

# Legality of cannabis by U.S. jurisdiction

In the United States, the use and possession of cannabis is illegal under federal law for any purpose, by way of the Controlled Substances Act of 1970. Under the CSA, cannabis is classified as a Schedule I substance, determined to have a high potential for abuse and no accepted medical use – thereby prohibiting even medical use of the drug.<sup>[1]</sup> At the state level, however, policies regarding the medical and recreational use of cannabis vary greatly, and in many states conflict significantly with federal law

The medical use of cannabis is legal (with a doctor's recommendation) in 31 states, the District of Columbia, and the territories of Guam and Puerto Rico.<sup>[2]</sup> Fifteen other states have laws that limit THC content, for the purpose of allowing access to products that are rich in cannabidiol (CBD), a non-psychoactive component of cannabis.<sup>[2]</sup> Although cannabis remains a Schedule I drug, the Rohrabacher–Farr amendment prohibits federal prosecution of individuals complying with state medical cannabis laws.<sup>[3]</sup>

The recreational use of cannabis is legal in 9 states (Alaska, California, Colorado, Maine, Massachusetts, Nevada, Oregon, Vermont, and Washington) plus the District of Columbia, and decriminalized in another 13 states plus the U.S. Virgin Islands.<sup>[4]</sup> Commercial distribution of cannabis is allowed in all jurisdictions where cannabis has been legalized, except Vermont and the District of Columbia. Prior to January 2018, the Cole Memorandum provided some protection against the enforcement of federal law in states that have legalized, but it was rescinded by Attorney General Jeff Sessions.<sup>[5]</sup>

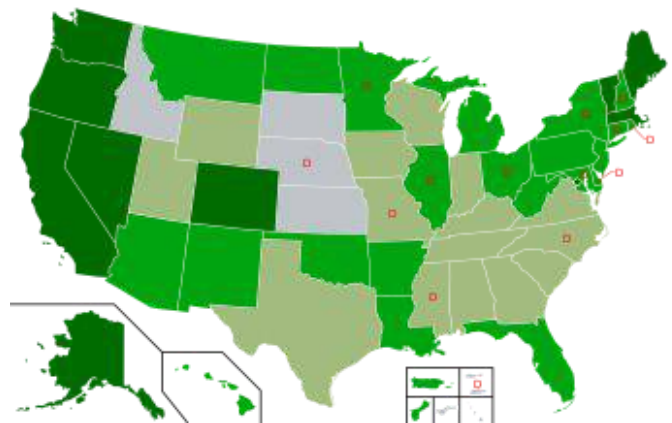
There are currently three cannabinoid drugs (Marinol, Syndros, and Cesamet) that can be prescribed in accordance with federal law. The drug cannabidiol cannot legally be prescribed (as with whole-plant cannabis), due to the fact that the Drug Enforcement Administration considers it a Schedule I drug.<sup>[6]</sup> Despite this classification, a number of online retailers sell CBD products to all 50 states, claiming such products are derived from industrial hemp plants and therefore legal.<sup>[7]</sup> The federal government has so far not taken action against these retailers.<sup>[8]</sup>

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## By state




Legality of cannabis in the United States

<span style="display:inline-block; width:1em; height:1em; background-color:#006400;"></span>	Legal
<span style="display:inline-block; width:1em; height:1em; background-color:#008000;"></span>	Legal for medical use
<span style="display:inline-block; width:1em; height:1em; background-color:#90EE90;"></span>	Legal for medical use, limited THC content
<span style="display:inline-block; width:1em; height:1em; background-color:#D3D3D3;"></span>	Prohibited for any use
<span style="display:inline-block; width:1em; height:1em; border:1px solid red; border-radius:50%;"></span>	Decriminalized

### Notes:





- Includes laws which have not yet gone into effect.
- Cannabis remains a Schedule I drug under federal law
- Some Indian reservations have legalization policies separate from the states they are located in.
- Cannabis is illegal in all federal enclaves

State		Recreational	Medical	Transportation	Cultivation	Notes
 <a href="#">Alabama</a>	5	felony (1st-offense possession is a misdemeanor)	non-psychoactive CBD oil	not clearly stated	illegal	First-time may be punished as a misdemeanor, but further possession, or intent to sell, can result in felony charges.
 <a href="#">Alaska</a>	1	legal	legal	up to 1 oz. (28 grams) <sup>[9]</sup>	12 plants in a household with two adults 21+, <sup>[10]</sup> or no limit with commercial license	Legalized by Measure 2 on November 4, 2014. <sup>[11]</sup>
 <a href="#">Arizona</a>	3	Illegal	legal	medical use only	medical use only	November 2010: medical marijuana legalized when <u>Proposition 203</u> passed with 50.13% of the vote. <sup>[12][13][14]</sup>
 <a href="#">Arkansas</a>	3	Illegal	legal	medical use only		Possession under three ounces a misdemeanor; <u>Cities of Fayetteville and Eureka Springs</u> labeled cannabis their lowest law enforcement priority. November 8, 2016: medical marijuana legalized when <u>Issue 6</u> passed by 53%. <sup>[15]</sup>
 <a href="#">California</a>	1	legal	legal	up to 1oz. (28 grams)	six plants, or commercially licensed	July 1975: Senate Bill 95 reduced the penalty for possession of one ounce (28.5 grams) or less of cannabis to a citable misdemeanor. <sup>[16]</sup> November 1996: first state to legalize medical marijuana when <u>Proposition 215</u> passed by 56%. <sup>[17]</sup> November 2016: <u>Proposition 64</u> passed by 57% to 43%, legalizing sale and distribution, effective January 1, 2018.
 <a href="#">Colorado</a>	1	legal	legal	up to 1 oz. (28 grams)	six plants, or commercially licensed <sup>[18]</sup>	

						Colorado Amendment 64 legalized the sale and possession of marijuana for non-medical use on November 6, 2012, including cultivation of up to six plants with up to three mature. <sup>[19][20]</sup> Second state to legalize recreational marijuana (Dec 10, 2012, by 4 days).
 Connecticut	2 D 2	decriminalized	legal	felony (legal for medical use)	felony	Possession less than a half-ounce by those 21 or over, results in graduated fines, and confiscation. Under 21 face more sanctions, with temporary loss of drivers license. <sup>[21]</sup>
 Delaware	2 D 2	decriminalized (civil infraction)	legal	medical use only	medical use only	February 10, 2012: Governor Markell suspended medical marijuana after a Justice Department letter threatened federal prosecution. On August 31, 2016, Gov. Markell signed House Bill 400, expanding medical cannabis programs for those with a <u>terminal illness</u> . <sup>[22][23]</sup>
 Florida	3	illegal	legal	medical use only	medical use only	November 8, 2016: medical marijuana legalized as of July 1, 2017 when voters passed <u>Amendment 2</u> by 71%. <sup>[24]</sup>
 Georgia	5	illegal	CBD oil less than 5% THC	medical use only	illegal	Possession, sale, or cultivation results in suspension of driver's license. First-time offense eligible for discharge with payment of fine and community service. April 16, 2015: CBD oil legalized for medical use. <sup>[25]</sup>
 Hawaii	3	illegal	legal	against	medical use	

				program rules.	only	June 15, 2000: Governor Benjamin Cayetano signed bill legalizing medical marijuana. First state legislature to do so. <sup>[26][27]</sup> July 14, 2015: Governor David Ige signed bill allowing medical cannabis dispensaries. <sup>[28]</sup> July 14, 2016: Governor Ige signed law expanding medical cannabis programs. <sup>[29]</sup>
 <a href="#">Idaho</a>	7	misdemeanor (85 grams/3 oz. or less)	illegal	not clearly stated	felony	Possession of 3 ounces or less a misdemeanor up to 1 year prison or fine up to \$1,000 or both. More than 3 ounces but less than 1 pound a felony up to 5 years prison or fine up to \$10,000 or both. <sup>[30]</sup>
 <a href="#">Illinois</a>	2 D 2	decriminalized (civil infraction)	legal	legal for medical use	misdemeanor (legal for medical use)	Cannabis Control Act of 1978 allowed for medical marijuana but was never implemented. <sup>[31][32]</sup> August 1, 2013: Gov. Pat Quinn signed bill legalizing medical marijuana effective January 1, 2014. <sup>[33]</sup> March 22, 2017: lawmakers proposed legalizing recreational marijuana <sup>[34]</sup> allowing possession up to 28 g and five plants.
 <a href="#">Indiana</a>	5	misdemeanor up to 6 months, \$1000 fine	CBD oil for patients with epilepsy <sup>[35]</sup>	not clearly stated	illegal	<ul style="list-style-type: none"> <li>1913: prohibited</li> </ul>
 <a href="#">Iowa</a>	5	illegal	cannabis oil less than 3% THC	not clearly stated	felony	<ul style="list-style-type: none"> <li>2014 CBD oil legalized</li> </ul>
 <a href="#">Kansas</a>	7	misdemeanor	illegal	not clearly stated	illegal	<ul style="list-style-type: none"> <li>1927: prohibited</li> <li>2018: CBD oil exempted from definition of marijuana.<sup>[36][37][38]</sup></li> </ul>
 <a href="#">Kentucky</a>	5	misdemeanor (less than 8 oz (230 g))	CBD oil	not clearly stated	misdemeanor (less than 5 plants)	<ul style="list-style-type: none"> <li>2014 CBD legalized</li> </ul>
 <a href="#">Louisiana</a>	3	illegal	legal	medical use only	illegal	<ul style="list-style-type: none"> <li>1924: prohibited</li> </ul>

						<ul style="list-style-type: none"> <li>2015: medical cannabis legalized</li> </ul>
 <a href="#">Maine</a>	1	legal	legal	legal to carry up to 2.5oz. (71 grams)	up to six plants, or commercially licensed	<ul style="list-style-type: none"> <li>1913: prohibited</li> <li>1976: decriminalized</li> <li>1999: medical cannabis<sup>[39]</sup></li> <li>2009: further decriminalization<sup>[40][41]</sup></li> <li>2016: legalized recreational<sup>[42]</sup></li> </ul>
 <a href="#">Maryland</a>	2 D 2	decriminalized (10g or less)	legal	medical use only	medical use only	<p>April 14, 2014: SB 364 decriminalized possession of 10 grams or less punishable by \$100 fine for first offense, \$250 fine for second offense, and \$500 fine plus possible drug treatment for third offense. HB 881 legalized medical cannabis. Both laws effective October 1, 2014.<sup>[43][44]</sup></p>
 <a href="#">Massachusetts</a>	1	legal	legal	up to 1 oz. (28 grams)	1 oz of marijuana outside the home, 10 oz inside the home, up to six plants.	<ul style="list-style-type: none"> <li>2008: decriminalized cannabis by 63% vote on Question 2. One oz or less punishable by \$100 fine.<sup>[45][46]</sup></li> <li>2012: medical marijuana legalized when Question 3 passed by 60%.<sup>[47][48]</sup></li> <li>2016: legalized recreational marijuana when Question 4 passed by 54%.<sup>[49]</sup></li> </ul>
 <a href="#">Michigan</a>	3	illegal	legal	medical use only	medical use only	<ul style="list-style-type: none"> <li>2008: legalized medical cannabis</li> </ul>
 <a href="#">Minnesota</a>	2 D 2	decriminalized	legal	medical use only	illegal	<ul style="list-style-type: none"> <li>1976: decriminalization<sup>[50]</sup></li> <li>2014: medical cannabis legalized<sup>[51]</sup></li> </ul>
 <a href="#">Mississippi</a>	4 D 4	decriminalized (first offense; 30 grams or less)	CBD oil	not clearly stated	illegal	<ul style="list-style-type: none"> <li>1978: decriminalized</li> <li>2014: CBD legalized</li> </ul>
 <a href="#">Missouri</a>	4 D 4	decriminalized	CBD oil	not clearly stated	illegal	<ul style="list-style-type: none"> <li>2014: decriminalized</li> <li>2014: CBD legalized</li> </ul>
 <a href="#">Montana</a>	3	illegal	legal	medical use only	medical use only	<p>Possession 60 grams or less up to 6 months in prison and fine of \$100–</p>

						\$500. Second offense up to 3 years in prison or fine up to \$1,000 or both. More than 60 grams a felony up to 5 years in prison or fine up to \$50,000 or both. Intent to distribute a felony up to 20 years in prison or fine up to \$50,000 or both. <sup>[52]</sup>
 <a href="#">Nebraska</a>	6 D 6	decriminalized (first offense only)	illegal	not clearly stated	illegal	Possession up to one ounce fined up to \$300 for first offense, with potential mandatory drug education. Second offense fine up to \$500 and up to five days' jail, third offense up to \$500 fine and maximum one week jail. <sup>[53]</sup>
 <a href="#">Nevada</a>	1	legal	legal	medical and recreational use	(adults over 21) 6 plants per household	November 7, 2000: medical marijuana legalized with 65% vote on Question 9. <sup>[54][55]</sup> November 8, 2016: recreational marijuana legalized when Question 2 passed by 54%. <sup>[56]</sup> Home cultivation allowed if 25 miles away from store! <sup>[57]</sup>
 <a href="#">New Hampshire</a>	2 D 2	Decriminalized (up to three-quarters of an ounce)	legal	medical use only	medical use only	July 23, 2013: medical marijuana legalized when Governor Maggie Hassan signed HB 573. <sup>[58][59]</sup> July 11, 2015: Governor Hassan expanded medical marijuana law. <sup>[60]</sup> July 18, 2017: Governor Chris Sununu signed bill decriminalizing up to three-quarters of an ounce.
 <a href="#">New Jersey</a>	3	illegal	legal	medical use only	illegal	January 18, 2010: medical marijuana law signed by Governor Jon Corzine. Maximum 1 year in prison and 1,000 dollar fine for

						possession of up to 50 grams. <sup>[61][62]</sup> September 19, 2016: Governor Chris Christie signed Assembly Bill 457 adding PTSD as qualifying condition for medical marijuana, effective immediately. <sup>[63]</sup>
 <u>New Mexico</u>	3	illegal; decriminalized in Albuquerque. <sup>[64]</sup>	legal	medical use only	medical use only	April 2007: medical marijuana legalized when Governor Bill Richardson signed Senate Bill 523. <sup>[65][66]</sup>
 <u>New York</u>	2 D 2	decriminalized (unless open to public view <sup>[67]</sup> )	legal	medical use only	misdemeanor	July 14, 2014: medical marijuana legalized when Governor Andrew Cuomo signed legislation allowing edibles, oils, pills, and vaporization, but not smoking. <sup>[68][69][70]</sup>
 <u>North Carolina</u>	4 D 4	decriminalized (.5 oz or less)	CBD oil	illegal	illegal	<ul style="list-style-type: none"> <li>1977: decriminalized</li> <li>2015: CBD legalized</li> </ul>
 <u>North Dakota</u>	3	illegal	legal	medical use only		November 8, 2016: legalized medical marijuana when voters passed Measure 5 by 64%. <sup>[71]</sup>
 <u>Ohio</u>	2 D 2	decriminalized (civil infraction)	legal	not clearly stated	illegal	June 8, 2016: Governor John Kasich signed legislation legalizing medical marijuana. <sup>[72]</sup>
 <u>Oklahoma</u>	3	illegal	legal	not clearly stated	legal with medicinal license	<ul style="list-style-type: none"> <li>1933: criminalized<sup>[73]</sup></li> <li>2015: Governor Mary Fallin signed law allowing CBD oil for children with epilepsy.<sup>[74]</sup></li> <li>June 26, 2018: Voters in Oklahoma approved State Question 788, legalizing medical marijuana.</li> </ul>
 <u>Oregon</u>	1	legal	legal	up to 1 oz., more for licensed cultivators	(adults 21+) 4 plants per household	Voter approved <u>Measure 91</u> November 4, 2014 provides for possession

						and sale of set amounts of cannabis. <sup>[75][76]</sup> Cannabis sentencing reform signed July 1, 2015 by Governor <u>Kate Brown</u> . <sup>[77][78]</sup> More medical cannabis reforms signed July 28, 2015 by Governor <u>Brown</u> effective October 1, 2015. <sup>[79][80]</sup> Governor <u>Brown</u> signed 25% cannabis sales tax. <sup>[81]</sup>
 <u>Pennsylvania</u>	3	illegal	legal	illegal	illegal	Medical use law signed by Governor <u>Wolf</u> April 17, 2016. Possession of 30g or less up to 30 days in jail and fine up to \$500. More than 30g a misdemeanor up to a year in jail and \$5000 fine. <sup>[82]</sup>
 <u>Rhode Island</u>	2 D 2	decriminalized (civil violation)	legal	medical use only	medical use only	Possession of an ounce \$150 fine, three violations within 18 months a misdemeanor with larger fines or prison or both! <sup>[83]</sup>
 <u>South Carolina</u>	5	misdemeanor <sup>[84]</sup>	cannabis oil less than 0.9% THC	CBD oil	illegal	<ul style="list-style-type: none"> <li>2014: Governor <u>Nikki Haley</u> signed Senate Bill 1035, "Julian's Law", allowing children with severe epilepsy to be treated with CBD oil if recommended by a physician.<sup>[85]</sup></li> </ul>
 <u>South Dakota</u>	7	misdemeanor	illegal	not clearly stated	illegal	Personal use of 2 oz or less a Class 1 misdemeanor punishable by maximum 1 year in prison and maximum fine \$2,000. <sup>[86]</sup>
 <u>Tennessee</u>	5	misdemeanor (less than 1/2 ounce; first or second offense only).	cannabis oil less than 0.9% THC	CBD oil	misdemeanor: 9 plants or less; felony: 10+ plants	First-time possession one year supervised probation instead of one year in prison; *Possession of 1/2 ounce or more for resale a felony. CBD oil possession allowed as of May 4, 2015, if suffering seizures or




						epilepsy with recommendation of doctor. <sup>[87]</sup>
 <a href="#">Texas</a>	5	Illegal. "Cite and Release" in Houston, Dallas, and Austin residents of Travis County	CBD oil	not clearly stated	illegal	Dec. 2014: "possession of up to two ounces of marijuana can result in a jail sentence of up to six months and fine of up to \$2,000." <sup>[88]</sup> June 1, 2015: governor <a href="#">Greg Abbott</a> signed a bill legalizing CBD oil for medical use. <sup>[89]</sup>
 <a href="#">Utah</a>	5	misdemeanor	terminally ill patients only CBD oil for patients with epilepsy.	not clearly stated	illegal	HB 105 signed in 2014 allows use of low-THC cannabis oil for patients with epilepsy. <sup>[90]</sup> HB 195 signed in March 2018 allows cannabis for certain terminally ill patients. <sup>[91]</sup>  Possession up to an ounce 6-months prison and maximum fine \$1,000. Over 10 ounces \$10,000 fine. Selling any amount a felony with 5 years in prison and \$5,000 fine. <sup>[92]</sup>
 <a href="#">Vermont</a>	1	legal (up to one ounce, no commercial sales)	legal (medical sales allowed)	legal	two mature plants, four immature	May 19, 2004: medical marijuana legalized when Senate Bill 76 passed, <sup>[93]</sup> expanded in June 2007 by SB 7. <sup>[94]</sup>  June 6, 2013: Governor Peter Shumlin signed HB200 decriminalizing one ounce. <sup>[95]</sup> January 2018: HB511 passed, <sup>[96]</sup> <sup>[97]</sup> <sup>[98]</sup> legalizing one ounce and two plants, <sup>[99]</sup> taking effect on July 1, 2018. <sup>[100]</sup> <sup>[101]</sup> <sup>[102]</sup> First state legislature to legalize recreational marijuana. <sup>[103]</sup>
 <a href="#">Virginia</a>	5	misdemeanor	cannabis oil less than 5% THC	not clearly stated	illegal	First offense- Unclassified Misdemeanor up to 30 days jail and \$500 fine or






						both, and loss of driving privilege or community service. <sup>[104]</sup> 2nd offense Class 1 misdemeanor up to 12 months prison and \$2,500 fine or both, plus loss of driving privileges. <sup>[105]</sup> First offense may qualify for deferred disposition & dismissal with drug assessment, classes, community service, and loss of driving privileges for six months, but does <i>not</i> qualify for expungement, remaining on record permanently. <sup>[106]</sup>
 <a href="#">Washington</a>	1	legal	legal	legal	legal with restrictions and licensing	Legalized by <a href="#">Washington Initiative 502</a> in 2012, the law permits anyone over 21 to carry one ounce, and it requires licensed sellers, distributors and growers. Home growing is not allowed except for medical use. <sup>[107]</sup> First state to legalize recreational marijuana (Dec 6, 2012, by 4 days). <sup>[108]</sup>
 <a href="#">West Virginia</a>	3	misdemeanor	legal	not clearly stated	illegal	"Compassionate Use Act for Medical Cannabis; providing for protections for the medical use of cannabis..." <sup>[109]</sup>
 <a href="#">Wisconsin</a>	5	misdemeanor on first offense, felony on subsequent offenses <sup>[110]</sup>	CBD oil	qualified patients may have 12 plants and three oz of leaves or flowers. <sup>[109]</sup>	felony	First possession a misdemeanor fine up to \$1,000 or imprisonment up to 6 months, or both. Second offense a Class I felony fine up to \$10,000 or imprisonment up to 3.5 years, or both.
 <a href="#">Wyoming</a>	5	misdemeanor	CBD oil	not clearly stated	illegal	Being under the influence of marijuana is a misdemeanor up to 90

						days in prison and fine up to \$100. Possession three ounces or less a misdemeanor up to 1 year in prison and fine up to \$1000. <sup>[111]</sup>
State		Recreational	Medical	Transportation	Cultivation	Notes

## Federal district

District		Recreational	Medical	Transportation	Cultivation	Notes
 <a href="#">District of Columbia</a>	1	legal (no commercial sales) <sup>[112]</sup>	legal (commercial sales)	legal to carry up to 2 oz. (57 grams)	legal to grow up to six plants (only three mature at a time) for recreational purposes; no provision for commercial recreational cultivation	<ul style="list-style-type: none"> <li>1998: Initiative 59 was voted in to allow medical marijuana, but its effecting was blocked by Congress until 2009.</li> <li>2014: D.C. Mayor Vincent Gray signed a bill that decriminalized possession of up to an ounce (28 grams) of marijuana in the U.S. capital for persons 18 years of age or older. The law made possession a civil violation with a penalty of \$25, lower than most city parking tickets.</li> <li>2014, D.C. voted by ballot Initiative 71 to legalize marijuana possession and cultivation for personal recreational use (commercial production and sale not permitted); the law went into effect February 26, 2015 following 30 days of Congressional review.<sup>[113]</sup></li> </ul>

## By inhabited territory

State		Recreational	Medical	Transportation	Cultivation	Notes
 <u>American Samoa</u>	7	illegal	illegal	illegal	illegal	In 1999, the Territory established a 5-year mandatory minimum sentence for possession of any amount of any illegal drug, to explicitly include marijuana, even when medically prescribed in another jurisdiction. <sup>[114]</sup>
 <u>Guam</u>	3	illegal	legal	medical use only	medical use only	Residents passed a ballot measure on November 4, 2014 that allows cannabis for medical use only. <sup>[115]</sup>
 <u>Northern Mariana Islands</u>	7	illegal	illegal	illegal	illegal	In 2010, the CNMI House of Representatives approved a legalization bill to regulate and tax marijuana, <sup>[116]</sup> but the measure ultimately failed.
 <u>Puerto Rico</u>	3	illegal	legal	medical use only	medical use only	On May 4, 2015, the governor of Puerto Rico signed an executive order legalizing medicinal marijuana in the U.S territory. <sup>[117]</sup>
 <u>U.S. Virgin Islands</u>	6 D 6	decriminalized	illegal	illegal	illegal	

## By Native-American reservation

Reservation		Possession	Sale	Transportation	Cultivation	Notes
<u>Flandreau Santee Sioux Tribe</u> (South Dakota)	1	legal <sup>[118]</sup>	Legal sales since January 1, 2016		One single licensed grow site for the nation	In summer 2015, the tribal authorities voted 5–1 to legalize recreational cannabis, making them the first reservation to do so following the 2013 Cole Memorandum. <sup>[118]</sup>
<u>Suquamish Tribe</u> (Washington state)	1	legal	Legal sales since December 2015 <sup>[119]</sup> <sup>[120]</sup>			In September 2015, the tribe signed the nation's first tribe-state cannabis pact, under which the tribe would operate a cannabis retail store with regulations paralleling those of Washington state. <sup>[121]</sup>
<u>Squaxin Island Tribe</u> (Washington state)	1	legal	Legal sales since November 2015 <sup>[122]</sup>			

## See also

- [Legality of cannabis](#)
- [Legal history of cannabis in the United States](#)
- [Timeline of cannabis laws in the United States](#)
- [Cannabis laws of Canada by province or territory](#)

- Solomon–Lautenberg amendment("Smoke a joint, lose your license" laws)

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## External links

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