation and Taxation Act. Provides that the following acts are lawful and shall not be a criminal or civil offense or be a basis for seizure or forfeiture of assets under State law for persons 21 years of age or older: (1) possessing, consuming, using, displaying, purchasing, or transporting cannabis accessories; (2) possessing, growing, processing, or transporting no more than eight cannabis plants and possession of the cannabis produced by the plants on the premises where the plants were grown; (3) transferring 30 grams or less of cannabis or up to six immature cannabis plants to a person who is 21 years of age or older without remuneration; and (4) assisting another person who is 21 years of age or older in any of these acts. Provides that an excise tax is imposed at the rate of 10% of the sale price of the sale or transfer of cannabis from a cannabis cultivation facility to a retail cannabis store or cannabis product manufacturing facility. Creates a new regulatory offense classification of offense, which is not to be considered a criminal offense and is fine only for the amount specified in the offense or for which community service may be imposed. Changes various penalties for the possession of more than 30 grams of cannabis and for producing or possessing more than eight cannabis sativa plants.</p>	<p>8/25/2015 – introduced and referred to Rules Committee.</p>
<p>Illinois 2015 HB 4357</p>	<p>Provides that a person commits the offense of unlawful use of cannabis-based product manufacturing equipment when he or she knowingly engages in the possession, procurement, transportation, storage, or delivery of any equipment used in the manufacturing of any cannabis-based product using volatile or explosive gas, including, but not limited to canisters of butane gas, with the intent to manufacture, compound, covert, produce, derive, process, or prepare either directly or indirectly any cannabis-based product. (Continued below)</p>	<p>1/26/2016 – assigned to Restorative Justice Committee.</p>

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State and Bill Number	Description¹	Status and Date of Last Action
Illinois 2015 HB 4357 (continued)	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 tetrahydrocannabinol (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 in any amount).	1/26/2016 – assigned to Restorative Justice Committee.
Illinois 2015 SB 753	Amends the Cannabis Control Act. Legalizes the possession by a person 21 years of age or older of cannabis in an amount not to exceed 30 grams. Permits the production and possession by a person 21 years of age or older of not more than 5 cannabis sativa plants.	10/10/2015 – Senate committee amendment; referred to Assignments.
Illinois 2015 SB 1639	Changes definition of "cannabis" and adds a definition of "concentrated cannabis" to the Cannabis Control Act. Provides that the knowing possession of concentrated cannabis in an amount of: (1) less than 1 gram is a Class 4 felony; (2) 1 gram or more but not more than 4 grams is a Class 3 felony; (3) more than 4 grams but not more than 400 grams is a Class 2 felony; and (4) more than 400 grams is a Class 1 felony. Provides that the penalty for the knowing manufacture, delivery, or possession with intent to deliver, or manufacture, concentrated cannabis is one class higher than the penalty for possession of concentrated cannabis.	10/10/2015 – referred to Assignments.
Kentucky 2016 SB 13	Establishes KRS Chapter 245 to regulate the cultivation, testing, processing, taxing, and sale of marijuana to persons aged twenty-one years and older. Allows such persons to possess up to one ounce of marijuana and cultivate up to five plants for personal use.	1/7/2016 – referred to Committee on Licensing, Occupations & Administrative Regulations.

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Kentucky 2016 SB 44	“Cannabis Freedom Act.” Allows persons age 21 years of age or older to: (1) possess up to one (1) ounce of cannabis on his or her person; and (2) possess and cultivate up to five (5) cannabis plants for personal consumption. Authorizes cannabis cultivation facility, cannabis processing facility, cannabis testing facility, or retail cannabis facility operated by a licensee.	1/5/2016 – referred to Committee on Appropriations & Revenue.
Maryland 2016 HB 183	Prohibits a person from smoking marijuana in a public place, with a certain exception; prohibits a driver of a motor vehicle from smoking or consuming marijuana in the passenger area of the motor vehicle on a highway; prohibits an occupant of a motor vehicle from smoking marijuana in the passenger area of the motor vehicle on a highway.	1/21/2016 – first reading; referred to Committee on Judiciary.
Maryland 2016 HB 334	Prohibits a person from smoking or consuming marijuana in a public place or in a vehicle located on a highway, in a parking lot, or in an area accessible to the public; prohibits a person from being impaired by marijuana and endangering the safety of the person, another person, or property.	1/27/2016 – first reading; hearing scheduled for 2/9.
Massachusetts 2015 HB 3932	The purpose of this Act is to control the production and distribution of marijuana under a system that licenses, regulates and taxes the businesses involved in a manner similar to alcohol and to make marijuana legal for adults 21 years of age or older. Its intent is to remove the production and distribution of marijuana from the illicit market and to prevent the sale of marijuana to persons under 21 years of age by providing for a regulated and taxed distribution system.	1/7/2016 – referred to Joint Committee on Judiciary.
Michigan 2015 HB 4877	“Marihuana Legalization and Regulation Act.” This bill decriminalizes and regulates marihuana cultivation, production, testing, sale, possession and use for nonmedical purposes by persons over age 21. In addition, it provides for the licensing of marihuana facilities (by the Michigan Department of Licensing and Regulatory Affairs) and stores and imposes an excise tax on marihuana transfers by a marihuana cultivation facility.	9/17/2015 – introduced and referred to Committee on Judiciary.

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Michigan 2015 HB 5024	Creates a commission to research and recommend a scientifically supported threshold of THC bodily content to provide evidence for “per se” impaired driving.	10/27/2015 – introduced and referred to Committee on Judiciary.
Missouri 2016 HJR 57	Submitting to the qualified voters of Missouri, an amendment to article X of the Constitution of Missouri, and adopting one new section relating to the regulation and taxation of marijuana.	1/7/2016 – read second time.
Missouri 2016 HB 1974	Provides that in instances where THC is identified in a driver's blood in quantities of 5 ng/ml or higher, there is a permissible inference that the defendant was driving under the influence of THC.	1/7/2016 – read second time.
Missouri 2016 HB 2338	Provides that it shall not be unlawful for any person 21 years of age or older to possess or have under his or her control 454 grams or less of marijuana, or nine or less marijuana plants; provided that, such possession or control is not within 2,000 of the real property comprising of a public or private elementary, vocational, or secondary school.	1/25/2016 – read second time.
Missouri 2016 SB 762	This act allows a person to possess up to one ounce of marijuana and provides a licensure process for retail marijuana stores, retail marijuana cultivation facilities, retail marijuana products manufacturers, and retail marijuana testing facilities. Licensees may possess, manufacture, and distribute marijuana in accordance with the provisions of the act and rules promulgated by the Division of Alcohol and Tobacco Control. Retail marijuana is subject to a sales tax of 12.9 percent.	12/1/2015 – pre-filed.
New Hampshire 2015 HB 1610	This bill allows a person 21 years of age or older to possess up to two ounces of marijuana and to cultivate no more than six marijuana plants without penalty.	1/19/2016 – public hearing.

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New Hampshire 2015 HB 1675	Legalizes the personal use of up to 2.2 pounds of marijuana by persons 18 years of age or older. Authorizes the licensing of marijuana wholesale, retail, cultivation, and testing facilities. Imposes a tax on marijuana sold or transferred by a marijuana cultivation facility to a marijuana product manufacturing facility or to a retail marijuana store.	1/19/2016 – public hearing.
New Hampshire 2015 HB 1694	The bill: (1) legalizes the personal use of marijuana by persons 21 years of age or older; (2) legalizes the cultivation, possession, and use of hemp; (3) authorizes the licensing of marijuana wholesale, retail, cultivation, and testing facilities; and (4) imposes a tax on the sale of marijuana.	1/19/2016 – public hearing.
New Mexico 2016 HB 44	Provides that it is unlawful “for a person to drive a vehicle if the person has the following amount or more of a controlled substance or metabolite in the person’s blood within three hours of driving the vehicle and the controlled substance or metabolite concentration results from consumption of a controlled substance before or while driving the vehicle: . . . (7) for the active compound in marijuana, delta-9-tetrahydrocannabinol, five nanograms per milliliter of blood.”	1/19/2016 – referred to Rules & Order of Business Committee.
New Mexico 2016 HB 75	"Cannabis Revenue and Freedom Act." Allows persons aged 21 or older to buy and possess marijuana in the state, with marijuana sales taxed similar to those in neighboring Colorado. The bill also legalizes industrial hemp cultivation. As compared to 2015 NM HB 160, the bill further outlines what will not be allowed under the law – specifically language pertaining to federal land and laws and a portion that says any legalization efforts would not get in the way of state or federal law allowing workplaces to test for marijuana.	1/19/2016 – referred to Rules & Order of Business Committee.

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New Mexico 2016 SJR 5	Resolution to amend Article 20 of the constitution of New Mexico by adding a new section to read: “Possession and personal use of marijuana shall be lawful by persons twenty-one years of age or older. The legislature shall provide by law for: A. the production, processing, transportation, sale, taxation and acceptable quantities and places of use of marijuana and hemp to protect public health and safety; and B. any state revenue generated from the production, processing, transportation, sale, taxation or other regulation of marijuana and hemp to be used to fund the state's Medicaid program or drug and alcohol rehabilitation programs.”	1/20/2016 – referred to Committees on Rules and Judiciary.
New Mexico 2016 SJR 6	It is proposed to amend Article 20 of the constitution of New Mexico by adding a new section to read: “Possession and personal use of marijuana shall be lawful by persons twenty-one years of age or older. The legislature shall provide by law for the production, processing, transportation, sale, taxation and acceptable quantities and places of use of marijuana and hemp to protect public health and safety.”	1/20/2016 – referred to Committees on Rules and Judiciary.
New York 2015 AB 3089	“Marihuana Regulation and Taxation Act.” Amends public health law to allow the growing of and use of marihuana by persons eighteen years of age or older. Amends certain offenses involving marihuana and to exempt certain persons from prosecution for the use, consumption, display, production or distribution of marihuana. Amends the alcoholic beverage control law, in relation to providing for the licensure of persons authorized to produce, process and sell marihuana. Amends the tax law, in relation to providing for the levying of an excise tax on certain sales of marihuana.	1/6/2016 – referred to Committee on Assembly Codes.
Pennsylvania 2015 SB 528	“Regulate Marijuana Act.” Provides for personal use of marijuana, for lawful operation of marijuana-related facilities, for general powers of the Pennsylvania Liquor Control Board, for regulation of marijuana and for employers, minors and control of property; and making related repeals.	2/25/2015 – referred to Law and Justice Committee.

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Tennessee 2015 HB 1981	As introduced, creates the Class E felony offense of manufacturing marijuana concentrate by a process which uses an inherently hazardous substance like butane; creates Class A misdemeanor of owner of premises knowingly allowing the process to occur on the premises; makes manufacturing marijuana concentrate by a process which uses a hazardous substance when a child is present child abuse. - Amends TCA Title 39, Chapter 15, Part 4 and Title 39, Chapter 17, Part 4.	1/25/2016 – passed second consideration; referred to Committee on Criminal Justice.
Tennessee 2015 SB 1586	As introduced, creates the Class E felony offense of manufacturing marijuana concentrate by a process which uses an inherently hazardous substance like butane; creates Class A misdemeanor of owner of premises knowingly allowing the process to occur on the premises; makes manufacturing marijuana concentrate by a process which uses a hazardous substance when a child is present child abuse. - Amends TCA Title 39, Chapter 15, Part 4 and Title 39, Chapter 17, Part 4.	2/2/2016 – recommended for passage; referred to Committee on Finance, Ways & Means.
Vermont 2015 SB 241	This bill proposes to: (1) permit a person who is 21 years of age or older to possess and cultivate limited amounts of cannabis for personal use; (2) establish civil penalties for possession and cultivation above the limits; and criminal penalties for unauthorized dispensing or sale of cannabis; (3) provide civil penalties for a person who is under 21 years of age who possesses cannabis or attempts to procure cannabis from a registered cannabis establishment and criminal penalties for a person who furnishes or sells cannabis to a person who is under 21 years of age; (4) establish a Cannabis Control Board within the Department of Public Safety responsible for rulemaking, administration, and enforcement concerning registered commercial cannabis establishments; (5) establish a regulatory structure for commercial cannabis, including six types of cannabis establishments that may be registered to operate in this State: cannabis cultivator; cannabis transporter; cannabis-infused product manufacturer; cannabis testing laboratory; cannabis retailer; and cannabis lounge; (continued below)	2/2/2016 – favorable report from Senate committee, as amended; referred to Committee on Finance.

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Vermont 2015 SB 241 (continued)	(6) permit commercial manufacture and sale of cannabis-infused products that are intended for topical use only and that are nonedible, while directing further study of commercial production and sale of edible cannabis products; (7) permit municipalities to regulate or prohibit cannabis establishments, but not personal possession and cultivation; (8) prohibit consumption of cannabis in a public place and any other location in which smoking a tobacco product is prohibited; and (9) establish a fund for depositing all monies collected by the State related to commercial cannabis establishments and allocate monies first toward implementation, administration, and enforcement of the act and youth access prevention and education.	2/2/2016 – favorable report from Senate committee, as amended; referred to Committee on Finance.
Washington 2015 HB 1461	Committee analysis of bill provides that bill revises numerous regulatory provisions regarding recreational and medical marijuana, including those pertaining to: excise taxes and exemptions; the allocation of revenues derived from excise tax proceeds; the siting of recreational marijuana businesses; municipal bans and moratoria regarding marijuana businesses; using marijuana in public places; acquisition of marijuana by minors; eradicating illegal marijuana-growing operations; seizure and auction of illegal marijuana by law enforcement agencies; repealing Initiative 502 and all of the medical marijuana statutes; cannabis-based health and beauty aids; and common carrier transportation and delivery services for marijuana businesses. Creates two alternative regulatory systems for medical cannabis.	1/11/2016 – reintroduced and retained in present status.
Washington 2015 HB 2280	Makes felony driving under the influence of intoxicating liquor, marijuana, or any drug a Class B felony (instead of Class C).	1/26/2016 – referred to Committee on General Government & Information Technology.

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Washington 2015 SB 5105	Makes a fourth driving under the influence offense a felony.	2/2/2016 – placed on third reading by Rules Committee.
West Virginia 2016 HB 2529	The purpose of this bill is to require the Commissioner of Agriculture to develop a pilot program for the cultivation of marijuana to be sold in states where sales are legal.	1/13/2016 – introduced and referred to Committee on Judiciary.
Wisconsin 2015 AB 224	Current law prohibits a person from manufacturing, distributing, or delivering marijuana; possessing marijuana with the intent to manufacture, distribute, or deliver it; possessing or attempting to possess marijuana; using drug paraphernalia; or possessing drug paraphernalia with the intent to produce, distribute, or use a controlled substance. This bill changes state law so that state law permits both recreational use of marijuana and medical use of marijuana. This bill prohibits the sale for recreational use of product intended for human consumption that contains marijuana or marijuana extracts and that is edible. This bill also creates a process by which a person may obtain a permit to sell marijuana for recreational use and pay a tax equal to 25 percent of the sales price.	5/19/2015 – read first time and referred to Committee on Criminal Justice and Public Safety.

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