

Oregon Marijuana Penalties

🔒 conditional
🌱 decriminalized
🏠 mandatory
🏥 medical
🌿 hemp

		Incarceration	Fine
Possession			
Less than 1 oz	civil violation*	none	\$500 - \$1,000
1 oz to 110 g	class B felony	10 years**	\$100,000
More than 110 g	felony	variable depending on prior record	variable
Medical use permitted with up to 24 oz, and 6 mature plants/18 immature seedlings, and state registration. *Automatic 6 months suspension of driver's license. **Conditional discharge available.			
Sale, Cultivation or Manufacture			
Gift of less than 5 g	misdemeanor	none	\$500 - \$1,000
Gift of 5g to 1 oz	class A misdemeanor	1 year	\$5,000
Any amount	class B felony	10 years	\$100,000
To a minor at least 3 years younger than seller, or within 1,000 feet of a school	felony	20 years	\$300,000
Any manufacture	felony	20 years	\$300,000
Miscellaneous (incl. paraphernalia)			
Paraphernalia sale	misdemeanor	1 year	\$5,000
All marijuana convictions result in a six month drivers license suspension, unless the court finds reason not to suspend driving privileges.			
Details			
Possession of less than one ounce of marijuana is punishable by a fine of \$500 - \$1,000. It is a civil violation and while the offense does not result in an arrest or a criminal record or the possibility of jail, it does carry an automatic 6 months suspension of one's driver's license. Possession of one ounce or more is punishable by up to 10 years in prison. Conditional discharge is possible for possession offenses. Possession of greater than 110 grams is considered a commercial drug offense and penalties are substantially greater, depending on the prior record of the offender.			
Delivery of less than five grams, for no remuneration, is punishable by a fine of \$500 - \$1,000. Delivery for no remuneration of less than one ounce is punishable by up to one year in jail and a fine of up to \$5,000. Any sale of marijuana is punishable by up to 10 years in prison and a fine of up to \$100,000.			
Possession of 24 ounces or less or cultivation of 24 plants or less is lawful for any person who possesses a registry identification card indicating that the person is a patient who uses marijuana for medicinal purposes. This is an affirmative defense to any charges of possession or cultivation within the amount limits.			
If you are over 17-years-old and deliver any amount of marijuana to a minor who is at least three years younger than you (whether or not you receive something for it), you committed a class A felony punishable by			

NORML

Working to Reform Marijuana Laws

a maximum sentence of 20 years and a \$100,000 fine.

Any sale to a minor, at least three years younger than the offender, or any sale within 1,000 feet of a school is punishable by up to 20 years in prison and a fine of up to \$300,000.

Manufacturing any amount of marijuana is a very serious offense. 'Manufacturing' means growing even one plant and packaging, repackaging, labeling or relabeling marijuana. Manufacturing marijuana is a class A felony punishable by a maximum sentence of 20 years in prison and a \$100,000 fine.


Knowingly maintaining, visiting or even staying at a place where people are using, storing, or selling marijuana is a class A misdemeanor punishable by up to a year in jail and a \$5,000 fine. However, if the amount of marijuana is one ounce or less, and it is just kept or used on the premises, the fine is \$100 and not a criminal conviction.


Any manufacture of marijuana is punishable by up to 20 years in prison and a fine of up to \$300,000.


Sale of paraphernalia is punishable by up to one year in jail and a fine of up to \$5,000.


A conviction for manufacturing, possessing or delivering marijuana, or for driving under the influence of marijuana, will result in a six month drivers license suspension, unless the court finds compelling circumstances not to order the suspension of driving privileges.

Senate Bill 1085, which takes effect on January 1, 2006, raises the quantity of cannabis that authorized patients may possess from seven plants (with no more than three mature) and three ounces of cannabis to six mature cannabis plants, 18 immature seedlings, and 24 ounces of usable cannabis. However, those state-qualified patients who possess cannabis in amounts exceeding the new state guidelines will no longer retain the ability to argue an "affirmative defense" of medical necessity at trial. Patients who fail to register with the state, but who possess medical cannabis in amounts compliant with state law, still retain the ability to raise an "affirmative defense" at trial.

 **Conditional release:** The state allows conditional release or alternative or diversion sentencing for people facing their first prosecutions. Usually, conditional release lets a person opt for probation rather than trial. After successfully completing probation, the individual's criminal record does not reflect the charge.

 **Mandatory minimum sentence:** When someone is convicted of an offense punishable by a mandatory minimum sentence, the judge must sentence the defendant to the mandatory minimum sentence or to a higher sentence. The judge has no power to sentence the defendant to less time than the mandatory minimum. A prisoner serving an MMS for a federal offense and for most state offenses will not be eligible for parole. Even peaceful marijuana smokers sentenced to "life MMS" must serve a life sentence with no chance of parole.


 **Decriminalization:** The state has decriminalized marijuana to some degree. Typically, decriminalization means no prison time or criminal record for first-time possession of a small amount for personal consumption. The conduct is treated like a minor traffic violation.

 **Medical marijuana:** This state has medical marijuana laws enacted. Modern research suggests that cannabis is a valuable aid in the treatment of a wide range of clinical applications. These include pain relief, nausea, spasticity, glaucoma, and movement disorders. Marijuana is also a powerful appetite stimulant and emerging research suggests that marijuana's medicinal properties may protect the body against some types of

NORML

Working to Reform Marijuana Laws

malignant tumors, and are neuroprotective. For more information see NORML's Medical Marijuana section http://norml.org/index.cfm?Group_ID=3376.

 **Hemp:** This state has an active hemp industry or has authorized research. Hemp is a distinct variety of the plant species *cannabis sativa L.* that contains minimal (less than 1%) amounts of tetrahydrocannabinol (THC), the primary psychoactive ingredient in marijuana. Various parts of the plant can be utilized in the making of textiles, paper, paints, clothing, plastics, cosmetics, foodstuffs, insulation, animal feed, and other products. For more information see NORML's Industrial Use section http://norml.org/index.cfm?Group_ID=3377.

Also see Federal Laws http://norml.org/index.cfm?wtm_view=&Group_ID=4575

About this Report

NORML's State Guide to Marijuana Penalties outlines most penalties for prohibited marijuana conduct in the 50 states, the District of Columbia, and under federal law. To view the list of prohibited conduct and penalties, click the map icon to the left to find your jurisdiction.

Marijuana laws and penalties change rapidly and are enforced and interpreted differently even in the same legal jurisdiction. Please consult a criminal defense lawyer if you have been busted or if you want to know how a particular conduct might be punished. If you spot an error or have information that should be included in NORML's State Guide to Marijuana Penalties, please inform the NORML Foundation (foundation@norml.org).

Please note:

- The guide does not list penalties for every marijuana offense nor every enhanced sentence such as possessing marijuana near a school, involving a minor, and automatic driver's or professional license suspension. Your state may require an enhanced sentence even if the enhancement is not in the guide.
- Unless otherwise specified, please assume that listed penalties apply only to first convictions. Prior convictions often place a defendant in a higher penalty range, and convictions while on probation for a previous offense may result in revocation of probation.
- Except where indicated otherwise, a listed fine is the maximum fine for the conviction and the minimum fine is zero.
- "Possession" usually means "possessing marijuana only for personal use". If the government accuses you of possessing marijuana for other reasons, the accompanying penalties will probably exceed those for possessing marijuana for personal use. Possessing large amounts of marijuana frequently results in more serious charges of "possession with intent to distribute", "trafficking", and/or "sale".
- Many factors contribute to a defendant's sentence. Factors include level of involvement in the prohibited conduct, location, age, presence or absence of minors, use or presence of weapons, conduct for which a person has been acquitted, and many other things.
- If you are in trouble, please know your rights and hire an attorney.

Warning: The information contained in this report is for informational purposes only. Individuals are encouraged to confirm their state's laws before engaging in any particular behavior, or before going to court without a lawyer.

MAKE A DIFFERENCE: VOTE. JOIN NORML. <https://secure.norml.org/join/>

Metric units to United States units of measurements:

The National Organization for the Reform of Marijuana Laws (www.norml.org)

NORML

Working to Reform Marijuana Laws

One ounce (oz.) = 28.35 grams

One pound (lb.) = 16 ounces = 453.59 grams

One kilogram (kg.) = 1,000 grams (g) = 2.2 pounds (lbs.)