States That Have Decriminalized Marijuana

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Alaska – In 1975, Alaska removed all penalties for possession of cannabis under one ounce in one's residence or home. Sale of less than one ounce is a misdemeanor, punishable by up to a year in jail and up to a $5,000 fine.

California - Possession of 28.5 grams or less of marijuana is not an arrestable offense. As long as the offender can provide sufficient identification and promises to appear in court, the officer will not arrest the offender. Upon conviction of the misdemeanor charge the offender is subject to a fine of $100. Possession of greater than 28.5 grams is punishable by up to six months in jail and a fine of up to $500. Cities such as Santa Monica and West Hollywood have passed marijuana resolutions where possession by adults is the lowest law enforcement priority.

Colorado - Possession of one ounce or less of marijuana is a petty offense. The offender receives a summons to appear in court, and upon a promise to appear in court, the offender is to be released from detention. The maximum penalty for a violation is $100. Failure to appear at the specified time and location results in the increase of the charges to a misdemeanor. Displaying or using marijuana in public results in the added penalty of up to 15 days in jail. Possession of greater than one ounce is a misdemeanor, punishable by 6-18 months in jail and a fine of $500 - $5,000, plus a $60 surcharge.

Maine - Possession of less than 1.25 ounces is a civil violation, punishable by a fine of $200 - $400.

Massachusetts - Possession of one ounce or less of marijuana is a civil offense, subject to a $100 fine. Offenders under 18 will be required to attend a drug awareness program or pay a $1000 fine. Possession of more than one ounce of marijuana is punishable by up to six months in jail and a fine of up to $500. For first time offenders, the court will sentence the offender to probation and upon successful completion of the probation period, the offender's record will be sealed. For subsequent offenses, probation may still be possible.

Michigan – In the city of Ann Arbor, the penalty for being caught with marijuana is $25.00 USD for the first offense, $50.00 for the second and $100.00 for the third or subsequent offense (and no incarceration or probation). However, laws do not apply on university property i.e. the dorms; the university has a much more strict policy on possession and/or use.

Minnesota - The penalty for possession of a small amount (less than 42.5 grams) of marijuana is a fine of up to $200 and possible requirement of drug education.
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*Mississippi* - Possession of 30 grams or less of marijuana is punishable by a fine of $100 - $250 for the first offense. For possession of greater than 30 grams the penalty increases to a fine of up to $3,000 and up to three years in prison.

*Nebraska* - For possessing marijuana weighing one ounce or less shall: a) for the first offense, be guilty of an infraction, receive a citation, be fined three hundred dollars, and be assigned to attend a course if the judge determines that attending such course is in the best interest of the individual defendant; b) for the second offense, be guilty of a Class IV misdemeanor, receive a citation, and be fined four hundred dollars and may be imprisoned not to exceed five days; and c) for the third and all subsequent offenses, be guilty of a Class IIIA misdemeanor, receive a citation, be fined five hundred dollars, and be imprisoned not to exceed seven days.

*Nevada* - Possession of marijuana by persons 21 years of age or older is a misdemeanor and is punishable by a fine of $600 or possible drug treatment. For a second offense, the fine increases to $1,000. For a third offense, the punishment is up to one year in jail and a fine of up to $2,000. A fourth offense changes the classification to a felony and is punishable by 1 - 4 years in prison and a fine of up to $5,000.

*New York* - Possession of 25 grams or less of marijuana is punishable by a fine of $100 for the first offense. For the second offense, the penalty increases to a $200 fine and for subsequent offenses the fine increases to $250 and a maximum of 15 days in jail time may be imposed.

*Ohio* - Possession of less than 100 grams of marijuana is a citable offense only, with a fine of $100. Possession of 100 grams or more is punishable by a fine of up to $250. For possession of 200 grams or more, the penalty increases to a possible sentence of 6 months - one year in jail. In addition, 6 month to 5 year drivers license suspension and a suspension of any professional licenses.

*Oregon* - Possession of less than one ounce of marijuana is punishable by a fine of $500 - $1,000.
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States that permit marijuana for medical use

**California** - On November 5, 1996, 56 percent of voters approved Proposition 215. The law removes state-level criminal penalties on the use, possession and cultivation of marijuana by patients who possess a "written or oral recommendation" from their physician that he or she "would benefit from medical marijuana." Patients diagnosed with any illness where the medical use of marijuana has been "deemed appropriate and has been recommended by a physician" are provided with legal protection under this act. Conditions typically covered by the law include: arthritis; cachexia; cancer; chronic pain; HIV or AIDS; epilepsy; migraine; and multiple sclerosis.

**Colorado** - On November 7, 2000, 54% of Colorado voters passed Amendment 20, which amends the Colorado State constitution to allow the medical use of marijuana. Patients can possess not more than two ounces (almost 57 grams) of "usable marijuana" and not more than six marijuana plants, but they may neither take their medicine in public, nor even on their own property, if the public can see them taking it.

**Hawaii** - In Hawaii, Senate Bill 862 became law on June 14, 2000. Patients can possess a maximum of one ounce of usable marijuana and a maximum of seven marijuana plants.

**Maine** - Patients or their primary physicians could possess a maximum of 1.25 ounces (35 grams) of usable marijuana and a maximum of six plants. The law was amended when Maine Senate Bill 611 was signed into law on April 2, 2002, increasing the maximum quantity of usable marijuana a patient is allowed to possess to 2.5 ounces.

**Maryland** - The legislature of the U.S. eastern state of Maryland passed a "medical marijuana affirmative defense law" in the year 2003. If someone is being prosecuted by the state for certain marijuana related crimes, then the court is required by law to consider a defendant's "medical necessity. If medical necessity is proven after arrest and in court, then it is state law that the defendant can only be presented with a $100 fine at the state level.

**Michigan** - On November 4, 2008, Michigan voters passed a measure allowing the use of medicinal marijuana for patients with debilitating medical conditions (including cancer, multiple sclerosis and HIV). The measure also required Michigan's health department to create a registry of qualified patients. Growing marijuana was also approved, for registered individuals using secure facilities. The mandate also included a defense clause that any person, with or without a licensed medical marijuana card, can use its medicinal uses in a court of law as a defense for a case.

**Montana** – The passing of Initiative 148 by voters in November of 2004 eliminates criminal sanctions at the state level for medical marijuana authorized by a patient's physician. Possession of as many as six marijuana plants is allowed.
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Nevada - On November 7, 2000 voters in the U.S. western state of Nevada passed Question 9, amending the state constitution to allow for medical marijuana. The state law provides that medical marijuana patients may possess a maximum of 1 ounce (28 grams) of usable marijuana and grow a maximum of seven marijuana plants.

New Mexico - On April 2, 2007, Governor Bill Richardson approved Senate Bill 523, which legalizes medical marijuana for patients authorized by the state.

Oregon – Passed in 1998, the Oregon Medical Marijuana Act allowed patients to cultivate no more than seven marijuana plants, of which no more than three could be mature. They could possess no more than four ounces of usable marijuana (one on the person and one per mature plant).

Rhode Island – in 2006, the Rhode Island Medical Marijuana Act allowed patients to possess a maximum of 2.5 ounces of marijuana and a maximum of 12 marijuana plants.

Washington – The state adopted Initiative 692 via elections in November 1998, legalizing the use, possession and cultivation of cannabis for patients with a medical certificate. The conditions are eligible the following: cachexia, cancer, HIV or AIDS, epilepsy, glaucoma, chronic pain otherwise intractable, and multiple sclerosis. According to the law in Washington, a patient prescribed medical marijuana may only keep a 60 day supply of it.

Vermont - Senate Bill 76 went into effect July 1, 2004, legalizing medical marijuana at the state level, provided certain conditions are met. Patients or their primary doctor are allowed to possess a maximum of two ounces of usable marijuana and a maximum of three marijuana plants, a maximum of which one can be mature.

Source:
