Recreational Marijuana Laws

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SUMMARY
This interactive map displays state laws and regulations that govern recreational marijuana, including possession limits, laws regulating driving under the influence, tax rates, and information on obtaining a license to cultivate or sell marijuana.

ABOUT RECREATIONAL MARIJUANA LAWS & THE DATA
At the federal level, marijuana remains illegal under the Controlled Substances Act of 1970, which designates the substance as a Schedule I drug. Despite this federal ban, Alaska, Colorado, the District of Columbia and Washington State have legalized marijuana for recreational uses.

Supporters of recreational marijuana argue that marijuana prohibition is costly, that enforcement of marijuana laws disproportionately targets minorities, and that marijuana is less harmful than other drugs. A report by Harvard Professor Jeffrey A. Miron estimated that the annual costs of marijuana prohibition are $7.7 billion dollars.¹ The ACLU and other civil rights organizations also argue that blacks are nearly four times more likely than whites to be arrested for marijuana, despite roughly equal usage rates.² Supporters claim that marijuana is relatively safe to use, because it is impossible to overdose from marijuana.³

Opponents of recreational marijuana argue that marijuana use can have serious consequences on health.⁴ Marijuana use that begins during adolescence can lower IQ and impair other measures of mental function in adulthood.⁵ Marijuana use can worsen depression and anxiety and lead to more serious mental illness such as schizophrenia.⁶

In Alaska, Colorado, and Washington, an individual over the age of 21 can now legally possess up to one ounce of marijuana. In D.C. an individual can possess up to two ounces. These jurisdictions have implemented a state tax on marijuana, although the tax rate and the groups to which the tax applies vary. Laws in Alaska, Colorado, D.C. and Washington prohibit driving under the influence of marijuana, although only Colorado and Washington have implemented a legal limit that is specific to marijuana. The states have implemented limits on the number of marijuana plants an individual can possess, have designated state agencies to regulate the

¹ http://www.prohibitioncosts.org/mironreport/
³ http://www.brown.edu/Student_Services/Health_Services/Health_Education/alcohol,_tobacco,_&_other_drugs/marijuana.php
⁵ Id.
⁶ Id.

cultivation and retail sale of recreational marijuana and have passed laws regulating how licenses can be obtained to open a marijuana retail store or a cultivation facility.

The data available here was last updated with laws in effect through March 1, 2015.

**NAVIGATING THE DATA**

There are two ways to navigate the data using the interactive map: by selecting a state from the map or by selecting criteria that detail the characteristics of the laws.

**Option 1 – State by state:** Using the map, click on the state of interest. A table will appear with details about that state’s law.

**Option 2 – Multiple states:** To view the law across multiple states, you may use the questions to filter through various criteria. Clicking on a question will expand the answers/criteria for you to select. In some cases, secondary questions may appear after answering one of the primary questions — these secondary questions dig deeper into the detail of that specific area of the law. The map will change based on the criteria you select.

In either case, you may use the timeline slider to select a different year. As you move the slider, the map and table will update to reflect the state of the law at that time.

The primary questions are:

1. Does the state have a law authorizing recreational marijuana?
2. What agency regulates the sale of recreational marijuana?
3. Is marijuana required to be tested before it is sold?
4. What is the minimum age for a consumer to purchase marijuana?
5. Is recreational marijuana authorized for in-state consumers?
6. Can an out-of-state resident purchase marijuana?
7. Does the state prohibit driving while under the influence of marijuana?
8. Must a cultivation facility acquire a license?
9. Must retail stores acquire a license?
10. Is there an excise tax on marijuana?
11. Do consumers pay a marijuana-specific sales tax?

**ADDITIONAL INFORMATION**

To learn about how this data was created, including more detail about the exact methods used during legal research and coding, please refer to the Research Protocol and the Codebook. The Codebook provides a list of the questions that were coded, and their corresponding variable names. A Report is available illustrating some of the significant results from the dataset. The data itself is also available for download into Microsoft Excel. The Research Protocol, Codebook, Report and data are available for download on the Recreational Marijuana Laws webpage.

For more information about recreational marijuana and related laws, please see *Regulating Recreational Use of Marijuana and the Role of Public Health Law*, published by the Network for Public Health Law.
This collection of recreational marijuana laws, however, does not provide legal advice nor does it address enforcement of laws, administrative policies, case law, or any other sources of law. Should you have a specific question about recreational marijuana laws in your state, please contact an attorney in your jurisdiction.