



Marijuana Policies in Legal States

A Comprehensive Review of
Adult-Use Marijuana Rules
and Regulations

MARIJUANA POLICIES IN LEGAL STATES: A COMPREHENSIVE REVIEW OF ADULT- USE MARIJUANA RULES AND REGULATIONS

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INTRODUCTION

Marijuana policies in the United States have evolved significantly over time, particularly over the past decade with the passage of adult-use marijuana laws in over one-third of US states. As more jurisdictions abandon the failed policy of marijuana criminalization and its racially disproportionate enforcement, federal marijuana prohibition is becoming less tenable. Although the laboratories of democracy are still perfecting the laws and regulations governing the adult-use and sale of cannabis, it is nonetheless apparent that a growing number of state governments – as well as a majority of the public – believe that marijuana legalization is a preferable policy to criminalization. State legalization laws **do not adversely impact public safety**; further, they **increase tax revenue and promote job creation**, and improve citizens' overall quality of life. To date, no state that has liberalized its marijuana laws has ever elected to reverse course and reimpose prohibition. In most jurisdictions where polling is available, a greater percentage of voters support legalization today than did so when these policies were initially enacted.

The purpose of this report is to educate lawmakers on the policies that have been enacted in adult-use legalization states to regulate cannabis possession, production, and sales. Specifically, this report highlights policy trends in several as they pertain to seven distinct categories:

- Criminal Justice
- Consumer Discrimination Protections
- Adult-Use Access
- Youth Prevention
- Consumer Safety
- Equitable Industry
- Administrative/Miscellaneous

While the report does not intend to provide an in-depth analysis regarding the pros and cons of every states' specific cannabis policies, readers of this report will come away with a broad understanding of the vast landscape of marijuana laws and regulations that currently govern the state-licensed adult-use marijuana marketplace in the United States. This understanding is important so that policymakers in non-legal states, as well as federal lawmakers, can gain a better understanding of how state governments have successfully replaced decades-long policies of cannabis prohibition with publicly popular and politically viable legal frameworks. Moreover, since federal officials have thus far failed to take the lead on orchestrating marijuana reform, it is imperative that federal lawmakers better understand and respect the steps taken by the states to address this void and lack of federal guidance. Going forward, when and if Congress eventually moves in the direction of repealing the failed policy of federal cannabis prohibition, their actions must be compatible and complementary to the legislative and regulatory frameworks already put in place by state governments.

GLOSSARY OF TERMS

Adult-use: *Adult-use* laws permit marijuana possession and use by individuals above a certain age. *Adult-use* laws are often accompanied by a state-licensed system regulating activities involving cannabis growing, processing, and retail selling. *Adult-use* is synonymous with legalization.

Decriminalization: *Decriminalization* refers to the removal of criminal penalties related to specific types of marijuana-related activities, such as minor possession or public consumption, without explicitly permitting the conduct through laws and regulations. In the context of state marijuana laws, *decriminalization* often imposes civil penalties upon those who engage in these activities.

Descheduling: *Descheduling* refers to the removal of a substance from the federal Controlled Substances Act so that state governments, not the federal government, are the primary arbiters of regulatory policies surrounding its possession or sale. Any federal proposal to repeal marijuana prohibition must *deschedule* cannabis.

Legalization: *Legalization* laws are those that regulate the retail marijuana market.

Medical: *Medical* marijuana laws provide access to qualifying patients authorized by a physician to obtain cannabis products from licensed dispensaries. Medical cannabis laws exist in the majority of US states, and often coexist in states that have also enacted adult-use laws.

Rescheduling: *Rescheduling* refers to the transfer of a substance from one schedule of the CSA to another, thereby retaining federal control and oversight of that substance to federal agencies.

Social equity: In the context of marijuana reform, *social equity* policies refer to laws, regulations, and programs designed to create an industry that prioritizes ownership of cannabis businesses by individuals from communities that have been disproportionately impacted by the enforcement of marijuana prohibition.

Unregulated market: The *unregulated market* refers to the commercial production and distribution of marijuana by non-licensed entities. Other terms for this marketplace include the derisively phrased “black market,” a term that has fallen out of usage, as well as the “legacy market” or “informal market.”

A CONCISE TIMELINE OF MARIJUANA POLICY IN THE US

1850	Cannabis is included in the <i>United States Pharmacopoeia</i> .
Mid-to-late 1800s	Hundreds of marijuana-use establishments emerge in major U.S. cities.
Late 1800s	State governments begin to limit the use of marijuana through poison-control legislation.
1911	Massachusetts becomes the first state to criminalize marijuana possession without a prescription.
1913 – 1933	Over two-dozen additional states criminalize marijuana possession. The enforcement of many of these laws target Mexican migrant workers as well as Black Americans, individuals of Filipino descent, and those of other races.
1937	Congress approves The Marijuana Tax Stamp Act, which effectively establishes the federal prohibition of marijuana nationwide. Harry Anslinger, head of the Federal Bureau of Narcotics (a forerunner of the Drug Enforcement Administration) specifically cites marijuana use by immigrants, African Americans, and entertainers as justifications for criminalizing marijuana.
1947	The LaGuardia Committee conducts one of the first comprehensive examinations of the impact of marijuana on society. It concludes that marijuana is not physically addictive and that it does not contribute to increased criminal behavior. Their report is largely ignored by policymakers.
1969	The Marijuana Tax Stamp Act is struck down as unconstitutional by the US Supreme Court.

<p>1970</p>	<p>Congress establishes the Controlled Substances Act (CSA), which re-establishes the federal criminalization of marijuana by categorizing the plant as a Schedule I drug. By definition, Schedule I substances possess no accepted medical value and possess the highest potential of abuse of any drugs. The law was vigorously enforced under the Nixon Administration.</p>
<p>1972</p>	<p>A Presidential panel, the Shafer Commission, recommends Congress decriminalize marijuana possession – determining “Neither the marijuana user nor the drug itself can be said to constitute a danger to public safety.” The Nixon administration and Congress ignore the expert panel’s recommendations.</p>
<p>1973 – 1978</p>	<p>Based in part on the policy recommendations issued by the Shafer Commission, 12 states enact laws decriminalizing the personal possession of small amounts of marijuana.</p>
<p>1975</p>	<p>Alaska’s Supreme Court rules that possessing small amounts of marijuana in one’s residence is covered under the state’s right to privacy.</p>
<p>1978</p>	<p>Robert Randall becomes the first patient to obtain marijuana access under a federal program known as the Compassionate Investigational New Drug (IND) Program.</p>
<p>Late 1970s – Early 80s</p>	<p>A small number of states enact laws calling upon federal officials to provide medical cannabis to eligible patients via the IND program. In most instances, these state access programs enroll only a limited number of patients and are quickly discontinued.</p>
<p>1992</p>	<p>The Bush Administration ends the enrollment of any new patients into the IND Program after receiving a flood of applications among patients with HIV and AIDS.</p>

<p>1996</p>	<p>California voters approve the Proposition 215 ballot measure, making it the first state to provide legal protections to patients using marijuana under a physician’s recommendation. This kicks off the era of contemporary state medical marijuana laws that have been adopted in the majority of US states and in various US territories.</p>
<p>Late 1990s – 2013</p>	<p>Federal raids are carried out against state-authorized medical marijuana dispensaries and grow sites. These actions increase under each successive administration until the prosecution of these cases is effectively prohibited by the enactment of the Rohrabacher-Farr Amendment, a spending rider on the Department of Justice banning the department from interfering with state-legal medical marijuana conduct. Versions of this amendment remain in place today.</p>
<p>2012</p>	<p>Voters in Colorado and Washington State approve the first adult-use marijuana legalization laws in the country.</p>
<p>2014</p>	<p>Adult-use sales of marijuana begin in Colorado and Washington.</p>
<p>2014</p>	<p>Voters in Alaska and Oregon approve their own adult-use tax and regulate laws, while voters in the District of Columbia approve a measure to legalize cannabis possession, home cultivation, and gift transfers of marijuana to other adults.</p>
<p>2016</p>	<p>Voters in California, Nevada, Maine, and Massachusetts approve adult-use marijuana laws.</p>
<p>2017</p>	<p>Senator Cory Booker of New Jersey introduces the Marijuana Justice Act, the first federal bill to repeal federal marijuana prohibition and also provide for expungements and funding for communities disproportionately impacted by marijuana enforcement.</p>

<p>2018</p>	<p>Massachusetts becomes the first state to enact a comprehensive program to promote industry participation for individuals from communities that had formerly been disproportionately impacted by cannabis prohibition, a/k/a social equity programming.</p>
<p>2018</p>	<p>Michigan voters approve a tax-and-regulate ballot measure, while Vermont becomes the first state in the country to legalize marijuana possession legislatively. Similar to the 2014 DC law, the 2018 Vermont law does not include a tax-and-regulate system providing for either commercial cannabis production or sales.</p>
<p>2019</p>	<p>Illinois becomes the first state to approve legislation, rather than ballot initiative language, regulating the adult-use marijuana market.</p>
<p>2020</p>	<p>Arizona, Montana, New Jersey, and South Dakota voters approve ballot measures to tax-and-regulate adult-use marijuana sales; Vermont lawmakers also enact legislation regulating retail cannabis production and sales.</p>
<p>2020</p>	<p>The Marijuana Opportunity, Reinvestment, and Expungement (MORE) Act, a comprehensive bill that removes marijuana from the Controlled Substances Act, expunges convictions, and provides economic opportunities to individuals from communities targeted by the enforcement of cannabis criminalization, passes on the House floor, 228-164. It is the first time since the passage of the CSA in 1970 that a chamber of Congress has voted to repeal the federal prohibition of marijuana.</p>
<p>2021</p>	<p>Connecticut, New Mexico, New York, and Virginia approve tax-and-regulate legislation, while the Sixth Judicial Circuit Court in South Dakota invalidates their ballot measure for technical reasons.</p>

2021

Senate Majority Leader Chuck Schumer, along with Senators Cory Booker and Ron Wyden, releases a discussion draft of the Cannabis Administration and Opportunity Act, which seeks to remove cannabis from the CSA and establish rules for interstate cannabis commerce.

2021

Representative Nancy Mace introduces the first-ever Republican-led bill to both repeal marijuana prohibition and provide relief to those with prior cannabis convictions.

EXECUTIVE SUMMARY

The purpose of this report is to educate decision-makers at the state and federal level on the common features of adult-use marijuana legalization laws and regulations so that they can make informed choices on cannabis policy, and so that they can better understand how existing state-licensed programs are successfully being implemented in jurisdictions throughout the country. *Marijuana Policies in Legal States* reviews the key statutes and regulations of each adult-use state, as well as the District of Columbia. This report provides a particular emphasis on state-specific rules and regulations aimed at addressing youth prevention, product safety, retail access, and other issues of primary relevance to policymakers.

While each state has created its own unique set of cannabis policies, they share a number of similar features. For example, every adult-use marijuana state:

- Sets the legal age of purchase and possession at 21;
- Imposes a possession limit of at least 1 ounce;
- Collects tax revenue from the retail sale of marijuana;
- Prohibits the operation of a motor vehicle while one is under the influence;
- Requires labs to test retail products for THC and CBD levels as well as for the presence of potentially harmful contaminants;
- Allows for the non-commercial transfers of cannabis without remuneration between adults to take place without penalty;
- Requires warning labels and child-resistant packaging for cannabis products that are sold at retail stores;
- Prohibits marketing marijuana products toward children;
- Mandates the tracking of all marijuana-specific inventory;
- Allows for inspections of licensed facilities by state regulatory agencies;
- Provides patients access to medical cannabis products by preserving medical programs previously enacted by either lawmakers or voters.

Over time, adult-use laws have become more comprehensive and sophisticated. More recently enacted policies contain a variety of provisions and protections that had been previously left unaddressed by lawmakers. These include:

- ✓ Facilitating the expungement of prior marijuana convictions;
- ✓ Prohibiting warrantless searches based solely upon the odor of cannabis;
- ✓ Decriminalizing marijuana possession offenses for individuals under the age of 21;
- ✓ Providing adult consumers with access to licensed social-use establishments;
- ✓ Permitting the home delivery of cannabis to those ages 21 or older;
- ✓ Including civil discrimination protections in the areas of employment, professional licensure, child custody, and health care (such as organ transplants);
- ✓ Providing assistance for individuals with previous marijuana convictions so that they can apply to work in the cannabis industry;
- ✓ Dedicating a portion of tax revenues to help repair the harms caused by the racially disproportionate enforcement of marijuana laws.

This report is intended to provide lawmakers and other decision-makers with an overview of the trends and best practices governing state-level marijuana legalization and regulation. While this report seeks to be comprehensive in nature, it is not intended to address every issue before lawmakers. For instance, policies specific to interstate compacts and/or tribal sovereignty are not examined. Hemp

policies, as well as the patchwork of state-specific regulations governing the distribution of Delta-8 THC products, are also not assessed. In this respect, audiences should not view this report as the ‘final word’ on the subject, but as a primer.

As is evident from this report, marijuana legalization policies are rapidly evolving in jurisdictions nationwide. As is indicated by their growing popularity and acceptance, these policies represent an opportunity to significantly improve criminal justice and facilitate restorative justice, while also providing job creation and tax revenue via the regulation and oversight of what was formerly an illicit, underground, and pervasive marketplace.

RECOMMENDATIONS FOR FEDERAL LAWMAKERS

Repeal Federal Criminalization via Descheduling

Federal efforts to repeal marijuana prohibition and respect existing states’ cannabis legalization laws must deschedule marijuana from the Controlled Substances Act. Only through descheduling will states possess certainty that their state-specific policies will not continue to be the subject of undue interference from the federal government and possess the flexibility to experiment freely with a variety of regulatory structures that provide alternatives to criminalization.

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Moreover, many of the ongoing hurdles facing those participants involved in the state-legal marijuana industry, as well as its consumers, are addressed by descheduling marijuana. For instance, removing cannabis from the CSA will permit state-licensed businesses to access banking, bankruptcy protection, and other financial services available to other industries; It will permit military veterans to obtain medical cannabis recommendations from VA-affiliated physicians; and it will allow state-licensed employers to claim standard business deductions, among other issues.

Finally, while descheduling will not mandate state governments to repeal their own state-specific criminal laws prohibiting marijuana possession and other related activities, it is likely that doing so will influence state and local lawmakers to revisit their own criminal policies and amend them. Doing so will provide relief to tens of millions of Americans, as state police continue to make nearly half-a-million marijuana arrests annually. Most of those arrested are charged with simple possession offenses, not marijuana trafficking or sale.

Respect State Decisions on Possession Limits and Home Cultivation

The federal government should defer to the state governments on issues involving marijuana possession limits and home cultivation rights. NORML strongly supports the rights of patients and adult-use consumers to cultivate personal supplies of cannabis on their own property. State governments are in the best position to determine the extent to which home cultivation is reasonable in their individual jurisdictions, and most adult-use states allow for this practice. Further, all jurisdictions that permit home cultivation also impose rules to prevent diversion, such as the enforcement of plant count limits and requirements that grow areas be inaccessible to minors. No additional oversight is necessary from the federal government.

Lawmakers should avoid any temptation to impose upon the states federally mandated *per se* limits for THC concentrations.

No National Per Se Traffic Safety Limits

Nobody should operate a motor vehicle while under the influence of any impairing substance, and to that end, every state in the country that has legalized marijuana continues to maintain substantial criminal penalties for cannabis-impaired driving. In fact, NORML's own "[Principles of Responsible Cannabis Use](#)" invoke a "no driving" clause, stating: "*Although cannabis is said by most experts to be safer than alcohol and many prescription drugs with motorists, responsible cannabis consumers never operate motor vehicles in an impaired condition.*"

While it is reasonable for Congress to continue to fund research to better understand the scientific relationship between cannabis consumption and impaired driving performance, lawmakers should avoid any temptation to impose upon the states federally mandated *per se* limits for THC concentrations. There exists no consensus among experts that such limits are appropriate or that they positively impact public safety. Further, it is [acknowledged by experts](#) that these thresholds result in the inappropriate prosecution of those who are not demonstrably impaired.

In the minority of states that have imposed these limits for either THC or its metabolites, federal agencies like the National Highway Traffic Safety Administration (NHTSA) should call for these policies to be revisited and amended. Federal officials may also consider appropriating funding for training more Drug Recognition Evaluators and explore the expanded use of handheld performance-testing technologies, such as [DRUID](#).

Provide for Automatic Expungement and Pathways to Resentencing

NORML supports the automatic review and expungement of all marijuana convictions for conduct that is no longer classified as illegal under the law. *Many legalization states now facilitate this process*, and federal reform legislation should provide inducements for other states to follow suit, as well as provide funding streams to state agencies already engaging in this process.

Furthermore, given the wide application of sentencing enhancement for so-called “kingpin” status and alleged violent convictions in instances when the convicted person was neither a kingpin nor engaged in violent conduct, narrow limits on expungement eligibility should be avoided. At a minimum, courts should possess ample discretion in these cases. For convictions related to offenses still considered illegal, federal legislation should facilitate a path for resentencing.

Replace the Current Effective Federal Tax Rate of 50% or More With a Modest Excise Tax

Under marijuana’s placement in the CSA, state-licensed cannabis businesses are not allowed to make ordinary business tax deductions because of the enforcement of Section 280E of the Internal Revenue Code. As a result, they typically pay an effective tax rate that far exceeds the tax rates associated with other industries. For consumers, this means higher prices for regulated adult-use products. These artificially high prices incentivize consumers to make purchases from cheaper, unregulated markets. For businesses, this exorbitantly high tax rate limits their abilities to hire more staff, pay better wages and provide benefits to their employees, and to engage in capital improvements. It also costs them significant revenue, which instead is siphoned to the unregulated market.

Federal officials can end this situation by removing marijuana from the CSA and imposing a modest excise tax. Revenue from this tax should initially be directed toward repairing harms caused by the enforcement of marijuana criminalization, such as those found in the Community Reinvestment Fund of the MORE Act. The tax rate should not be so high that it encourages consumers to make unregulated purchases. A tiered tax system should be adopted so that small cannabis businesses are taxed at lower rates than large, multistate operators and/or traditional corporate entities.

Do Not Criminalize Underage Possession

NORML encourages the federal government to defer to states on issues around the legal age of possession. To date, every state in the country limits possession and sales to those ages 21 or older, and imposes criminal penalties for those adults who transfer marijuana to underage individuals. Some state governments also apply a policy of decriminalization toward those under the age of 21 who are involved in marijuana possession activities. By contrast, patients aged 18-20 with a recommendation from their physician in accordance with state medical marijuana laws are typically able to make purchases in medical cannabis dispensaries. The federal government should respect these policies.

Provide Labeling and Packaging Rules for Interstate Commerce

Each state that has legalized marijuana has developed its own set of regulations around labeling and packaging rules. While these state-specific rules and regulations possess many similarities, there continues to exist significant heterogeneity among jurisdictions. If and when interstate commerce of these products is federally permitted, federal officials should work to provide universal/national standards for labeling and packaging that incorporate modern best practices for environmental sustainability and are fully compliant with the Americans with Disabilities Act (ADA).

Consider Imposing National Lab Testing Standards

An important feature of regulated cannabis programs is quality assurance of products. Standards of purity are established by the independent lab testing of products. However, similar to issues around labeling and packaging, rules governing lab testing vary from state to state. While some states may require explicit testing for certain compounds in the plant, like THC and CBD, as well as for the presence of specific contaminants and adulterants, others may not impose as stringent requirements. For these reasons, federal officials may wish to consider recommending or imposing minimum national requirements for cannabis testing labs via a nationally recognized accreditation board. These nationally imposed standards would benefit consumers by reducing the chances that tainted or adulterated products make it onto shelves. Additionally, if the EPA approves the use of any pesticides for labeled use on cannabis products, federal lab testing standards can help ensure continued product safety.

Advertising Limitations Should Be imposed, but Limited

Age-restricted products should not be marketed toward underage consumers. Therefore, it is reasonable for federal lawmakers to impose some degree of restrictions on advertising and marketing towards young people. (Many states already impose such restrictions.) Limitations on advertising should otherwise respect First Amendment rights and be no more restrictive than limitations on other age-restricted products, such as alcohol.

Promote an Inclusive Industry and Workforce

Racial disparities in the ownership and management of cannabis companies have been widely reported. Additionally, many states, particularly in the early years of state legalization, included provisions that excluded people with cannabis convictions from owning or even working for state-legal cannabis businesses. Many states have tried to address this trend by adopting social equity programs to promote a more inclusive industry. Congress can facilitate these state-level efforts by directing grant funding to state and local governments, such as is provided in the MORE Act.

Preserve State Medical Programs

The adoption of adult-use marijuana should not come at the expense of patients losing their existing access to the medical cannabis products that they have come to rely upon. The FDA should not have the ability to restrict access to products that are currently available in these state markets. Additionally, medical cannabis products should be exempt from federal excise taxes.

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No Federal Potency Caps

NORML opposes the imposition of arbitrary caps that seek to prohibit the production, sale, and/or possession of certain products containing higher THC potencies. To date, there exists little data substantiating fears that these products pose any sort of unique health threat, and limits on higher potency products will simply designate the production and sale of said products to the unregulated marketplace. Like alcohol, retailers provide cannabis products of varying potencies. Unlike alcohol, THC **cannot cause death by lethal overdose**, regardless of potency or quantity. In fact, the FDA regulates the production and sale of **dronabinol**, a pill containing 100 percent THC. For these reasons, NORML maintains that prohibiting the production and sale of cannabis products above some arbitrary potency level is an inappropriate action for federal lawmakers to take. Rather, providing the public with better public safety information about the effects of more potent products, and continued diligence on the part of regulators to ensure that legal products do not get diverted to the unregulated market and underage consumers, are more productive ways to address public health concerns.

STATE LAW TRENDS AND RECOMMENDATIONS

Criminal Laws

The primary goal of any state legalization policy is to end the policy of arresting, prosecuting, and incarcerating low-level marijuana offenders. Historically, cannabis criminalization has led to tens of millions of state-level marijuana arrests, disproportionately among Black and Hispanic individuals. Those arrested for violating marijuana laws face a litany of punishments. Penalties stemming from a marijuana-related arrest, even for a first-time offense, include the possibility of jail and a lifelong criminal record; probation and mandatory drug testing; loss of employment; loss of child custody; removal from subsidized housing; loss of student aid; loss of voting privileges; loss of adoption rights; and the loss of certain federal welfare benefits, such as food stamps.

To this end, states that have adopted adult-use legalization policies have all experienced a drastic reduction in marijuana-related arrests. That said, some states still **report racial differences** among the minority of people who continue to be charged with violating marijuana laws, often those who are under the age of 21, despite similar use rates across all racial demographics. State governments can address this issue by decriminalizing these activities, as several jurisdictions have now done, as well as by amending penalties specific to marijuana-related activities not yet depenalized via existing statutes.

Possession Limits

State governments have adopted a range of marijuana possession limits for adult consumers. In general, state laws permit adults to possess between one and six ounces of dried flower forms of marijuana, or an equivalent quantity of cannabis concentrates, edibles, or tinctures. The overwhelming majority of states also allow adults the right to cultivate a small number of plants for non-commercial use. In these instances, home growers are typically allowed to maintain a supply above the standard state possession limits as long as their home cultivation harvest is kept in a secured, locked location.

Traffic Safety

No legal state permits drivers to operate a vehicle under the influence of cannabis. While some jurisdictions have **experienced** small, temporary upticks in motor vehicle accidents post-legalization, no conclusive causal relationship to the passage of legalization laws is supported by the currently available research. Other states with similar laws have not and some states have even experienced a decrease in accidents. In some states, the total number of drivers testing positive for marijuana has increased; however, this appears to be due to law enforcement now placing a greater emphasis on testing than they did previously.

Although some law enforcement and prosecutors have argued for the adoption of *per se* THC concentration limits – which make it a criminal violation of the traffic safety laws to operate a vehicle with trace levels of either THC or its metabolite in one’s body, even absent any demonstrable evidence of driver impairment – most states have not done so.

Traffic safety experts like the National Highway Traffic Safety Administration and the American Automobile Association oppose the adoption of *per se* limits for THC, acknowledging that neither the presence of THC nor its metabolites is predictive of either recent cannabis exposure or cannabis-induced impairment. In some instances, these compounds may be detectable for weeks or even months post-abstinence, long after any impairment has worn off.

In lieu of the adoption of such arbitrary and non-scientific standards, most states impose traditional DUI standards for cases involving cannabis-impaired driving. Under these conventional laws, prosecutors must provide evidence that defendants recently ingested marijuana and that they were influenced by that substance to the point that they were no longer able to operate a vehicle safely. These are the same standards of evidence applied to other controlled substances.

Prohibiting Warrantless Odor-Based Searches

The odor of marijuana has often been used as a pretext for police to engage in warrantless vehicle searches. In several adult-use states, however, courts have ruled these practices to no longer be constitutional because the smell of marijuana alone cannot provide evidence that a violation of state law has been committed. As a result, many state lawmakers are now enacting legislation that explicitly prohibits odor as a pretext for a warrantless vehicle search. NORML opines that adult-use laws should similarly prohibit the odor of marijuana as being the sole cause for warrantless searches of residences, which have a constitutional standard for privacy.

Public Consumption

The use of cannabis products in public, non-designated spaces (e.g., parks, city streets) is generally discouraged and penalized under adult-use laws via the imposition of civil fines. In some jurisdictions, lawmakers and regulators are taking steps to provide a framework for the allowance of designated, licensed social use spaces (e.g., licensed social clubs) whereby adults can legally consume cannabis outside of their home. Such private spaces are ideal for tourists and others (such as those tenants who rent in buildings where cannabis use is not permitted or who reside in publicly assisted housing, where cannabis use is not allowed), and, arguably, would reduce the likelihood of adults consuming cannabis in non-designated public areas. Some states, such as New York, allow marijuana consumption in any public area that currently allows for the consumption of tobacco products.

Expungement and Resentencing

Most states that have legalized adult-use now recognize that those with past criminal convictions for low-level marijuana offenses should no longer possess the stigma of a criminal record. To this end, lawmakers have enacted measures facilitating the process for having these records either sealed or expunged. These policies have led to the sealing of over 2.2 million records.

States that have been most successful in expunging large numbers of records have done so by facilitating the process of automatically reviewing and sealing criminal records. States that have been less successful mandate that those seeking expungement petition the courts to have their records sealed. National polling [finds](#) that a supermajority of registered voters support the imposition of policies sealing and/or expunging the criminal records of those formerly convicted of marijuana-related offenses in jurisdictions where that behavior is now legal.

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Civil Protections

Despite the enactment of adult-use legalization laws, consumers in many jurisdictions continue to face discrimination in many aspects of their lives and may be denied parental custody, housing, and employment solely as a result of their state-compliant use of cannabis. In some jurisdictions, lawmakers are now addressing these issues and explicitly providing expanded legal protections.

Parental Custody

In some jurisdictions, responsible marijuana use under state law can potentially result in the loss of child custody in a divorce proceeding, even when there is no other evidence of lack of fitness against a parent. The responsible adult-use of marijuana should not be a determining factor in awarding child custody; however, to date, only a minority of states explicitly provide for such parental protections.

Employment, Professional Licensure, and Drug Testing

Contrary to the fears of critics, changes in the legal status of cannabis have not been associated with any significant adverse effects on workplace safety and, overall, off-the-job marijuana use has not been statistically associated with increased occupational accidents or injuries – as per the findings of the National Academy of Sciences and others. While cannabis use either prior to or while at work does not need to be accommodated by employers, NORML advocates that policies which impose sanctions for those who are legally engaged in the use of cannabis off-the-job away from work are discriminatory and ought to be discouraged. As long as one's off-the-job cannabis use does not impede one's on-the-job performance, such behavior should be of no concern to employers. Similarly, professional licensing standards should be determined by relative performance in the professional setting, not off-hours conduct for legal activity. To this end, a growing number of states now limit employers' abilities to deny employment to a candidate solely on the basis of a failed marijuana test and New York has recently adopted policies allowing employers only to take disciplinary actions against employees who consume marijuana if there exists "objectively observable indications that [their] performance of the essential duties or tasks of their position are decreased or lessened."

Housing

The possession of marijuana in one's residence should not jeopardize their housing status. Landlords and tenants should retain the right to maintain and live in smoke-free properties if they elect to implement those restrictions; however, prohibiting possession of any cannabis product or the use of non-smoked cannabis products is unreasonable. Further complicating matters, landlords who receive federal subsidies may feel compelled to impose strict anti-cannabis rules on their tenants. Although the federal complexity will likely persist until marijuana is removed from the CSA, these other competing interests can be balanced by requiring cannabis users to comply with tobacco smoking lease provisions, so long as vaporization and other non-combustion forms of consumption are permitted. To this end, some adult-use states now explicitly provide housing protections to adult consumers. However, these protections may not apply to federally subsidized housing absent some change in federal law.

Healthcare and Organ Transplants

An individual's status as a marijuana consumer should not influence or limit the kind of healthcare they receive. Without clear legal protections, in some instances, hospital administrative staff or physicians may deny crucial medical services, such as organ transplants, for patients with a history of cannabis use. These restrictions are not validated by available evidence showing that these patients are at any higher risk of adverse outcomes and should be eliminated via legislative action. In some states with more recently enacted adult-use laws, lawmakers have explicitly addressed this issue, but many others remain silent on the issue.

Legal Access to Cannabis

The right of the adult consumer to legally access marijuana is fundamental to any adult-use cannabis program. Legal means of access include: home cultivation, the ability for consumers to make purchases in licensed retail stores, and the engagement of non-commercial transfers between adults of legal age. If states do not include all three of these methods of access, they are inadvertently incentivizing consumers to acquire cannabis illegally from the illicit, unregulated market.

Issues surrounding access may persist even when states have all three of these features. For example, local governments may engage in banning marijuana retailers – and in some jurisdictions localities have done so. Excessive taxation may also lead to similar unintended outcomes. Additionally, states may also inadvertently incentivize legacy market purchases by placing limits on the THC content of products.

Purchase Limits

Some states provide explicit limits on the amount of cannabis an adult may obtain from a licensed retailer in a given day. Other states have implied purchase limits through their respective legal possession limits. Worries about diversion from regulated marijuana purchases are largely unfounded because unregulated cannabis is typically cheaper than products sold in licensed stores. Generally, the imposition of purchase limits below the state possession limit should be avoided; however, they may be helpful during transitional periods when a state is converted from medical-only to both medical and adult-use, to ensure that medical patients do not face product shortages. While some states initially adopted lower purchase caps for out-of-state customers, only one state currently maintains this limitation. By comparison, alcohol sales generally do not have purchase limits.

THC Caps

As previously stated, NORML opposes the imposition of arbitrary caps that seek to prohibit the production, sale, and/or possession of certain products containing higher THC potencies. Recriminalizing the production and retail sale of higher-potency products will only drive this market underground and make the manufacturing and transacting of these products less safe. To date, few states impose THC potency limits, though an increasing number of lawmakers have called for them. By contrast, many states do impose serving size requirements of certain cannabis products, specifically edible products, in order to mitigate the inadvertent overconsumption of THC.

Home Delivery

The ability to have cannabis delivered directly to one's residence is another means of retail access beyond traditional brick and mortar stores. Just as licensed storefront cannabis locations have numerous ID age-verification checks, so do home delivery systems, both during the online purchase process and when the delivery person makes contact with the purchaser. While there were initial fears that cannabis home delivery vehicles would be frequently targeted by robbers, sensible regulations appear to have mitigated this potential threat. If a state permits local governments to prohibit brick and mortar cannabis stores, state law should forbid them from also banning home delivery to avoid incentivizing unregulated market activity.

Taxes

As a regulated product, the taxation of marijuana is part of sensible public policy. While states would be mistaken to view marijuana taxes as a potential cure-all for their budget woes, regulated cannabis revenue can supplement funding for essential services, such as education and healthcare. Given the history of Drug War enforcement, taxation of marijuana should not be used to fund law enforcement activities. Instead, strong consideration should be given to dedicating tax revenue for programs directed at repairing communities disproportionately impacted by decades of racially and economically disparate marijuana enforcement.

As with any proposed federal excise tax, state governments must avoid imposing tax rates on retail cannabis sales that artificially inflate prices to the point where the regulated market can no longer compete with the unregulated marketplace. Because medical cannabis patients are not eligible for health insurance reimbursement and pay 100% out of pocket for their medicine, medical cannabis products should not be subject to state sales taxes. To date, most states do not impose conventional taxes on medical cannabis goods but do impose a variety of taxes (sales taxes and excise taxes) on adult-use products.

Local Moratoriums/Caps

Despite numerous studies showing that the establishment of licensed marijuana businesses **positively impacts local communities**, many local lawmakers in legal states nevertheless impose bans or caps on the number of facilities that may operate.

While NORML is not opposed to state legislation permitting these local controls, it discourages communities from imposing them. That is because local moratoriums banning the establishment of licensed cannabis retailers do nothing to limit local residents' access to cannabis; they only limit their access to *legal* cannabis. Local NIMBY bans only incentivize consumers to make purchases from unregulated sources. By contrast, in localities that have chosen to regulate this marketplace, these transactions take place in a secure environment where consumers have access to lab-tested products.

Local NIMBY bans only incentivize consumers to make purchases from unregulated sources.

Restrictive Zoning or Buffer Zones

Some degree of zoning for marijuana businesses is reasonable to prevent cluttering or to keep marijuana businesses a reasonable distance from schools or other places youths are likely to congregate. However, states should be mindful of empowering local governments to impose *de facto* bans in their jurisdictions. Additionally, restrictions on where cannabis businesses may operate should not be more restrictive than those imposed on businesses selling alcohol or tobacco products.

Ratio of Retail Licenses to State Population

Occasionally, a story comes out that compares the number of marijuana dispensaries to the number of some well-known franchises, like McDonald's or Starbucks. While these stories may be amusing, they are apples-to-oranges comparisons because they're comparing a single company in an industry to an entire industry; therefore, they should not be seriously considered when contemplating the issue of licensing caps. If anything, these stories show how relatively few retail marijuana outlets exist in most jurisdictions. Notably, states that suppress the number of licensed retail locations incentivize consumers to make unregulated purchases by artificially limiting supply and by inflating prices.

Home Cultivation

NORML believes that it is the right of individuals to grow their own cannabis as an alternative to purchasing it from licensed retail producers.

NORML believes that it is the right of individuals to grow their own cannabis as an alternative to purchasing it from licensed retail producers, and maintains that provisions permitting this behavior should be codified in adult-use access laws. Protecting the non-commercial home cultivation of cannabis serves as leverage to assure the product available at retail outlets is high quality, safe and affordable. Additionally, permitting home cultivation provides adult consumers with an immediate source of cannabis — providing an alternative to the illicit market. Such a source is necessary because it typically takes state regulators several months, or even years, following the law's enactment to establish licensed retail operators.

At present, most adult-use laws permit these activities and there exists no compelling state interest to infringe upon them. State regulations governing the alcohol market permit adults the option to legally brew non-commercial quantities of their own alcohol, and it is consistent with this policy to similarly permit home cultivation. Rules specific to home cultivation should permit outdoor cultivation if reasonable security measures are taken, such as a locked perimeter and preventing visibility from public view. Adults should be able to store at their residence all of their cannabis harvest.

Gift Transfers

Transfers of marijuana between adults for no remuneration is also a foundational feature of adult-use marijuana systems. Adults exchanging marijuana in amounts that fall within the state possession limits should be permitted for personal use quantities, and most legal states allow these activities.

Youth Use Prevention

One of the most common concerns policymakers raise when considering marijuana reforms is the potential impact of legalization on underage usage. Fortunately, the **majority of studies** examining this issue have concluded that marijuana legalization does not typically result in an increase in either teen usage or access. In fact, among licensed retail businesses, marijuana stores possess superior age ID check compliance rates than do alcohol and tobacco retailers (see Appendix B). This is likely the result of a combination of factors, including dedicated retail stores, child-resistant packaging regulations, and advertising restrictions. Notably, states have been able to achieve the goal of preventing teen use while decriminalizing underage possession and limiting criminal enforcement to adults who transfer marijuana to minors.

Age Limits

Every state that has legalized marijuana has adopted 21 as the legal age for possession and retail purchases. This age requirement is consistent with that of alcohol.

Child-resistant Packaging

Child-resistant packaging rules have been adopted by regulators in every adult-use state. Such regulations seek to prevent young children from inadvertently ingesting cannabis products, in particular infused edible products, that are intended for adult use. These common-sense precautions are similar to those imposed on other common products that may pose health risks if inadvertently ingested. Child-resistant packaging requirements may need to be balanced with environmental product packaging waste considerations.

Decriminalization of Underage Possession

When states initially began legalizing marijuana for adults age 21 and older, advocates and politicians often neglected to extend legal protections to young people. While the total number of youth marijuana arrests typically decreased following legalization, youths were being arrested more often *per capita*, despite no evidence of increased rates of youth use. In order to address this unwanted outcome, many subsequent state legalization efforts also decriminalized the possession of marijuana by individuals under the age of 21. Instead of the possibility of jail time and a criminal record that can negatively impact future employment and educational prospects, most adult-use states now focus on civil remedies, such as modest fines, drug education, counseling, and community service when youth are caught possessing marijuana. Criminal enforcement around youth usage should be limited to adults who transfer non-medical cannabis products to minors.

Consumer Safety

Because cannabis possesses an acceptable safety profile relative to other controlled substances, particularly when consumed responsibly by adults in moderation, product safety regulations should focus on empowering consumers to make informed decisions and to avoid misuse. These regulations should also prioritize preventing youth from accessing adult-use products. Labeling and package rules should provide helpful information and prevent children from being able to access the contents. Testing requirements should be handled by third-party labs to ensure unbiased results. Guidance around pest control procedures at cultivation facilities is essential. In the event of any adverse incidents in the product supply chain, regulations around recall procedures should be adopted.

Required Graphics (Universal Symbol)

Requiring manufacturers to prominently label products with an easily recognizable symbol that indicates a product contains THC is a reasonable public policy stipulation. These icons are commonly referred to as “universal symbols,” and are used to clearly convey information to consumers, such as the recycling symbol. While a growing number of states are adopting such requirements, only two states use identical symbols. Like other labeling and packaging requirements, once interstate commerce is permissible, the issue of universal symbols could benefit from federal guidance or agreements between states.

Labeling and Packaging

Requirements on labeling should focus on communicating valuable information to consumers rather than a laundry list of warnings. Providing accurate information on the content of THC, CBD, and other cannabinoids is useful for consumers. Basic information with respect to the duration of effect, which may differ greatly based upon product type and method of ingestion, is also pertinent to ensuring a safe user experience. By contrast, excessive labeling information may result in consumers ignoring all information on a label. While it is reasonable public policy to prohibit adult-use products from making on-label claims about medical benefits, warning messages should have scientific evidence to support the advisory.

The differences in labeling and packaging requirements between states is likely an issue that will ultimately have to be addressed via federal legislation, particularly if ready-for-sale retail products will ever be shipped across state lines to retail stores in other states. This may be an area where federal guidance would be helpful. Alternatively, states may independently work out agreements for regulating products packaged and labeled outside of their jurisdiction.

Recall Procedures

Quality control issues occur intermittently in the supply chains of every industry. While good manufacturing practices and proper regulation should minimize the occurrence of these events, recall procedures are necessary in the event they should happen. Recall procedures for cannabis products can be based on those that exist for other industries, particularly in the food industry. Consumers should be made aware when products are recalled in a regulated market, particularly if it is a wide-scale recall. In legal states, product recalls have occurred using established mechanisms but are relatively uncommon compared to food and other products.

Third-Party Lab Testing

Cannabis flower sold at retail outlets must be subject to third-party testing in order to assure that the product is free from unwanted contaminants, such as molds or pesticides, as well as elevated levels of heavy metals, among other unwanted constituents. Testing of cannabis and/or cannabis-infused products must further identify the precise presence of individual cannabinoids (such as THC and CBD) and terpene content, and such information must be prominently displayed on the product's label. This testing must also screen for the surreptitious presence of **lab-generated novel cannabinoids**, like THC-U, and other similar ingredients which have not been sufficiently tested for safety and purity. Such testing and labeling ensure that adult consumers have consistent access to a standardized product and have the information necessary to make an informed decision prior to purchasing.

Bans on Additives

Generally, the inclusion of non-cannabis-based additives in products should be avoided. However, certain forms of regulated marijuana by definition contain non-cannabis ingredients, such as edibles, vape cartridges, tinctures, etc. Therefore, regulations on additives must not be so overly broad as to inhibit consumer access to edibles, vape cartridges, and other products.

It is important that these regulations prohibit only the additives, not the products they are present in. For example, the 2019 E-cigarette or Vaping Use-Associated Lung Injury (EVALI) situation was linked to the addition of Vitamin E acetate, a thickening agent, in unregulated vape cartridge products. This outbreak ultimately led to the removal of Vitamin E from the marketplace, while leaving consumers' access to vapor cartridge products largely in place. Notably, states where legal access to these products was permitted experienced far fewer instances of EVALI.

Pesticides

Pest management is one of the more vexing challenges in implementing adult-use marijuana programs. On the one hand, consumers should not ingest products that have been treated with potentially harmful pesticides. On the other hand, preventing cultivators from using certain effective pest management procedures may result in large-scale losses of crops from infestation, which can impact prices and supply. However, as long as marijuana remains classified as a Schedule I substance in the CSA, states remain limited in their available options for pest management and can only allow for the use of "minimum risk" pesticides exempted by the EPA under the Federal Insecticide, Fungicide, and Rodenticide Act. The problem is that tolerance-exempt pesticides have limited effectiveness in cannabis cultivation.

The development of safe and effective pest management products for cannabis production can only take place following the removal of marijuana from the CSA. Even if safe and effective pesticides become available, states should still promote integrated pest management systems to limit the use of pesticides, while requiring third-party lab testing and product recall procedures to ensure consumer safety.

Inclusive and Equitable Industry

Black and brown Americans, along with people from low-income communities, have historically been disproportionately targeted and adversely impacted by cannabis criminalization. This lack of equity must not persist in an environment where adult-use cannabis production and sales are legally regulated.

In order to provide for inclusiveness within the legal industry, regulators should strive to impose nominal-to-low application fees in order to encourage participation from formerly disenfranchised populations. Further, regulations must not prohibit those with criminal records for past violations from seeking to actively participate in the legal marketplace. Lawmakers and regulators should work with groups dedicated to accomplishing these goals, such as the Minority Cannabis Industry Association, Cannabis Regulators of Color Coalition, the Hood Incubator, and Supernova Women to ensure social equity rules and programming will actually meet the needs of the people they are intended to support.

Stakeholder Representation in Bodies with Decision-Making Authority

Laws and regulations designed to build an inclusive industry that prioritizes opportunities for individuals directly impacted by marijuana prohibition are becoming increasingly common features of adult-use cannabis programs. These provisions can assist in repairing and addressing some of the harms caused by the enforcement of marijuana prohibition, which often targets low-income communities, particularly Black and brown individuals. A marijuana arrest not only negatively impacts the individual facing prosecution, but their families as well. When arrests are concentrated in certain geographic areas, entire communities feel the impact of this enforcement. It is essential that these impacted individuals be represented in the decision-making process. High-level participation and continuous engagement help ensure these programs meet the needs of directly impacted individuals and that they are more likely to hold relevant agencies accountable if goals are not being met.

License Limits Per Owner

Monopolies and oligopolies are not only bad for adult-use marijuana consumers, they are also harmful to creating an inclusive industry. Limiting the number of licenses for which any individual may possess an ownership interest increases the opportunities available to a greater number of applicants. For example, if there are 100 available licenses and no limit on the number of licenses that any one entity can hold, a small handful of operators may end up controlling the majority of licenses, enabling cartel-like market conditions. By contrast, if regulators impose a cap of no more than two licenses per person, there will be at least 50 different licensees and less potential for oligopolies.

Limiting the number of licenses any individual can own should not be conflated with limiting the total number of available licenses. Suppressing the total number of licenses available does not promote a more inclusive industry, but instead reduces consumer access while also increasing price, thereby incentivizing unregulated purchases.

States may also wish to consider restricting or limiting vertical integration in order to avoid large companies from dominating multiple segments of the industry. Allowing a greater variety of license holders also benefits consumers by giving them more options and avoids a homogenous selection of products.

Criminal History

Tens of millions of Americans possess a criminal record for a marijuana-related violation. Possessing such a record should not be the sole basis for prohibiting an individual's ability to be a business owner or work in the industry. The imposition of criminal history exclusions from participating in the industry is generally bad policy. Criminal history exclusions should be limited to crimes of dishonesty (such as fraud) or supplying minors with controlled substances or other age-restricted products.

Lawmakers should not exclude individuals with prior non-violent marijuana convictions from participating in the new industry.

Early Bird for Existing Medical License Holders and Exclusive License Periods

The fastest way for a state with an existing medical program to facilitate adult-use sales is by allowing existing medical operators to be dually licensed to serve both markets. From a consumer perspective, allowing these conversions is good policy because it hastens their ability to transition from the unregulated market to a regulated one. However, such 'early bird' licensing options also artificially limit the initial round of adult-use licensees to an exclusive group of players and potentially strengthens the ability of these operators to gain an excessively large foothold in the emerging adult-use market. Further, it potentially limits opportunities for a more inclusive and diverse pool of licensees. This is because many states awarded all or most of the medical cannabis licenses without consideration to include applicants from disproportionately impacted communities.

In order to address these issues, states should consider the following guidance: In state markets where a full and open licensure application process is not feasible within at least one year following the enactment of legalization, existing medical licensees could be permitted to dually service the adult non-medical market. However, this ability should be granted provisionally, preferably for no longer than one year, and licensees should not have any expectation that they will be permitted to exclusively service the adult-use market long-term. Any operations or expansions undertaken by existing medical licensees to service the adult non-medical market should be subject to the same rules, regulations, and restrictions that will govern other new licensees. In markets where the total number of licenses will be inadvisably capped, medical providers who have been servicing the adult non-medical market should not count toward the number of licensees allowed or they should be required to reapply when the licensing process is opened to all other applicants.

Job Training and Business Development Opportunities

Most people harmed by marijuana criminalization will not own a marijuana business. Job training and business development opportunities should be afforded to individuals from impacted communities and such opportunities should not be limited just to the cannabis industry. States can fund grants, incubator programs, and job training initiatives from marijuana tax revenue. Additionally, states may want to consider incentives for large marijuana businesses to help offer their expertise to applicants from directly impacted communities in exchange for reduced fees for license renewals.

Fee Waivers, Low Barrier Licenses, and License Set-Asides

Typical state marijuana business license applications include substantial eligibility requirements. Additionally, applicants must possess significant financial resources in order to meet the regulatory requirements necessary to obtain all of the licenses and permits required before opening for business. One of the hidden cost barriers is the requirement that applicants must hold title for the physical address where they intend to operate, which often means paying rent for years before making any sales. States should refrain from such requirements. Fee waivers and reduced fees for applicants from impacted communities can also help lower these barriers.

Additionally, states are beginning to offer “craft” or microbusiness grower and manufacturing licenses, which allow for new cultivators and processors to obtain a foothold in the industry. Similar to the craft brewing model, these licenses are associated with lower fees and may include some regulatory exemptions in exchange for capping production capacity. One way states can reduce the barriers to entry for craft growers is by allowing them to share physical space with fully licensed growers or processors.

In an effort to facilitate the equitable distribution of available licenses, many states have set aside a percentage of certain license types for applicants from negatively impacted communities and/or who meet other specified criteria. This requires careful planning on the part of licensing agencies to prevent lawsuits from license-seekers that could derail regulated access for consumers. For example, states need to develop set-aside rules that will pass constitutional scrutiny. Some states have used geographic areas of disproportionate enforcement to meet race-neutral requirements or have stated goals of racial balance instead of setting aside licenses by race.

Administrative Issues

Just as an adult-use program can only be as successful as its laws allow for, the implementation and administration of these programs is another major factor in determining real-world outcomes. A majority of voters may approve ballot measures that lay the groundwork for an adult-use marijuana program that seeks to benefit consumers and the public at large, but if the state government does a poor job implementing the program, then the benefits of the law are severely undermined. Administrative agencies should include input from stakeholders to whatever extent is practicable while not allowing for competing interests to grind programs to a halt.

Regulatory Agencies

States have taken a variety of approaches toward the administration of their adult-use marijuana programs. Many states have housed rulemaking and enforcement power within existing agencies. Other states have created new cannabis-centric agencies or have divided functions across several departments (for example, the department of agriculture for cultivation or consumer affairs for retail). While law enforcement may play a supplemental role in limited instances, enforcement of adult-use programs should focus on civil remedies.

Stakeholder input is crucial, particularly from consumers, who are too often an afterthought in regulatory decisions. Additionally, any commission or appointed workgroups need to include individuals from communities disproportionately impacted by the enforcement of marijuana prohibition.

Data Collection

In order to evaluate the effectiveness of an adult-use marijuana program, data must be regularly collected and reported to relevant agencies so as to identify areas where improvements need to be made. These reports can serve as diagnostics for any necessary legislative changes and help build trust and confidence among consumers and other stakeholders. Demographic data on licensing and employment, as well average retail prices and total revenue collected, can help towards the goals of a healthy environment for marijuana consumers and an equitable cannabis industry.

Medical Access Preserved

The adoption of an adult-use marijuana program should not come at the expense of an existing medical program in the state. Medical cannabis patients have different needs than adult-use consumers and often require products with higher potencies or specific cannabinoid profiles that may not be available in the adult-use market. States need to ensure that there is adequate production capacity to maintain the needs of medical patients if they decide to license existing medical grow facilities to also produce for the adult-use market. Additionally, since patients are not reimbursed for medical marijuana expenses and pay these costs completely out of pocket, medical cannabis products should not be subject to sales taxes or excise taxes. Further, many patients require a consistent supply of cannabis to mitigate chronic conditions, and therefore they should not necessarily be subject to the same sort of possession limits that are imposed upon those accessing the adult-use market.

Licenses

There needs to be an adequate number and variety of licenses for an adult-use program to meet the needs of consumers. Limitations on the number of retail licenses reduce regulated access points and incentivize consumers to make purchases from the illicit market. Restricted cultivation capacity can lead to inflated prices and a lack of product, again driving consumers to the unregulated market. States that wish to use a competitive application process must carefully do so in order to prevent lawsuits that could derail progress and may consider instead a lottery process that requires applicants to meet certain competency criteria and which limits the number of lottery applications which may be submitted by the same individual, business entity, or conglomerate.

Inventory Tracking/Inspections

Worries about the diversion of products away from the regulated market can be allayed by inventory tracking and inspection regulations. Inventory tracking systems enable regulatory agencies to monitor products for any potential discrepancies. However, one-size-fits-all inventory tracking systems have been prone to causing disruptions in retail access. While the ability to inspect marijuana facilities is similar to a state's ability to inspect alcohol businesses, inspection rules should be designed to be minimally intrusive to the facility's ability to continue its regular business activity unless there is evidence that public safety is being put at risk.

Labor Peace Agreements

If a state adopts an adult-use marijuana program in part because it will create good-paying jobs, the program should promote the ability of industry workers to collectively bargain for their wages and benefits. This can be accomplished through labor peace agreements. According to a recent study by the Economic Policy Institute, unionized cannabis workers could make an estimated \$2,810 to \$8,690 more per year, depending on what segment of the industry they work in. Consumers benefit from unionized cannabis businesses because workers tend to be better trained and better wages reduce employee turnover.

Advertising

Some studies have **shown** that young people may be influenced when exposed to advertisements for adult-use cannabis products. As a result, NORML supports regulatory controls that seek to limit youth exposure to adult-use cannabis-related advertising and marketing as well as **efforts** to not incentivize advertising cannabis products through the tax code. Just as advertising restrictions already exist with respect to the marketing of alcohol in a manner that may be perceived to be appealing toward children and/or the advertising of tobacco products altogether, NORML is supportive of regulatory restrictions on the advertising of adult-use cannabis products in public spaces (e.g., advertising on billboards, bus stops, public transit, etc.), particularly in places where young people are likely to congregate. NORML further supports restrictions prohibiting the deliberate marketing of cannabis products in a manner that may be perceived as appealing to those under the age of 21 and, in addition, NORML strongly discourages any marketing and advertising of cannabis products and/or businesses in a manner that objectifies individuals.

CONCLUSION

Nearly a decade after the first pair of states legalized adult-use marijuana possession and adopted regulatory systems to oversee the production and retail sale of cannabis, one result is abundantly clear – the sky has not fallen. None of the parade of horrible outcomes predicted by legalization opponents have come to fruition. For example, teen use rates have generally not increased, the presence of retail marijuana stores has not led to any significant upticks in crime in local communities, and workers' productivity hasn't fallen. In most cases, legal jurisdictions have witnessed either no change in these and other important health and safety metrics, or they have experienced improvements in some of these outcomes. In all cases, statewide legalization and regulation has not produced the harms its opponents loudly proclaimed were certain to occur.

It is important to emphasize this fact because many lawmakers who have not yet fully embraced marijuana legalization have attempted to publicly justify their hesitancy by saying, "We need to wait and see what happens." In fact, we have waited. And we have seen. States have fulfilled their roles as laboratories of democracy, and in this case, the experiment has proven to be a resounding policy success. The number of states enacting legalization as an alternative to marijuana prohibition is growing, and public support for these policies is at an all-time high, including in early-adopter states. The success and popularity of these policies is due in no small part to the fact that legalization has been carefully crafted by lawmakers and regulators in a manner that addresses common health and safety concerns and that seeks to provide common sense market controls.

Congress must remove marijuana from the Controlled Substances Act, take actions to expunge previous offenses, and create programs that seek to address and repair the damage done to communities as a result of the failed policy of cannabis criminalization.

States that took the "wait and see" approach to marijuana legalization now have a decade of established best practices to learn from and to emulate. And although legalization laws and regulations will continue to evolve over time, there is no need at this point for any state to reinvent the wheel when it comes to regulating cannabis.

At the federal level, Congress needs to respect these state policy decisions and remove existing barriers that only serve to disrupt these efforts. To this end, Congress must remove marijuana from the Controlled Substances Act, take actions to expunge previous offenses, and create programs that seek to address and repair the damage done to communities as a result of the failed policy of cannabis criminalization. The Administration needs to release individuals incarcerated for nonviolent marijuana offenses and have its relevant agencies work with adult-use state governments and stakeholders to ensure a smooth transition for the eventuality that the federal regulation of marijuana will likely soon become reality.

The conclusion is readily apparent – it is time to repeal marijuana prohibition and to embrace legalization and sensible regulations.

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Criminal Laws

Possession Limit - Flower	1 oz
Possession Limit - Concentrate	7 g
Possession Limit - Edibles	5,600 mg THC
Possession Limit - Flower at Private Residence	May possess all marijuana produced by plants in the residence
Impaired Driving - Prohibited	Yes
Impaired Driving - Unscientific Per Se Limits	No
Public Consumption	Prohibited, \$100 fine
Expungement	No
Automatic or via petition process	n/a
Resentencing	n/a
Prohibits vehicle searches based on odor	No

Consumer Discrimination Protections

Child Custody	No
Employment	No
Drug Testing	No
Housing	No
Professional Licensing	No
Organ Transplant	No

Legal Access to Marijuana

Purchase Limits	Off-site consumption: same as possession limits On-site consumption: 1 g flower, 25 mg edibles, 0.3 g concentrate
THC % Caps	No

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Legal Access to Marijuana (cont'd)

THC serving size	10 mg/serving 100 mg/package
Taxes	\$50 per oz 50% to recidivism reduction fund 25% to marijuana education and treatment fund 25% to general fund without designation
Local moratoriums allowed	Allowed as long as language does not conflict with state laws or regs.
Local caps on licensing	No state-level caps but local control serves as a limitation
Restrictive zoning or buffer zones	500 feet from school, church, rec centers, or correctional facilities
Home delivery	No
Home cultivation permitted	Yes
Plant count or canopy limits	6 (3 mature) per adult, 12 (6 mature) per residence However, state constitution allows up 25 plants.
Additional home cultivation restrictions	Must be out of public view
Indoor/outdoor rules	Allowed if not in public view
Gift transfers between adults	Yes
Social consumption	Yes
Out of state resident purchase limits	No

Youth Prevention

Age limits	21
Child resistant packaging	Yes
Advertising restrictions	Nothing misleading
Selling or transferring to minors	Prohibited
Under 21 decriminalization	No
Fines or other civil punishment	n/a

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Product Safety

Labeling	Retail store name, THC content, warning statements
Image of any required graphics (Universal Symbol)	No
Required statements	Intoxicating, causes impairment, health risks, not for children
Prohibited statements or imagery	No candy or other imagery appealing to children
Packaging	Opaque, resealable
Lab testing requirements	Potency (THC, THCA, CBD, CBDA and CBN), microbial contamination, residual solvents, and heavy metals.
Bans on Additives	No
Recall procedures	No
Pesticides	Labeling must disclose any pesticides used
Advertising restrictions	No misleading

Equitable/Accessible Industry Provisions

Agencies, boards, or commissions that oversee the industry have stakeholders from impacted communities	Marijuana Control Board
Limitation on number of each type of license or square foot of canopy that one person or entity may own or control	No
Any number or percentage of licenses set aside under each license type, including low-barrier license (ie. craft cultivator, community co-ops, etc)	No
Exclusive period of time for social equity applicants to access licenses	No
Early bird period of time for existing medical licensed businesses to access licenses	No
Excludes applicants with a criminal history	Any felony, certain misdemeanors (illegal or underage sales or alcohol or controlled substances, use of weapon, dishonesty)
Additional points on application in states with a competitive process and any follow through requirements	No
Job training or business development opportunities	No

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Equitable/Accessible Industry Provisions (cont'd)

Restrictions on selling a social equity license to non-social equity entities	No
Dedicated taxes for social equity or reparative justice programming	50% of marijuana tax goes to Depts of Corrections, Health and Social Services, and/or Public Safety to reduce recidivism
Fee Waivers	No
Allows separate license holders share grow/processing space	No
Vertical integration prohibited/required	Neither required nor prohibited
Requirements on large businesses to support social equity applicants (mentoring and/or incubation)	No

Administrative/Misc.

Regulatory and enforcement agencies	Dept of Commerce, Community, and Economic Development Alcohol and Marijuana Control Office
Data Collection Requirements	No
Local control over licensing	May ban via ordinance or local ballot measure, ban can apply to 5 mile radius outside town
Medical access preserved	Yes
Inventory tracking system	Yes
Inspections	Yes
Labor Peace Agreements	No

License Types

Types of licenses	Retail, cultivation (limited or standard), concentrate manufacturing, product manufacturing, testing facility
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Ratio of Retail Stores to Population

Ratio of retail licenses to state population	1:4,910
	149 stores 731,545 (2019)

ARIZONA

Criminal Laws

Possession Limit - Flower	1 oz
Possession Limit - Concentrate	5 g, counts towards flower limit
Possession Limit - Edibles	Purchase limits are clear, but possession limits are not
Possession Limit - Flower at Private Residence	Can keep amount cultivated lawfully at home
Impaired Driving - Prohibited	Yes
Impaired Driving - Unscientific Per Se Limits	No
Public Consumption	Prohibited, \$300 max fine
Expungement	Yes
Automatic or via petition process	Petition
Resentencing	Limited to expungable offenses
Prohibits vehicle searches based on odor	Yes, except during investigation for impaired driving

Consumer Discrimination Protections

Child Custody	Not explicit but arguably exists under Ariz. Rev. Stat. § 36-2852(A)
Employment	No
Drug Testing	No
Housing	No
Professional Licensing	yes
Organ Transplant	No

Legal Access to Marijuana

Purchase Limits	1 oz max per transaction, of max no more than 5 g can be concentrate.
THC % Caps	No

ARIZONA

Legal Access to Marijuana (cont'd)

THC serving size	10 mg/serving 100 mg/package
Taxes	21.6% (16% cannabis excise tax in addition to a 5.6% statewide retail sales tax) localities forbidden to impose additional taxes
Local moratoriums allowed	Yes
Local caps on licensing	Yes, but local rules can't be more restrictive than local rules for medical facilities, nor can dual-medical/adult-use retail stores be banned.
Restrictive zoning or buffer zones	Up to localities
Home delivery	Not until at least 2023
Home cultivation permitted	Yes
Plant count or canopy limits	6 plants per adult; max of 12 plants per household
Additional home cultivation restrictions	Enclosed area, prevents access by minors, out of public view
Indoor/outdoor rules	Allowed if not in public view
Gift transfers between adults	Yes
Social consumption	No
Out of state resident purchase limits	No

Youth Prevention

Age limits	21
Child resistant packaging	Yes
Advertising restrictions	Age restricted, must verify age
Selling or transferring to minors	Prohibited
Under 21 decriminalization	Yes
Fines or other civil punishment	First offense: Max \$100 fine, Subsequent offenses: drug education

ARIZONA

Product Safety

Labeling	License number, amount, strain, batch number, form of product, weight, potency (THC, CBD), warning, cultivator, ingredients, date of harvest
Image of any required graphics (Universal Symbol)	No
Required statements	Warning impaired ability to drive, health risks, keep out of reach of children
Prohibited statements or imagery	No images appealing to minors
Packaging	QR code to info containing: date of harvest, THC-strain, any extraction methods used, lab report, date of manufacture, distribution chain, warning
Lab testing requirements	Potency, microbial contamination, heavy metals, pesticides, herbicides, fungicides, growth regulators, and residual solvents
Bans on Additives	No
Recall procedures	No
Pesticides	Silent
Advertising restrictions	No misleading advertising, online advertising limited to marijuana establishments, age-restricted audience

Equitable/Accessible Industry Provisions

Agencies, boards, or commissions that oversee the industry have stakeholders from impacted communities	Department of Health Services
Limitation on number of each type of license or square foot of canopy that one person or entity may own or control	2 licenses max per person
Any number or percentage of licenses set aside under each license type, including low-barrier license (ie. craft cultivator, community co-ops, etc)	26 future licenses set aside
Exclusive period of time for social equity applicants to access licenses	Yes, TBD
Early bird period of time for existing medical licensed businesses to access licenses	Yes
Excludes applicants with a criminal history	Felony violent crime or felony violation of a state or federal controlled substance law but does not include sentencing terms completed 10 years ago or marijuana violations that are no longer illegal
Additional points on application in states with a competitive process and any follow through requirements	No

ARIZONA

Equitable/Accessible Industry Provisions (cont'd)

Job training or business development opportunities	Yes
Restrictions on selling a social equity license to non-social equity entities	TBD
Dedicated taxes for social equity or reparative justice programming	No
Fee Waivers	Reduced license fees
Allows separate license holders share grow/processing space	TBD
Vertical integration prohibited/required	Permitted but not required
Requirements on large businesses to support social equity applicants (mentoring and/or incubation)	No

Administrative/Misc.

Regulatory and enforcement agencies	Dept of Health Services
Data Collection Requirements	No
Local control over licensing	Local governments cannot be more restrictive than their rules for medical
Medical access preserved	Yes
Inventory tracking system	Yes
Inspections	Yes
Labor Peace Agreements	No

License Types

Types of licenses	"Marijuana establishment license" for retail, can add grower and/or processor endorsements "Marijuana testing facility" independent labs
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Ratio of Retail Stores to Population

Ratio of retail licenses to state population	1:56,426 129 stores 7.279M (2019)
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CALIFORNIA

Criminal Laws

Possession Limit - Flower	28.5 g
Possession Limit - Concentrate	8 g
Possession Limit - Edibles	Inclusive of 8 g concentrate limit
Possession Limit - Flower at Private Residence	May produce all marijuana grown at the residence, must be locked, not visible to public
Impaired Driving - Prohibited	Yes
Impaired Driving - Unscientific Per Se Limits	No
Public Consumption	Prohibited, \$100 max fine in most public locations, \$250 max fine if where tobacco smoking is banned or near a school
Expungement	Yes
Automatic or via petition process	Automatic, but prosecution can challenge
Resentencing	Yes
Prohibits vehicle searches based on odor	No

Consumer Discrimination Protections

Child Custody	No
Employment	No
Drug Testing	No
Housing	No
Professional Licensing	No
Organ Transplant	No

Legal Access to Marijuana

Purchase Limits	28.5 g flower 8 g concentrate 6 immature plants
THC % Caps	No
THC serving size	10 mg/serving 100 mg/package

CALIFORNIA

Legal Access to Marijuana (cont'd)

Taxes	Excise tax: 15% (80% markup rate for arm's length transactions) Cultivation tax: \$10.08 per dry-weight oz (flower), \$3.00 per dry-weight oz (leaves), \$1.41 per oz (fresh cannabis plant) Sales and Use tax: 7.25-10.75 (various by locality) Local tax: up to 15%
Local moratoriums allowed	Yes
Local caps on licensing	Yes
Restrictive zoning or buffer zones	600 feet from a K-12 school
Home delivery	Yes
Home cultivation permitted	Yes
Plant count or canopy limits	6 plants
Additional home cultivation restrictions	No but additional restrictions can be imposed by local governments
Indoor/outdoor rules	Allowed, localities may ban
Gift transfers between adults	Yes
Social consumption	Yes
Out of state resident purchase limits	No

Youth Prevention

Age limits	21
Child resistant packaging	Yes
Advertising restrictions	Audience must be expected to be at least 71.6% over the age of 21, no depictions of minors using, no images attractive to children, no free promotions,
Selling or transferring to minors	Prohibited
Under 21 Decriminalization	Yes

CALIFORNIA

Youth Prevention (cont'd)

Fines or other civil punishment	18-20: \$100 max fine under 18: first offense - 4 hours of education/counseling or up to 10 hours community service second offense: 6 hours of education/counseling or up to 20 hours community service
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Product Safety

Labeling	At least 6-point, identity of product, weigh, universal symbol, UID, cultivator, date of packaging, warning,
Image of any required graphics (Universal Symbol)	Yes
Required statements	Keep away from children, may be harmful if used during pregnancy or breastfeeding, impaired ability to drive or operate machinery
Prohibited statements or imagery	No misleading statements, no imagery appealing to people under 21
Packaging	Prevent contamination, not impart toxic substance, tamper-evident, resealable, opaque (edibles/liquids)
Lab testing requirements	Cannabinoids; Foreign material; Heavy metals; Microbial impurities; Moisture content and water activity; Mycotoxins; Residual pesticides; Residual solvents and processing chemicals
Bans on Additives	Yes
Recall procedures	Yes
Pesticides	State requirements for use
Advertising restrictions	No misleading statements, no imagery appealing to people under 21

CALIFORNIA

Equitable/Accessible Industry Provisions

Agencies, boards, or commissions that oversee the industry have stakeholders from impacted communities	Bureau of Cannabis Control Office of Business and Economic Development
Limitation on number of each type of license or square foot of canopy that one person or entity may own or control	No
Any number or percentage of licenses set aside under each license type, including low-barrier license (ie. craft cultivator, community co-ops, etc)	No, but there may be local rules
Exclusive period of time for social equity applicants to access licenses	No
Early bird period of time for existing medical licensed businesses to access licenses	Yes
Excludes applicants with a criminal history	Felonies that are violent, dishonesty, drug trafficking, involving minors, or serious
Additional points on application in states with a competitive process and any follow through requirements	No, but there may be local rules
Job training or business development opportunities	Yes, via grants to local jurisdictions administering social equity program
Restrictions on selling a social equity license to non-social equity entities	No, but there may be local rules
Dedicated taxes for social equity or reparative justice programming	20% environmental restoration
Fee Waivers	No waivers but local grants can be applied to state application and licensing fees.
Allows separate license holders share grow/processing space	Law appears to be silent
Vertical integration prohibited/required	Neither required nor prohibited
Requirements on large businesses to support social equity applicants (mentoring and/or incubation)	No

Administrative/Misc.

Regulatory and enforcement agencies	Bureau of Cannabis Control (Dept of Consumer Affairs) Dept of Food and Agriculture Dept of Public Health
Data Collection Requirements	No explicit data requirements but must publish annual report on activities and recommendations for improvements
Local control over licensing	Yes
Medical access preserved	Yes
Inventory tracking system	Yes

CALIFORNIA

Administrative/Misc. (cont'd)

Inspections	Yes
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Labor Peace Agreements	Yes
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License Types

Types of licenses	Cultivation types: Specialty outdoor; Small; Specialty indoor; Small; Specialty mixed-light; Small; Outdoor; Small; Indoor; Small; Mixed-light; Small; Outdoor; Medium; Indoor; Medium; Mixed-light; Medium; Nursery; Outdoor; Large; Indoor; Large; Mixed-light; Large. Manufacturer 1. Manufacturer 2. Testing. Retailer. Distributor. Microbusiness.
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Ratio of Retail Stores to Population	1:47,036
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Ratio of retail licenses to state population	840 stores 39.51M (2019)
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COLORADO

Criminal Laws

Possession Limit - Flower	2 oz
Possession Limit - Concentrate	2 oz
Possession Limit - Edibles	800 mg THC
Possession Limit - Flower at Private Residence	May possess all marijuana grown in the residence
Impaired Driving - Prohibited	Yes
Impaired Driving - Unscientific Per Se Limits	Not per se but permissible inference of impairment at 5 ng/ml THC/blood
Public Consumption	Prohibited, \$100 max fine and/or 24 hours community service
Expungement	Technically no, but governor issued a blanket pardon for convictions of 1 oz or less.
Automatic or via petition process	Pardons under 1 oz, automatic Pardons between 1 and 2 oz available upon petition
Resentencing	No
Prohibits vehicle searches based on odor	Yes, per Colorado v. McKnight (2019)

Consumer Discrimination Protections

Child Custody	No
Employment	No
Drug Testing	No
Housing	No
Professional Licensing	No
Organ Transplant	No

COLORADO

Legal Access to Marijuana

Purchase Limits	1 oz flower 8 g concentrate 80 mg THC edibles
THC % Caps	No
THC serving size	10 mg/serving
Taxes	Retail sales: 15% Wholesale excise: 15%
Local moratoriums allowed	Yes
Local caps on licensing	Yes
Restrictive zoning or buffer zones	Not at state level but local gov't can impose
Home delivery	Yes
Home cultivation permitted	Yes
Plant count or canopy limits	6 (3 mature) per adult 12 (6 mature) max per dwelling
Additional home cultivation restrictions	Enclosed area, prevents access by minors, out of public view
Indoor/outdoor rules	Indoor only
Gift transfers between adults	Yes
Social consumption	Yes
Out of state resident purchase limits	No

Youth Prevention

Age limits	21
Child resistant packaging	Yes
Advertising restrictions	Can only advertise if audience can reasonably be expected to be 71.6% over age of 18, no health benefit claims, internet advertising restrictions
Selling or transferring to minors	Prohibited
Under 21 Decriminalization	Yes

COLORADO

Youth Prevention (cont'd)

Fines or other civil punishment	1st: up to \$100 fine or substance abuse education 2nd: up to \$100 fine plus education, and up 24 hours community service Subsequent: up to \$250 fine plus education, and up 36 hours community service
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Product Safety

Labeling	Font must be at least 1/16th of an inch, no trademark infringement allowed, no health benefit claims, must be in English (retailer must have foreign language translation available), must be unobstructed and conspicuous, no use of the word candy
Image of any required graphics (Universal Symbol)	Yes
Required statements	Safety risks, potential of long-term mental/physical health impact, impaired ability to drive or operate machinery
Prohibited statements or imagery	May not be designed to be appealing to individuals under 21, may not resemble candy or trademarked products, may not make health benefit claims
Packaging	If package is not child-resistant, must be placed in a child-resistant exit package
Lab testing requirements	Pesticide, microbials, mycotoxin, molds, metals, residual solvents, biological contaminants, and chemical contaminants.
Bans on Additives	Yes
Recall procedures	Yes
Pesticides	Application requires documentation
Advertising restrictions	Business must have reliable evidence audience is likely at least 71.6% over the age of 21, no health claims, no marketing towards individuals under 21

COLORADO

Equitable/Accessible Industry Provisions

Agencies, boards, or commissions that oversee the industry have stakeholders from impacted communities	No
Limitation on number of each type of license or square foot of canopy that one person or entity may own or control	No, but must hold at least one retail store license for every multiple of 3 retail cultivation licenses
Any number or percentage of licenses set aside under each license type, including low-barrier license (ie. craft cultivator, community co-ops, etc)	Retail Marijuana Accelerator Cultivator License
Exclusive period of time for social equity applicants to access licenses	No
Early bird period of time for existing medical licensed businesses to access licenses	Yes
Excludes applicants with a criminal history	Not a required exclusion but can be used as an exclusion factor
Additional points on application in states with a competitive process and any follow through requirements	No
Job training or business development opportunities	Social equity license accelerator cultivator accelerator store accelerator manufacturer
Restrictions on selling a social equity license to non-social equity entities	No
Dedicated taxes for social equity or reparative justice programming	No
Fee Waivers	Only explicitly available for Accelerator-Endorsed Licensees
Allows separate license holders share grow/processing space	Yes, Accelerator Program
Vertical integration prohibited/required	Only required if owner has 3 or more retail cultivation licenses
Requirements on large businesses to support social equity applicants (mentoring and/or incubation)	No

Administrative/Misc.

Regulatory and enforcement agencies	Primary - Marijuana Enforcement Division (Dept. of Revenue) Dept of Agriculture (pesticides and hemp) Dept of Public Health and Environment (medical registry and public health)
Data Collection Requirements	Annual report on health impacts

COLORADO

Administrative/Misc. (cont'd)

Local control over licensing	Yes
Medical access preserved	Yes
Inventory tracking system	Yes
Inspections	Yes
Labor Peace Agreements	No

License Types

Types of licenses	Retail Marijuana Store License Retail Marijuana Cultivation Facility License Retail Marijuana Product Manufacturer License Retail Marijuana Testing Facility License Retail Marijuana Transporter License Retail Marijuana Operator License Retail Marijuana Accelerator Cultivator License Retail Marijuana Accelerator Manufacture License Marijuana Hospitality Business License Retail Marijuana Hospitality and Sales Business License
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Ratio of Retail Stores to Population

Ratio of retail licenses to state population	1:8,846 651 stores 5.759M (2019)
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CONNECTICUT

Criminal Laws

Possession Limit - Flower	1.5 oz
Possession Limit - Concentrate	7.5 g
Possession Limit - Edibles	750 mg THC
Possession Limit - Flower at Private Residence	After July 1, 2023, may possess all marijuana grown in the residence
Impaired Driving - Prohibited	Yes
Impaired Driving - Unscientific Per Se Limits	No
Public Consumption	Prohibited where tobacco smoking is not allowed
Expungement	Yes
Automatic or via petition process	Petition
Resentencing	No
Prohibits vehicle searches based on odor	Yes, except during investigation for impaired driving

Consumer Discrimination Protections

Child Custody	No
Employment	Employers can only prohibit off-hours use if failing to would result in loss of federal funding
Drug Testing	Yes, unless it would result in loss of federal funding
Housing	Yes, with exceptions
Professional Licensing	Yes
Organ Transplant	No

Legal Access to Marijuana

Purchase Limits	1 oz or equivalent
THC % Caps	Flower: 30% Products other than flower: 60%
THC serving size	5 mg/serving

CONNECTICUT

Legal Access to Marijuana (cont'd)

Taxes	6.35% state sales tax, 3% local sales tax dedicated tax based on THC content approx 10-15%
Local moratoriums allowed	Yes, but delivery to consumers can't be banned
Local caps on licensing	Until June 30, 2024, no more than 1 retail store and 1 micro-cultivator per 25,000 residents
Restrictive zoning or buffer zones	Equity joint ventures not allowed within 20 miles of another equity joint venture.
Home delivery	Yes
Home cultivation permitted	Yes
Plant count or canopy limits	6 (3 mature) per adult 12 (6 mature) max per dwelling
Additional home cultivation restrictions	Enclosed area, prevents access by minors
Indoor/outdoor rules	Not explicit but law implies indoor-only
Gift transfers between adults	Yes
Social consumption	No but regulators must make issue recommendations to legislature by Jan. 1, 2023.
Out of state resident purchase limits	No

Youth Prevention

Age limits	21
Child resistant packaging	Yes
Advertising restrictions	No ads aimed at children, no cartoons or similar images, expected audience must be reasonably expected to be 90% over the age of 21, no advertising within 500 feet of a school, playground, park, rec center or library
Selling or transferring to minors	Prohibited
Under 21 Decriminalization	Yes
Fines or other civil punishment	Under 18 - warning, youth services referral, delinquency (no arrest can be made) 18-20: \$50 fine first offense, \$100 subsequent

CONNECTICUT

Product Safety

Labeling	Universal symbol, warning, amount of cannabis in the product, ingredients, product tracking info, net weight, use by or expiration date, amount of THC and CBD
Image of any required graphics (Universal Symbol)	Yes
Required statements	TBD
Prohibited statements or imagery	No images appealing to minors
Packaging	Opaque and contain required labeling
Lab testing requirements	Yes, TBD
Bans on Additives	TBD via rulemaking
Recall procedures	Yes
Pesticides	No
Advertising restrictions	Audience must be reasonably expected to be at least 90% over the age of 21, advertise curative or therapeutic effects, can't sponsor public events, no ads within 500 feet of schools, parks, playgrounds

Equitable/Accessible Industry Provisions

Agencies, boards, or commissions that oversee the industry have stakeholders from impacted communities	Social Equity Council
Limitation on number of each type of license or square foot of canopy that one person or entity may own or control	No more than 2 per class of license
Any number or percentage of licenses set aside under each license type, including low-barrier license (ie. craft cultivator, community co-ops, etc)	50% of each license type reserved for social equity lottery
Exclusive period of time for social equity applicants to access licenses	Social equity lottery occurs before lottery for remaining licenses
Early bird period of time for existing medical licensed businesses to access licenses	Yes, for hybrid retailer or any producer license
Excludes applicants with a criminal history	Yes, several types of convictions are disqualifying if they were within the past 10 years unless pardoned
Additional points on application in states with a competitive process and any follow through requirements	Equity joint venture can get reduced license fees
Job training or business development opportunities	Yes

CONNECTICUT

Equitable/Accessible Industry Provisions (cont'd)

Restrictions on selling a social equity license to non-social equity entities	Non-transferable for 7 years, after that requires commissioner's approval
Dedicated taxes for social equity or reparative justice programming	2023-2026: 60% to social equity fund 2027-2028: increases to 65% 2029-onward: increases to 75%
Fee Waivers	50% reduction
Allows separate license holders share grow/processing space	Allowed via equity joint ventures
Vertical integration prohibited/required	Neither required nor prohibited
Requirements on large businesses to support social equity applicants (mentoring and/or incubation)	Not required but encouraged via equity joint ventures

Administrative/Misc.

Regulatory and enforcement agencies	Primary: Dept of Consumer Protection Social Equity: Social Equity Council (under Dept of Economic and Community Development)
Data Collection Requirements	Social Equity Council must report by 10/1/2023 on marijuana arrest data, including town, race, gender, and age demographics
Local control over licensing	Not required but allowed via zoning and local permit provision
Medical access preserved	Yes
Inventory tracking system	Yes
Inspections	Yes
Labor Peace Agreements	Yes

License Types

Types of licenses	producer, dispensary facility, cultivator, micro-cultivator, retailer, hybrid retailer, food and beverage manufacturer, product manufacturer, product packager, delivery service or transporter;
Ratio of Retail Stores to Population	TBD
Ratio of retail licenses to state population	TBD

DISTRICT OF COLUMBIA

Criminal Laws

Possession Limit - Flower	2 oz
Possession Limit - Concentrate	Silent
Possession Limit - Edibles	Silent
Possession Limit - Flower at Private Residence	Can possess all marijuana grown in the residence
Impaired Driving - Prohibited	Yes
Impaired Driving - Unscientific Per Se Limits	No
Public Consumption	Misdemeanor
Expungement	Yes
Automatic or via petition process	Petition
Resentencing	No
Prohibits vehicle searches based on odor	Yes

Consumer Discrimination Protections

Child Custody	No
Employment	No
Drug Testing	Only pre-employment testing prohibited
Housing	No
Professional Licensing	No
Organ Transplant	No

Legal Access to Marijuana

Purchase Limits	n/a
THC % Caps	No
THC serving size	no

DISTRICT OF COLUMBIA

Legal Access to Marijuana (cont'd)

Taxes	n/a
Local moratoriums allowed	n/a
Local caps on licensing	n/a
Restrictive zoning or buffer zones	n/a
Home delivery	n/a
Home cultivation permitted	Yes
Plant count or canopy limits	6 (3 mature) per adult 12 (6 mature) max per dwelling
Additional home cultivation restrictions	No
Indoor/outdoor rules	Indoor only
Gift transfers between adults	Yes
Social consumption	No
Out of state resident purchase limits	n/a

Youth Prevention

Age limits	21
Child resistant packaging	n/a
Advertising restrictions	n/a
Selling or transferring to minors	Prohibited
Under 21 Decriminalization	Yes
Fines or other civil punishment	\$25

Product Safety

Labeling	n/a
Image of any required graphics (Universal Symbol)	n/a
Required statements	n/a
Prohibited statements or imagery	n/a
Packaging	n/a

DISTRICT OF COLUMBIA

Product Safety (cont'd)

Lab testing requirements	n/a
Bans on Additives	n/a
Recall procedures	n/a
Pesticides	n/a
Advertising restrictions	n/a

Equitable/Accessible Industry Provisions

Agencies, boards, or commissions that oversee the industry have stakeholders from impacted communities	n/a
Limitation on number of each type of license or square foot of canopy that one person or entity may own or control	n/a
Any number or percentage of licenses set aside under each license type, including low-barrier license (ie. craft cultivator, community co-ops, etc)	n/a
Exclusive period of time for social equity applicants to access licenses	n/a
Early bird period of time for existing medical licensed businesses to access licenses	n/a
Excludes applicants with a criminal history	n/a
Additional points on application in states with a competitive process and any follow through requirements	n/a
Job training or business development opportunities	n/a
Restrictions on selling a social equity license to non-social equity entities	n/a
Dedicated taxes for social equity or reparative justice programming	n/a
Fee Waivers	n/a
Allows separate license holders share grow/processing space	n/a
Vertical integration prohibited/required	n/a
Requirements on large businesses to support social equity applicants (mentoring and/or incubation)	n/a

DISTRICT OF COLUMBIA

Administrative/Misc.

Regulatory and enforcement agencies	n/a
Data Collection Requirements	n/a
Local control over licensing	n/a
Medical access preserved	Yes
Inventory tracking system	n/a
Inspections	n/a
Labor Peace Agreements	n/a

License Types

Types of licenses	n/a
Ratio of Retail Stores to Population	n/a
Ratio of retail licenses to state population	n/a

ILLINOIS

Criminal Laws

Possession Limit - Flower	30 g for IL residents 15 mg for non-residents
Possession Limit - Concentrate	5 g for IL residents, 2.5 mg for non-residents
Possession Limit - Edibles	500 mg for IL residents, 250 mg non-residents
Possession Limit - Flower at Private Residence	No
Impaired Driving - Prohibited	Yes
Impaired Driving - Unscientific Per Se Limits	5 ng/ml
Public Consumption	Prohibited, no explicit penalties
Expungement	Yes
Automatic or via petition process	Under 30 g: automatic, above 30 g may require petition
Resentencing	No
Prohibits vehicle searches based on odor	Yes, per Nov. 2021 IL 14th Judicial Circuit

Consumer Discrimination Protections

Child Custody	Yes
Employment	Yes, but can ban use while employees are off duty but on-call
Drug Testing	No
Housing	No
Professional Licensing	Yes
Organ Transplant	Yes

Legal Access to Marijuana

Purchase Limits	Not explicit but implied through possession limit
THC % Caps	No

ILLINOIS

Legal Access to Marijuana (cont'd)

THC serving size	10 mg/serving 100 mg/package
Taxes	Cannabis Cultivation Privilege Tax: 7% (cultivator) Cannabis Purchaser Excise Tax (purchasers Cannabis (not including cannabis infused products) Below 35% THC: 10% Above 35% THC: 25% Cannabis-infused products: 20%
Local moratoriums allowed	Prohibited
Local caps on licensing	Allowed but can't "unreasonably restrict"
Restrictive zoning or buffer zones	Allowed but can't unreasonably time, place and manner
Home delivery	No
Home cultivation permitted	No
Plant count or canopy limits	n/a
Additional home cultivation restrictions	n/a
Indoor/outdoor rules	n/a
Gift transfers between adults	Yes
Social consumption	Up to local jurisdictions to permit
Out of state resident purchase limits	Implied via non-resident possession limits

Youth Prevention

Age limits	21
Child resistant packaging	Yes
Advertising restrictions	No depictions of anyone under 21 consuming, no marketing towards anyone under 21, no advertising within 1000 feet of a school, no images appealing to children
Selling or transferring to minors	Prohibited
Under 21 Decriminalization	Yes
Fines or other civil punishment	\$100 min. fine, \$200 max fine

ILLINOIS

Product Safety

Labeling	Grower name, common name of product, serial number, testing date, date of harvest, use-by date, quantity of cannabis, lab pass/fail info, content (THC, THCA, CBD, CBDA), other ingredients
Image of any required graphics (Universal Symbol)	No
Required statements	May impair cognition, may be habit forming, for use by adults 21 and over only, may impair ability operate vehicles or machinery, impairment may be delayed by up to 2 hours after consumption
Prohibited statements or imagery	No depictions of individuals under 21 consuming, no cartoons, toys, animals, cannabis leaves, seals or crests that imply endorsement by state of Illinois, no misleading statements
Packaging	Sealed, labeled, odor-proof
Lab testing requirements	Pesticide chemical residue, residue solvent, microbiological contaminants, and mycotoxins
Bans on Additives	No
Recall procedures	Yes
Pesticides	State list of approved pesticides
Advertising restrictions	Nothing misleading, nothing promoting overconsumption, no depictions of actual use, no advertising on mass transit

Equitable/Accessible Industry Provisions

Agencies, boards, or commissions that oversee the industry have stakeholders from impacted communities	Cannabis Equity Commission
Limitation on number of each type of license or square foot of canopy that one person or entity may own or control	Max 10 dispensing licenses Individuals owning +10% a cultivation license cannot hold a craft grower license
Any number or percentage of licenses set aside under each license type, including low-barrier license (ie. craft cultivator, community co-ops, etc)	55 dispensing licenses
Exclusive period of time for social equity applicants to access licenses	Yes, lottery
Early bird period of time for existing medical licensed businesses to access licenses	Yes

ILLINOIS

Equitable/Accessible Industry Provisions (cont'd)

Excludes applicants with a criminal history	Convictions are subject to review (note: non-cannabis state licenses are also subject to this review)
Additional points on application in states with a competitive process and any follow through requirements	Yes
Job training or business development opportunities	Incubator program Cannabis Business Development program
Restrictions on selling a social equity license to non-social equity entities	Any transfers within 5 years of licensure will require new license holder to pay the Cannabis Business Development Fund amount equal to any fees waived, outstanding loan debt, and any grants received under the social equity program
Dedicated taxes for social equity or reparative justice programming	No, but cultivation centers were required to contribute to Cannabis Business Development Fund
Fee Waivers	50% for qualified social equity applicants (\$750K max income, no more than 2 licenses with a 10% or greater ownership share)
Allows separate license holders share grow/processing space	Yes
Vertical integration prohibited/required	Neither required nor prohibited
Requirements on large businesses to support social equity applicants (mentoring and/or incubation)	No

Administrative/Misc.

Regulatory and enforcement agencies	Dept of Financial and Professional Regulation (general and dispensaries) Dept of Agriculture (cultivation and manufacturing) Dept of Commerce & Economic Opportunity (social equity) Dept of Public Health (inspections and public health guidance)
Data Collection Requirements	Previously required to conduct studies on disparities in the industry and barriers to capital. Department of Public Health annual report on health impacts.
Local control over licensing	No
Medical access preserved	Yes
Inventory tracking system	Yes
Inspections	Yes

ILLINOIS

Administrative/Misc. (cont'd)

Labor Peace Agreements	Not required but extra points on license application
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License Types

Types of licenses	Cultivation center, craft grower, processing organization, infuser organization, dispensing organization, or transporting organization
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Ratio of Retail Stores to Population

Ratio of retail licenses to state population	1:117,314
	108 stores 12.67M (2019)

MAINE

Criminal Laws

Possession Limit - Flower	2.5 oz
Possession Limit - Concentrate	5 g
Possession Limit - Edibles	5 g
Possession Limit - Flower at Private Residence	May possess all marijuana produced from personal cultivation
Impaired Driving - Prohibited	Yes
Impaired Driving - Unscientific Per Se Limits	No
Public Consumption	Prohibited, \$100 fine
Expungement	No
Automatic or via petition process	n/a
Resentencing	n/a
Prohibits vehicle searches based on odor	No

Consumer Discrimination Protections

Child Custody	No
Employment	Discipline must be tied to on-the-job performance.
Drug Testing	No
Housing	No
Professional Licensing	No
Organ Transplant	No

Legal Access to Marijuana

Purchase Limits	2.5 oz that includes no more than 5 g of concentrated 12 immature plants or seedlings
THC % Caps	No
THC serving size	10 mg/serving 100 mg/package

MAINE

Legal Access to Marijuana (cont'd)

Taxes	Adult-use retail: Purchases are subject to a 10% marijuana excise tax, plus the statewide 5.5% sales tax. No additional local municipal taxes are allowed. Wholesale: The excise tax on cultivators is \$335 per pound of flower, \$94 per pound for trim, \$1.50 per pound for seedlings and 35 cents per pound for seeds.
Local moratoriums allowed	Yes
Local caps on licensing	Yes
Restrictive zoning or buffer zones	State default is 1000 feet from schools but municipality can lower to 500 feet
Home delivery	No
Home cultivation permitted	Yes
Plant count or canopy limits	12 (3 mature)
Additional home cultivation restrictions	Enclosed area, prevents access by minors, out of public view, each plant must be tagged with name of adult grower
Indoor/outdoor rules	Allowed under state law but can be banned by local gov't
Gift transfers between adults	Yes
Social consumption	Not until at least 2023
Out of state resident purchase limits	No

Youth Prevention

Age limits	21
Child resistant packaging	Yes
Advertising restrictions	Nothing attractive to people under 21, no candy or cartoon images, nothing within 1000 feet of a school
Selling or transferring to minors	Prohibited
Under 21 Decriminalization	Yes

MAINE

Youth Prevention (cont'd)

Fines or other civil punishment	Up to 1.25 oz: fine range \$350-\$650 1.25 oz to 2.5 oz: \$700-\$1,000
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Product Safety

Labeling	No smaller than size 6 font, clearly written in English, label must be unobstructed, licensee number, product ID number, lab testing results, cultivation facility, net weight, universal symbol, production date cannabinoid content, extraction method, warning statements
Image of any required graphics (Universal Symbol)	Yes
Required statements	Potential health risks, particularly for pregnant or breastfeeding individuals, impaired ability to drive or operate machinery, effects may not be felt for up to 4 hours
Prohibited statements or imagery	Nothing that could be confused with a trademarked product, no animals or fruit, the word "candy"
Packaging	Fully enclosable; resealable; protect the packaged item from contamination; and does not impart any toxic or deleterious substance to the packaged item.
Lab testing requirements	Residual solvents, poisons and toxins; Harmful chemicals; Dangerous molds and mildew; Harmful microbes, including, but not limited to, Escherichia coli and salmonella; Pesticides, fungicides and insecticides; and THC potency, homogeneity and cannabinoid profiles to ensure correct labeling
Bans on Additives	Yes
Recall procedures	Yes
Pesticides	Reporting requirements
Advertising restrictions	No misleading statements, no consumption irresponsible use, nothing that violates state or federal consumer protections, no health benefit claims

MAINE

Equitable/Accessible Industry Provisions

Agencies, boards, or commissions that oversee the industry have stakeholders from impacted communities	No
Limitation on number of each type of license or square foot of canopy that one person or entity may own or control	Max 3 cultivation facility licenses (combined canopy may not exceeding 30,000 sq ft) Max 4 marijuana stores (sunsets 12/31/21)
Any number or percentage of licenses set aside under each license type, including low-barrier license (ie. craft cultivator, community co-ops, etc)	No
Exclusive period of time for social equity applicants to access licenses	No
Early bird period of time for existing medical licensed businesses to access licenses	Yes
Excludes applicants with a criminal history	Controlled substances convictions adjudicated less than 10 years ago, crimes of dishonesty
Additional points on application in states with a competitive process and any follow through requirements	No
Job training or business development opportunities	No
Restrictions on selling a social equity license to non-social equity entities	No
Dedicated taxes for social equity or reparative justice programming	No
Fee Waivers	No
Allows separate license holders share grow/processing space	Only 1 cultivator per location, but cultivators can share with retail, medical dispensaries, or caregivers
Vertical integration prohibited/required	Neither required nor prohibited
Requirements on large businesses to support social equity applicants (mentoring and/or incubation)	No

Administrative/Misc

Regulatory and enforcement agencies	Office of Marijuana Policy (OMP) within the Dept of Administrative and Financial Services (DAFS)
Data Collection Requirements	No requirements but department has broad discretion to collect data
Local control over licensing	Yes
Medical access preserved	Yes
Inventory tracking system	Yes

MAINE

Administrative/Misc. (cont'd)

Inspections	Yes
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Labor Peace Agreements	No
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License Types

Types of licenses	Cultivation (4 tiers plus nursery), Testing, Manufacturing, and Store
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Ratio of Retail Stores to Population

Ratio of retail licenses to state population	1:89,600
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	15 stores 1.344M (2019)
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MASSACHUSETTS

Criminal Laws

Possession Limit - Flower	1 oz
Possession Limit - Concentrate	5 g
Possession Limit - Edibles	500 mg THC
Possession Limit - Flower at Private Residence	10 oz
Impaired Driving - Prohibited	Yes
Impaired Driving - Unscientific Per Se Limits	No
Public Consumption	Prohibited, \$100 max fine
Expungement	Yes
Automatic or via petition process	Petition
Resentencing	No
Prohibits vehicle searches based on odor	Yes, per Commonwealth v. Overmyer

Consumer Discrimination Protections

Child Custody	Yes
Employment	No
Drug Testing	No
Housing	No
Professional Licensing	Yes
Organ Transplant	Yes

Legal Access to Marijuana

Purchase Limits	1 oz or equivalent (5 g concentrate or 500 mg in edibles)
THC % Caps	No
THC serving size	5 mg/serving

MASSACHUSETTS

Legal Access to Marijuana (cont'd)

Taxes	State excise 10.75% (plus 6.25% state sales and 3% local) Typical effective: 20% on retail price passed to consumers
Local moratoriums allowed	Municipality can ban retailers if approved by local ballot measure, otherwise, must allow at least 20% of the number of liquor store licenses
Local caps on licensing	Can only impose a limit lower than 20% of the number of liquor licenses if approved by local ballot measure.
Restrictive zoning or buffer zones	500 feet from nearest school, local government can reduce distance
Home delivery	Yes
Home cultivation permitted	Yes
Plant count or canopy limits	6 (3 mature) per adult 12 (6 mature) max per dwelling
Additional home cultivation restrictions	Must be locked, not publicly viewable
Indoor/outdoor rules	Allowed if not in public view
Gift transfers between adults	Yes
Social consumption	Yes
Out of state resident purchase limits	No

Youth Prevention

Age limits	21
Child resistant packaging	Yes
Advertising restrictions	No advertising unless audience is reasonably to be expected to be at least 85% over 21, no depictions of anyone under 21, no images appealing to children, no brand sponsorship
Selling or transferring to minors	Prohibited
Under 21 Decriminalization	Yes
Fines or other civil punishment	\$100 max fine and drug education, parental notification if offender is under 18

MASSACHUSETTS

Product Safety

Labeling	Universal symbol, child warning symbol, cultivator/producer name(s), lab test info, batch number, allergens, THC% and serving amount, number of servings, use-by date, warning info
Image of any required graphics (Universal Symbol)	Yes
Required statements	Not FDA approved, potential health risks, potential pregnancy or breastfeeding risks, impaired ability to drive or operate machinery, keep away from children
Prohibited statements or imagery	No bright colors, no neon colors, no cartoons, nothing that resembles non-cannabis products, no nothing appealing to children
Packaging	Opaque and plain in design, no bright colors, resealable
Lab testing requirements	Yes
Bans on Additives	Yes
Recall procedures	Yes
Pesticides	Yes (Section 25(b) FIFRA pesticides only)
Advertising restrictions	Nothing misleading, no celebrity endorsements, no brand sponsorships, no health benefit statements, no loudspeakers on vehicles, nothing on mass transit

Equitable/Accessible Industry Provisions

Agencies, boards, or commissions that oversee the industry have stakeholders from impacted communities	Cannabis Control Commission
Limitation on number of each type of license or square foot of canopy that one person or entity may own or control	3 max of each license type 100,000 square foot canopy max
Any number or percentage of licenses set aside under each license type, including low-barrier license (ie. craft cultivator, community co-ops, etc)	Exclusive access to Social Consumption and Delivery-Only License types for up to a minimum of three years Municipalities may create their own set-asides
Exclusive period of time for social equity applicants to access licenses	Delivery and social consumption only
Early bird period of time for existing medical licensed businesses to access licenses	Yes

MASSACHUSETTS

Equitable/Accessible Industry Provisions

Excludes applicants with a criminal history	Mandatory: felonies except related to marijuana (unless involving distributing to minors), sex offender registry, distributing controlled substance to a minor. Presumptive: domestic violence, multiple impaired driving convictions, open warrants/charges
Additional points on application in states with a competitive process and any follow through requirements	No
Job training or business development opportunities	Yes
Restrictions on selling a social equity license to non-social equity entities	No, but once transfer occurs, social equity benefits cease (i.e. once sold to someone who doesn't qualify, a delivery licensee could no longer operate during exclusivity period)
Dedicated taxes for social equity or reparative justice programming	No
Fee Waivers	No fees for delivery or social consumption 50% reduction on other types
Allows separate license holders share grow/processing space	No
Vertical integration prohibited/required	Neither required nor prohibited
Requirements on large businesses to support social equity applicants (mentoring and/or incubation)	Yes, positive impact plan and diversity requirements

Administrative/Misc.

Regulatory and enforcement agencies	Cannabis Control Commission: general regulatory agency Dept. of Ag.: pesticides
Data Collection Requirements	Social and economic trends and public health impacts of marijuana; annual audit; annual report on commission's activities
Local control over licensing	Bans permitted if approved via local ballot measure

MASSACHUSETTS

Administrative/Misc. (cont'd)

Medical access preserved	Yes
Inventory tracking system	Yes
Inspections	Yes
Labor Peace Agreements	No

License Types

Types of licenses	Marijuana Microbusiness Independent Testing Laboratory Marijuana Retailer (brick-and mortar) Social Consumption Establishment Marijuana Transporter: Third-party Transporter Marijuana Transporter: Existing Licensee Transporter Marijuana Courier Marijuana Delivery Operator Marijuana Establishment with a Delivery Endorsement Marijuana Research Facility Marijuana Research Permit
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Ratio of Retail Stores to Population

Ratio of retail licenses to state population	1:60,465 114 stores 6.893M (2019)
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MICHIGAN

Criminal Laws

Possession Limit - Flower	2.5 oz
Possession Limit - Concentrate	15 g, counts against total flower limit
Possession Limit - Edibles	16 oz solid edible = 1 oz flower 36 oz liquid, tinctures, topicals = 1 oz flower
Possession Limit - Flower at Private Residence	10 oz
Impaired Driving - Prohibited	Yes
Impaired Driving - Unscientific Per Se Limits	No
Public Consumption	Prohibited, \$100 fine
Expungement	Yes
Automatic or via petition process	Petition
Resentencing	No
Prohibits vehicle searches based on odor	No

Consumer Discrimination Protections

Child Custody	Yes
Employment	No
Drug Testing	No
Housing	No
Professional Licensing	Yes
Organ Transplant	No

Legal Access to Marijuana

Purchase Limits	2.5 oz, no more than 15 g concentrate
THC % Caps	No

MICHIGAN

Legal Access to Marijuana (cont'd)

THC serving size	Topicals: 6% Tinctures: 1000 mg per package Beverage: 500 mg per package (50 mg per serving) Edible: 500 mg per package (50 mg per serving) Other (capsules, transdermal, etc) 1,000 mg per package
Taxes	10% state excise plus 6% state sales
Local moratoriums allowed	Yes
Local caps on licensing	Yes
Restrictive zoning or buffer zones	Up to local governments
Home delivery	Yes
Home cultivation permitted	Yes
Plant count or canopy limits	12 plants
Additional home cultivation restrictions	May not be visible to public
Indoor/outdoor rules	Allowed if not in public view
Gift transfers between adults	Yes
Social consumption	Yes
Out of state resident purchase limits	No

Youth Prevention

Age limits	21
Child resistant packaging	Yes
Advertising restrictions	Audience must be at least 70% over 21, no marketing towards children
Selling or transferring to minors	Prohibited
Under 21 Decriminalization	Yes
Fines or other civil punishment	Up to \$100 fine first offense, \$500 subsequent OR community service

MICHIGAN

Product Safety

Labeling	Packager name and license number, package or harvest ID number, date of harvest, strain name, net weight, THC and CBD concentration, activation time, universal symbol, warning
Image of any required graphics (Universal Symbol)	Yes
Required statements	Health risks for those who are pregnant or breastfeeding, illegal to drive under influence, National Poison Control Center hotline, keep away from children
Prohibited statements or imagery	No cartoons or similar images, nothing resembling commercially sold candy, no fruit or animal shapers (basic geometric shapes and fruit flavors are allowed)
Packaging	Same as labeling
Lab testing requirements	Moisture content, Potency analysis., THC level, THCA level, CBD and CBDA levels, Foreign matter inspection, Microbial and mycotoxin screening, Pesticides, Chemical residue, Fungicides, Insecticides, Metals screening, Residual solvents levels, Terpene analysis, Water activity content.
Bans on Additives	Yes
Recall procedures	Yes
Pesticides	No unsafe pesticides
Advertising restrictions	Nothing misleading, no health benefit claims

Equitable/Accessible Industry Provisions

Agencies, boards, or commissions that oversee the industry have stakeholders from impacted communities	No
Limitation on number of each type of license or square foot of canopy that one person or entity may own or control	No

MICHIGAN

Equitable/Accessible Industry Provisions (cont'd)

Any number or percentage of licenses set aside under each license type, including low-barrier license (ie. craft cultivator, community co-ops, etc)	Class A marihuana grower up to 100 plants Class B marihuana grower up to 500 plants Class C marihuana grower up to 2,000 plants
Exclusive period of time for social equity applicants to access licenses	No
Early bird period of time for existing medical licensed businesses to access licenses	Yes
Excludes applicants with a criminal history	Distribution of controlled substance to a minor
Additional points on application in states with a competitive process and any follow through requirements	Social equity plan required, no follow through requirement
Job training or business development opportunities	Social equity plan required, no follow through requirement
Restrictions on selling a social equity license to non-social equity entities	n/a
Dedicated taxes for social equity or reparative justice programming	No
Fee Waivers	No
Allows separate license holders share grow/processing space	No
Vertical integration prohibited/required	Neither required nor prohibited
Requirements on large businesses to support social equity applicants (mentoring and/or incubation)	Social equity plan required, no follow through requirement

Administrative/Misc.

Regulatory and enforcement agencies	Dept of Licensing and Regulatory Affairs (LARA) Marijuana Regulatory Agency (MRA)
Data Collection Requirements	No
Local control over licensing	No
Medical access preserved	Yes
Inventory tracking system	Yes
Inspections	Yes
Labor Peace Agreements	No

MICHIGAN

License Types

Types of licenses

Class A Grower
Class B Grower
Class C Grower
Designated Consumption Establishment
Excess Marihuana Grower
Marihuana Event Organizer
Marihuana Microbusiness
Marihuana Processor
Marihuana Retailer
Marihuana Safety Compliance Facility
Marihuana Secure Transporter
Temporary Marihuana Event

Ratio of Retail Stores to Population

Ratio of retail licenses to state population

1:38,411

260 stores
9.987M (2019)

NEVADA

Criminal Laws	
Possession Limit - Flower	1 oz
Possession Limit - Concentrate	3.543 g
Possession Limit - Edibles	3.543 g
Possession Limit - Flower at Private Residence	No
Impaired Driving - Prohibited	Yes
Impaired Driving - Unscientific Per Se Limits	Generally, no, but per se standard can apply under certain felony-level circumstances
Public Consumption	Prohibited, \$600 max fine
Expungement	Yes
Automatic or via petition process	Petition
Resentencing	No
Prohibits vehicle searches based on odor	No

Consumer Discrimination Protections	
Child Custody	No
Employment	No
Drug Testing	No
Housing	No
Professional Licensing	No
Organ Transplant	No

Legal Access to Marijuana	
Purchase Limits	Not explicit, possession limit serves as default
THC % Caps	No

NEVADA

Legal Access to Marijuana (cont'd)

THC serving size	Suppository, transdermal patch, or capsule:100 mg/each, 800 mg/package Tincture: 800 mg Edible cannabis:100 mg Topical product: 6% or 800 mg Other adult-use cannabis product: 800 mg
Taxes	15% wholesale excise tax (medical and adult use) 10% retail excise adult use 4.6% state sales tax
Local moratoriums allowed	Law is silent, but local moratoriums have taken place.
Local caps on licensing	Not restricted
Restrictive zoning or buffer zones	1000 feet from schools; 300 feet from community facilities; and if county pop exceeds 100,000, 1500 feet from licensed gaming sites
Home delivery	Yes
Home cultivation permitted	Yes
Plant count or canopy limits	6 plants per adult, 12 plants per premises
Additional home cultivation restrictions	Not permitted within 25 miles of dispensary, must be locked, enclosed, out of public view, must have permission of property owner
Indoor/outdoor rules	Outdoor allowed if not visible to the public
Gift transfers between adults	Yes
Social consumption	Yes
Out of state resident purchase limits	No

Youth Prevention

Age limits	21
Child resistant packaging	Yes
Advertising restrictions	No depictions of anyone under 21, no advertising unless at least 70% can reasonably be expected to be over 21, nothing within 1000 feet of school, playground, park, or library
Selling or transferring to minors	Prohibited
Under 21 Decriminalization	Yes

NEVADA

Youth Prevention (cont'd)

Fines or other civil punishment	First or second offense, up to 24 hours of community service, education courses; third or subsequent offense, delinquency charges possible
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Product Safety

Labeling	Establishment name, product run number warning, date of production, cannabinoid profile and potency levels, expiration date (edibles only), THC in mg, THC per serving (edibles only, ingredients and food allergens, net weight, extraction method (concentrates only), serving size (edibles only))
Image of any required graphics (Universal Symbol)	Yes
Required statements	Yes
Prohibited statements or imagery	Cannot resemble candy or commercially available products
Packaging	Opaque, addition rules for edibles
Lab testing requirements	THC and cannabidiol concentration, microbes, molds and fungus, composition of the tested material, presence of chemicals in the tested material, including, without limitation, pesticides, heavy metals, herbicides or growth regulators.
Bans on Additives	Ban on some adulterants
Recall procedures	No
Pesticides	Certain uses allowed
Advertising restrictions	Nothing false or misleading, nothing promoting overconsumption, nothing depicting actual consumption, no handbills

Equitable/Accessible Industry Provisions

Agencies, boards, or commissions that oversee the industry have stakeholders from impacted communities	Limited, one of 8 members on Cannabis Advisory Committee must have criminal justice reform background
Limitation on number of each type of license or square foot of canopy that one person or entity may own or control	One per county or 10% of the maximum licenses in a county, whichever is greater
Any number or percentage of licenses set aside under each license type, including low-barrier license (ie. craft cultivator, community co-ops, etc)	10 of 20 social consumption lounges reserved for social equity applicants

NEVADA

Equitable/Accessible Industry provisions (cont'd)

Exclusive period of time for social equity applicants to access licenses	No
Early bird period of time for existing medical licensed businesses to access licenses	Yes
Excludes applicants with a criminal history	1 Class A felony or 2 or more other felony convictions, doesn't apply if sentence was complete more than 10 years ago
Additional points on application in states with a competitive process and any follow through requirements	No
Job training or business development opportunities	No
Restrictions on selling a social equity license to non-social equity entities	Only prohibited from selling license to someone who already holds two licenses
Dedicated taxes for social equity or reparative justice programming	No
Fee Waivers	TBD regulation, no more than a 75% reduction
Allows separate license holders share grow/processing space	No
Vertical integration prohibited/required	Neither required nor prohibited
Requirements on large businesses to support social equity applicants (mentoring and/or incubation)	No

Administrative/Misc.

Regulatory and enforcement agencies	Cannabis Compliance Board (regulation) Cannabis Advisory Commission (advising)
Data Collection Requirements	Conduct periodic audits and report annually on the audit findings
Local control over licensing	Yes
Medical access preserved	Yes
Inventory tracking system	Yes
Inspections	Yes
Labor Peace Agreements	No

NEVADA

License Types

Types of licenses	Adult-use cannabis independent testing laboratory; Adult-use cannabis cultivation facility; Adult-use cannabis production facility; Adult-use cannabis retail store; or Adult-use cannabis distributor.
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Ratio of Retail Stores to Population

Ratio of retail licenses to state population	1:33,5402
	87 retail stores 3.08M (2019)

NEW JERSEY

Criminal Laws

Possession Limit - Flower	6 oz
Possession Limit - Concentrate	17 g of hash 5 g cannabis resin
Possession Limit - Edibles	Unclear, law implies 6-oz flower limit applies and includes weight of inactive ingredients
Possession Limit - Flower at Private Residence	No
Impaired Driving - Prohibited	Yes
Impaired Driving - Unscientific Per Se Limits	No
Public Consumption	Prohibited, \$250 fine 1st offense, \$500 second, \$1,000 subsequent
Expungement	Yes
Automatic or via petition process	Automatic
Resentencing	Yes
Prohibits vehicle searches based on odor	Yes

Consumer Discrimination Protections

Child Custody	Yes
Employment	Yes
Drug Testing	No
Housing	Yes
Professional Licensing	Yes
Organ Transplant	Yes

NEW JERSEY

Legal Access to Marijuana

Purchase Limits	1 oz flower 1 oz equivalent edibles 5 g concentrate
THC % Caps	No
THC serving size	Edibles: 10 mg/serving, 100 mg/package Concentrate: 7.09 g/package
Taxes	State sales tax (6.625%) plus local tax (1%-2%) plus fees below up to \$10 per oz, if the avg oz retail price is \$350 or more; up to \$30 per oz, if the avg retail price of an oz is \$250-\$350; up to \$40 per oz, if the avg retail price of an oz is \$200-\$250; up to \$60 per oz, if the avg retail price of an oz is under \$200
Local moratoriums allowed	Yes but not delivery
Local caps on licensing	Yes
Restrictive zoning or buffer zones	No
Home delivery	Yes
Home cultivation permitted	No
Plant count or canopy limits	n/a
Additional home cultivation restrictions	n/a
Indoor/outdoor rules	n/a
Gift transfers between adults	Yes
Social consumption	Yes, up to municipalities
Out of state resident purchase limits	No

Youth Prevention

Age limits	21
Child resistant packaging	Yes

NEW JERSEY

Youth Prevention (cont'd)

Advertising restrictions	Audience must be reasonable expected to be at least 71.6% over 21, no images appealing to children, electronic advertising must have age restriction/verification, required statement to keep products out of reach of children
Selling or transferring to minors	Prohibited
Under 21 Decriminalization	Yes
Fines or other civil punishment	Possession on school property: \$250 fine Off school property, ages 18-20: \$50 fine Off school property, under 18: "point-of-violation warning or juvenile intervention"

Product Safety

Labeling	Cultivator/manufacturer info, net weight/quantity, production or harvest date, expiration date, batch number, inactive ingredients, allergens, refrigeration info, serving size info, Chemotypes, grow methods, lab testing info, usage info, storage requirements
Image of any required graphics (Universal Symbol)	Yes
Required statements	Not for use by anyone under 21, intoxicating effects may be delayed by 2 or more hours, potential health risks, potential pregnancy/breastfeeding risks, impaired ability to drive
Prohibited statements or imagery	Nothing depicting overconsumption, anyone under 21, cartoons/toys or anything else appealing to children
Packaging	Containers must be USP certified, may not hold more than 1/8th oz of cannabis, fully enclosed, opaque, of a single color, and light resistant.
Lab testing requirements	Cannabinoid content, the presence of pests, mold and mycotoxins, mildew, heavy metals, and pesticides
Bans on Additives	No
Recall procedures	Yes
Pesticides	Pesticide application must comply with state and federal law
Advertising restrictions	No TV/radio ads 6am-10pm, no sponsoring of events unless audience is reasonably expected to be at least 80% over 21, no ads within 200 feet of schools

NEW JERSEY

Equitable/Accessible Industry Provisions

Agencies, boards, or commissions that oversee the industry have stakeholders from impacted communities	Yes
Limitation on number of each type of license or square foot of canopy that one person or entity may own or control	Yes, cannot hold cultivators and manufacturers for 24 months. Microbusinesses must be no larger than 2,500 sq ft and max 1,000 plants/month
Any number or percentage of licenses set aside under each license type, including low-barrier license (ie. craft cultivator, community co-ops, etc)	At least 10% of each license class and 25% of total licenses issued must be microbusinesses.
Exclusive period of time for social equity applicants to access licenses	No
Early bird period of time for existing medical licensed businesses to access licenses	No
Excludes applicants with a criminal history	No controlled substance felonies unless conduct would have been legal after date of enactment.
Additional points on application in states with a competitive process and any follow through requirements	Yes
Job training or business development opportunities	Yes
Restrictions on selling a social equity license to non-social equity entities	Yes
Dedicated taxes for social equity or reparative justice programming	At least 70% of tax revenue is dedicated for reinvestment in "impact zone" municipalities
Fee Waivers	No
Allows separate license holders share grow/processing space	Commission can approve shared space for Microbusinesses
Vertical integration prohibited/required	Prohibited in the first 24 months
Requirements on large businesses to support social equity applicants (mentoring and/or incubation)	No

NEW JERSEY

Administrative/Misc.

Regulatory and enforcement agencies	Cannabis Regulatory Commission
Data Collection Requirements	Annual reports on licensure, production, and arrests are vehicle stops
Local control over licensing	Yes
Medical access preserved	Yes
Inventory tracking system	Yes
Inspections	Yes
Labor Peace Agreements	Yes

License Types

Types of licenses	Class 1 Cannabis Cultivator license Class 2 Cannabis Manufacturer Class 3 Cannabis Wholesaler license Class 4 Cannabis Distributor license Class 5 Cannabis Retailer license Class 6 Cannabis Delivery license
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Ratio of Retail Stores to Population

Ratio of retail licenses to state population	TBD
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NEW MEXICO

Criminal Laws

Possession Limit - Flower	2 oz
Possession Limit - Concentrate	16 g
Possession Limit - Edibles	800 mg
Possession Limit - Flower at Private Residence	May produce all marijuana grown at the residence, must be locked, not visible to public
Impaired Driving - Prohibited	Yes
Impaired Driving - Unscientific Per Se Limits	No
Public Consumption	Prohibited, \$50 fine
Expungement	Yes
Automatic or via petition process	Automatic but petition required for those with preconviction adjudication (ie. probation before judgement)
Resentencing	Yes
Prohibits vehicle searches based on odor	Yes

Consumer Discrimination Protections

Child Custody	Yes
Employment	No
Drug Testing	No
Housing	No
Professional Licensing	Yes
Organ Transplant	Yes

Legal Access to Marijuana

Purchase Limits	2 oz flower, 16 g extract, 800 mg edibles
THC % Caps	No

NEW MEXICO

Legal Access to Marijuana (cont'd)

THC serving size	TBD
Taxes	12%, increasing annually by 1 point beginning each July beginning in 2025 until it reaches 18% in 2030
Local moratoriums allowed	Allowed if temporary
Local caps on licensing	Yes, if related to density and neighborhood use
Restrictive zoning or buffer zones	300 feet from schools or daycare centers
Home delivery	No
Home cultivation permitted	Yes
Plant count or canopy limits	12 (6 mature) per person, 24 (12 mature) per household
Additional home cultivation restrictions	Not explicit but provision requiring amounts over 2 ounces to be locked and out of public view probably applies
Indoor/outdoor rules	Allowed if not in public view
Gift transfers between adults	Yes
Social consumption	Yes
Out of state resident purchase limits	No

Youth Prevention

Age limits	21
Child resistant packaging	Yes
Advertising restrictions	No marketing to anyone under 21, no depictions of use by anyone under 21, no cartoons or similar images
Selling or transferring to minors	Prohibited
Under 21 decriminalization	Yes
Fines or other civil punishment	4 hours of drug education or community service

NEW MEXICO

Product Safety

Labeling	Net weight, manufacturer, harvest date, manufactured date, potency, pesticide use, active ingredients, inactive ingredients, allergens, graphic denoting contains cannabis, warning, expiration date
Image of any required graphics (Universal Symbol)	THC graphic required on package but not standardized by the state
Required statements	Allergy warning, potential negative health effects, poison control center phone number
Prohibited statements or imagery	Nothing appealing to children
Packaging	Resealable, compostable and recyclable (or made from recycled materials)
Lab testing requirements	TBD
Bans on Additives	Statute requires Division to have approved and prohibited list of additives, list TBD.
Recall procedures	No
Pesticides	Rules TBD
Advertising restrictions	Nothing false or misleading

Equitable/Accessible Industry Provisions

Agencies, boards, or commissions that oversee the industry have stakeholders from impacted communities	Cannabis Regulatory Advisory Committee
Limitation on number of each type of license or square foot of canopy that one person or entity may own or control	200-plant limit for cannabis producer and integrated cannabis microbusinesses
Any number or percentage of licenses set aside under each license type, including low-barrier license (ie. craft cultivator, community co-ops, etc)	Cannabis producer microbusiness, Integrated cannabis microbusinesses
Exclusive period of time for social equity applicants to access licenses	No
Early bird period of time for existing medical licensed businesses to access licenses	Yes, 4-month head start
Excludes applicants with a criminal history	Felony fraud, deceit, embezzlement, or hiring minors to sell controlled substances
Additional points on application in states with a competitive process and any follow through requirements	No

NEW MEXICO

Equitable/Accessible Industry Provisions (cont'd)

Job training or business development opportunities	TBD
Restrictions on selling a social equity license to non-social equity entities	All licenses are non-transferrable and non-assignable
Dedicated taxes for social equity or reparative justice programming	No
Fee Waivers	No
Allows separate license holders share grow/processing space	No
Vertical integration prohibited/required	Neither required nor prohibited
Requirements on large businesses to support social equity applicants (mentoring and/or incubation)	No

Administrative/Misc.

Regulatory and enforcement agencies	Cannabis Control Division Cannabis Regulatory Advisory Committee Taxation and Revenue Department
Data Collection Requirements	Annual report on production, license activity, demographics of industry
Local control over licensing	Limited
Medical access preserved	Yes
Inventory tracking system	Yes
Inspections	Yes
Labor Peace Agreements	No

License Types

Types of licenses	Cannabis testing laboratory; Cannabis manufacturer; Cannabis producer; Cannabis retailer; Cannabis research laboratory; Vertically integrated cannabis establishment; Cannabis producer microbusiness; Integrated cannabis microbusiness
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NEW MEXICO

Ratio of Retail Stores to Population

Ratio of retail licenses to state population

TBD

NEW YORK

Criminal Laws	
Possession Limit - Flower	3 oz (possession above 2 oz from unregulated source subject to tax)
Possession Limit - Concentrate	24 g (possession above 10 g from unregulated source subject to tax)
Possession Limit - Edibles	Unclear, likely TBD via rulemaking
Possession Limit - Flower at Private Residence	5 lbs
Impaired Driving - Prohibited	Yes
Impaired Driving - Unscientific Per Se Limits	No
Public Consumption	Prohibited where tobacco smoking is not allowed
Expungement	Yes
Automatic or via petition process	Automatic by statute but likely will require petition in certain instances
Resentencing	Yes
Prohibits vehicle searches based on odor	Yes
Consumer Discrimination Protections	
Child Custody	Yes
Employment	Yes
Drug Testing	No
Housing	Yes, with exceptions
Professional Licensing	Yes
Organ Transplant	Yes
Legal Access to Marijuana	
Purchase Limits	Not explicit but implied through possession limit
THC % Caps	No

NEW YORK

Legal Access to Marijuana (cont'd)

THC serving size	TBD rulemaking
Taxes	Flower: \$0.005 per mg of labeled amount of THC Concentrate: \$0.008 per labeled mg THC Edibles: \$0.03 per labeled mg THC Cannabis from unregulated sources may also be subject to tax
Local moratoriums allowed	Municipal governments have 9 months after effective date to pass a local ban.
Local caps on licensing	Vague in statute, could be clarified through rulemaking.
Restrictive zoning or buffer zones	No retail on-site consumption within 500 feet of schools or 200 feet of house of worship, localities may impose further restrictions
Home delivery	Yes
Home cultivation permitted	Yes
Plant count or canopy limits	3 plants per adult, 6 plants per residence
Additional home cultivation restrictions	No home cultivation until Board issues rules
Indoor/outdoor rules	Allowed if not in public view, localities may ban
Gift transfers between adults	Yes
Social consumption	Yes
Out of state resident purchase limits	No

Youth Prevention

Age limits	21
Child resistant packaging	Yes
Advertising restrictions	Nothing appealing to children, nothing observable within 500 feet of a school, audience for ads must be reasonably expected to be over 21
Selling or transferring to minors	Prohibited
Under 21 Decriminalization	Yes
Fines or other civil punishment	\$50 max fine

NEW YORK

Product Safety

Labeling	Yes, TBD
Image of any required graphics (Universal Symbol)	No
Required statements	Must warn of potential negative health effects, TBD
Prohibited statements or imagery	No images appealing to minors
Packaging	Yes, TBD
Lab testing requirements	Yes
Bans on Additives	No
Recall procedures	Yes
Pesticides	Yes, TBD
Advertising restrictions	Nothing misleading, nothing depicting consumption or promotes overconsumption, nothing on mass transit, no medical benefit claims, no billboards, nothing promoting below market prices, no

Equitable/Accessible Industry Provisions

Agencies, boards, or commissions that oversee the industry have stakeholders from impacted communities	Not in regulatory bodies but included on the Cannabis Advisory Board overseeing licensure
Limitation on number of each type of license or square foot of canopy that one person or entity may own or control	Persons can only hold one of each license type, except for retail (max 3 licenses), retail can't hold other license types and vice versa
Any number or percentage of licenses set aside under each license type, including low-barrier license (ie. craft cultivator, community co-ops, etc)	<i>Goal of 50% of licenses to social equity applicants</i>
Exclusive period of time for social equity applicants to access licenses	No explicit period but must be a consideration factor when distributing initial licenses
Early bird period of time for existing medical licensed businesses to access licenses	No statutory early bird but potentially may happen in practice
Excludes applicants with a criminal history	Convictions related to functions of owning a business, felonies within the past 5 years involving fraud or employing minors to distribute controlled substances
Additional points on application in states with a competitive process and any follow through requirements	No
Job training or business development opportunities	Yes
Restrictions on selling a social equity license to non-social equity entities	No transfers within 3 years except to another social equity applicant

NEW YORK

Equitable/Accessible Industry Provisions (cont'd)

Dedicated taxes for social equity or reparative justice programming	100% to New York state cannabis revenue fund
Fee Waivers	Yes, TBD
Allows separate license holders share grow/processing space	Law appears to be silent
Vertical integration prohibited/required	Largely prohibited (partially allowed for cultivators) Microbusinesses or existing medical operators converting to dual purpose can be VI.
Requirements on large businesses to support social equity applicants (mentoring and/or incubation)	No

Administrative/Misc.

Regulatory and enforcement agencies	Office of Cannabis Management, independent entity within Division of Alcoholic Beverage Control (rulemaking and enforcement) Cannabis Control Board (licensing)
Data Collection Requirements	Annual report on industry demographics
Local control over licensing	Likely allowed through local zoning
Medical access preserved	Yes
Inventory tracking system	Yes
Inspections	Yes
Labor Peace Agreements	Yes

NEW YORK

License Types

Types of licenses

Adult-use cultivator license.
Registered organization adult-use cultivator processor distributor retail dispensary license.
Registered organization adult-use cultivator, processor and distributor license.
Adult-use processor license.
Adult-use cooperative license.
Adult-use distributor license.
Adult-use retail dispensary license.
Microbusiness license.
Delivery license.
Nursery license.

Ratio of Retail Stores to Population

Ratio of retail licenses to state population

TBD

OREGON

Criminal Laws

Possession Limit - Flower	2 oz
Possession Limit - Concentrate	16 oz
Possession Limit - Edibles	16 oz (solid), 72 oz (liquid)
Possession Limit - Flower at Private Residence	8 oz
Impaired Driving - Prohibited	Yes
Impaired Driving - Unscientific Per Se Limits	No
Public Consumption	Prohibited, \$265 presumptive fine (min \$135, max \$1,000)
Expungement	Yes
Automatic or via petition process	Petition
Resentencing	Yes
Prohibits vehicle searches based on odor	No

Consumer Discrimination Protections

Child Custody	No
Employment	No
Drug Testing	No
Housing	No
Professional Licensing	No
Organ Transplant	No

Legal Access to Marijuana

Purchase Limits	Not explicit but implied through possession limit
THC % Caps	No

OREGON

Legal Access to Marijuana (cont'd)

THC serving size	Edibles: 5 mg/serving, 50 mg/container Capsules: 10 mg/cap, 100 mg/container Concentrate: 1 g/container
Taxes	17% state tax, up to 3% local tax
Local moratoriums allowed	Moratorium provision has sunsetted.
Local caps on licensing	Yes, must be reasonable
Restrictive zoning or buffer zones	Up to localities
Home delivery	No
Home cultivation permitted	Yes
Plant count or canopy limits	4 plants per residence
Additional home cultivation restrictions	Storage and extraction production must be out of public view
Indoor/outdoor rules	Allowed if not in public view
Gift transfers between adults	Yes
Social consumption	Yes
Out of state resident purchase limits	No

Youth Prevention

Age limits	21
Child resistant packaging	Yes
Advertising restrictions	No marketing towards individuals under 21, no images appealing to children, audience must be reasonably expected to be at least 70% over 21, website age verification
Selling or transferring to minors	Prohibited
Under 21 Decriminalization	Yes
Fines or other civil punishment	Presumptive \$265 fine

OREGON

Product Safety

Labeling	Health warning, activation time, potency, serving size/number of servings, content,
Image of any required graphics (Universal Symbol)	Yes
Required statements	Keep away from children, no health benefit claims, impaired ability to operate a motor vehicle, edibles may take 2 or more hours to take effect
Prohibited statements or imagery	Nothing attractive to minors, nothing misleading
Packaging	Prevent contamination and not impart toxic substances, resealable
Lab testing requirements	Microbiological contaminants; Pesticides; Solvents or residual solvents; and THC and CBD concentration.
Bans on Additives	Yes
Recall procedures	Yes
Pesticides	Yes
Advertising restrictions	Nothing promoting illegal activity, nothing presenting a significant public health risk

Equitable/Accessible Industry Provisions

Agencies, boards, or commissions that oversee the industry have stakeholders from impacted communities	No
Limitation on number of each type of license or square foot of canopy that one person or entity may own or control	No
Any number or percentage of licenses set aside under each license type, including low-barrier license (ie. craft cultivator, community co-ops, etc)	Micro Tier Processor licenses
Exclusive period of time for social equity applicants to access licenses	No
Early bird period of time for existing medical licensed businesses to access licenses	Yes
Excludes applicants with a criminal history	Violence or the threat of violence; dishonesty or deception; drugs, alcohol, or other regulated substances; non-compliance with driver license requirements; or a conviction as a felon in possession of a weapon.
Additional points on application in states with a competitive process and any follow through requirements	No
Job training or business development opportunities	No

OREGON

Equitable/Accessible Industry Provisions (cont'd)

Restrictions on selling a social equity license to non-social equity entities	n/a
Dedicated taxes for social equity or reparative justice programming	No
Fee Waivers	No
Allows separate license holders share grow/processing space	No
Vertical integration prohibited/required	no
Requirements on large businesses to support social equity applicants (mentoring and/or incubation)	No

Administrative/Misc.

Regulatory and enforcement agencies	Primary authority: Oregon Liquor and Cannabis Commission Consists of Oregon Liquor Control Commission and Oregon Cannabis Commission Supplemental: Dept of Agriculture
Data Collection Requirements	Annual report on production, sales, supply, and demand.
Local control over licensing	Yes, if land use is allowable as a conditional use.
Medical access preserved	Yes, if land use is allowable as a conditional use.
Inventory tracking system	Yes
Inspections	Yes
Labor Peace Agreements	No but employees have explicit right to unionize

License Types

Types of licenses	Micro Tier I Producer Micro Tier II Producer Tier I Producer Tier II Producer Medical Canopy Producer Processors Wholesalers Micro Wholesalers Retailers Laboratories Sampling Laboratory
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OREGON

Ratio of Retail Stores to Population

Ratio of retail licenses to state population	1:5,579.4
	4.218M (2019) 756 stores

VERMONT

Criminal Laws

Possession Limit - Flower	1 oz
Possession Limit - Concentrate	5 g
Possession Limit - Edibles	TBD via rulemaking
Possession Limit - Flower at Private Residence	May produce all marijuana grown at the residence, must be locked, not visible to public
Impaired Driving - Prohibited	Yes
Impaired Driving - Unscientific Per Se Limits	No
Public Consumption	Prohibited \$100.00 max fine, 1st offense; \$200.00 max fine, 2nd; \$500.00 max fine, subsequent
Expungement	Yes
Automatic or via petition process	Automatic for misdemeanors
Resentencing	No
Prohibits vehicle searches based on odor	Yes

Consumer Discrimination Protections

Child Custody	No
Employment	Employee and pre-employment drug screening is broadly prohibited with exceptions
Drug Testing	Generally prohibited with limited exceptions
Housing	No
Professional Licensing	No
Organ Transplant	No

Legal Access to Marijuana

Purchase Limits	1 oz
THC % Caps	Flower: 30% Solid concentrate: 60%

VERMONT

Legal Access to Marijuana (cont'd)

THC serving size	TBD
Taxes	14% excise 6% sales tax 1% local option in some municipalities
Local moratoriums allowed	Towns can affirmatively opt-out of retail stores via municipal election
Local caps on licensing	Not directly but towns can opt out of allowing new stores, imposing a de facto cap
Restrictive zoning or buffer zones	Up to localities
Home delivery	No
Home cultivation permitted	Yes
Plant count or canopy limits	2 mature, 4 immature per dwelling unit, regardless of how many adults live there
Additional home cultivation restrictions	Enclosed space out of public view, must have permission of property owner
Indoor/outdoor rules	Allowed if not accessible by individuals under 21
Gift transfers between adults	Yes
Social consumption	Not currently but could be added through rulemaking
Out of state resident purchase limits	No

Youth Prevention

Age limits	21
Child resistant packaging	Yes
Advertising restrictions	Nothing misleading, no marketing to individuals under 21, no depictions of anyone under 21 using cannabis, audience must be at least 85 over the age of 21
Selling or transferring to minors	Prohibited
Under 21 Decriminalization	Yes
Fines or other civil punishment	Substance abuse safety program, fine and driver license suspension if program is not completed

VERMONT

Product Safety

Labeling	Yes, TBD
Image of any required graphics (Universal Symbol)	Yes
Required statements	Health warnings, TBD
Prohibited statements or imagery	No depictions of individuals under 21 consuming
Packaging	Yes, TBD
Lab testing requirements	Residual solvents; poisons or toxins; harmful chemicals; dangerous molds, mildew, or filth; harmful microbials, such as E. coli or salmonella; pesticides; and THC and CBD potency
Bans on Additives	Yes
Recall procedures	No, but likely TBD via rulemaking
Pesticides	Yes, additional rules apply
Advertising restrictions	Nothing misleading, nothing promoting overconsumption, no health benefit claims, no free samples, must include health warnings

Equitable/Accessible Industry Provisions

Agencies, boards, or commissions that oversee the industry have stakeholders from impacted communities	No
Limitation on number of each type of license or square foot of canopy that one person or entity may own or control	A person and their affiliates may only own or control one license of each type. Canopy limits are likely TBD via rulemaking
Any number or percentage of licenses set aside under each license type, including low-barrier license (ie. craft cultivator, community co-ops, etc)	Small cultivator licenses
Exclusive period of time for social equity applicants to access licenses	No
Early bird period of time for existing medical licensed businesses to access licenses	Yes
Excludes applicants with a criminal history	TBD, non-violent drug offenses cannot be sole basis for disqualification
Additional points on application in states with a competitive process and any follow through requirements	No

VERMONT

Equitable/Accessible Industry Provisions (cont'd)

Job training or business development opportunities	Yes
Restrictions on selling a social equity license to non-social equity entities	No
Dedicated taxes for social equity or reparative justice programming	No dedicated tax revenue but fees from integrated licenses and funds appropriated by the legislature to fund programing
Fee Waivers	Yes, TBD
Allows separate license holders share grow/processing space	License holders limited to one location but silent on number of license-holders per location
Vertical integration prohibited/required	Neither required nor prohibited
Requirements on large businesses to support social equity applicants (mentoring and/or incubation)	No

Administrative/Misc.

Regulatory and enforcement agencies	Cannabis Control Board. Dept of Labor, Agency of Commerce and Community Development (social equity implementation) Dept of Corrections (social equity implementation) Director of Racial Equity (social equity implementation)
Data Collection Requirements	Report on economic opportunities via state agencies for impacted communities, recommendations on: new license types, CBD thresholds, sale of paraphernalia by non-cannabis retailers, online ordering and delivery
Local control over licensing	Yes, but limited
Medical access preserved	Yes
Inventory tracking system	Yes
Inspections	Yes
Labor Peace Agreements	No

VERMONT

License Types

Types of licenses

Cultivator license
Wholesaler license
Product manufacturer license
Retailer license
Testing laboratory license
Integrated license

Ratio of Retail Stores to Population

Ratio of retail licenses to state population

TBD

VIRGINIA

Criminal Laws

Possession Limit - Flower	1 oz
Possession Limit - Concentrate	TBD via rulemaking
Possession Limit - Edibles	TBD via rulemaking
Possession Limit - Flower at Private Residence	Silent
Impaired Driving - Prohibited	Yes
Impaired Driving - Unscientific Per Se Limits	No
Public Consumption	Prohibited, \$25 fine (1st or 2nd offense), Class 4 misdemeanor (subsequent offenses)
Expungement	Yes but requires reenactment in 2022
Automatic or via petition process	Misdemeanor: Automatic Felony: Petition State has until July 1, 2025 to implement
Resentencing	No
Prohibits vehicle searches based on odor	Yes

Consumer Discrimination Protections

Child Custody	No
Employment	No
Drug Testing	No
Housing	No
Professional Licensing	No
Organ Transplant	No

Legal Access to Marijuana

Purchase Limits	1 oz
THC % Caps	No

VIRGINIA

Legal Access to Marijuana (cont'd)

THC serving size	5 mg/serving 50 mg/package
Taxes	21% special tax plus 5.3% state sales tax plus up to 3% local tax
Local moratoriums allowed	Yes, via local ballot measure
Local caps on licensing	No
Restrictive zoning or buffer zones	1,000 feet from another existing marijuana retail store
Home delivery	No
Home cultivation permitted	Yes
Plant count or canopy limits	4 per person, no more than 4 plants per residence
Additional home cultivation restrictions	Must prevent access by individuals under the age of 21
Indoor/outdoor rules	Allowed if not in public view
Gift transfers between adults	Yes
Social consumption	No
Out of state resident purchase limits	No

Youth Prevention

Age limits	21
Child resistant packaging	Yes
Advertising restrictions	No marketing to individuals under 21, no ads within 1000 feet of a school, playground, or similar,
Selling or transferring to minors	Prohibited
Under 21 Decriminalization	Yes
Fines or other civil punishment	\$25 max fine and counseling or education

VIRGINIA

Product Safety

Labeling	Yes, TBD
Image of any required graphics (Universal Symbol)	Yes
Required statements	For use by individuals over 21 only, impaired cognition, impaired ability to drive, may be habit forming, pregnancy warning, URA to board-maintained website with more information
Prohibited statements or imagery	No trademark violations, nothing designed to be appealing to individuals under 21, nothing misleading, nothing that obscures label info, nothing depicting the image of an animal or human
Packaging	Yes
Lab testing requirements	Yes, TBD
Bans on Additives	Yes
Recall procedures	No
Pesticides	Yes, TBD
Advertising restrictions	Nothing outdoors within 1,000 feet of a school, playground, or similar, audience must be reasonably expected to be 85% over 21, no pop-up digital ads, nothing misleading, age-verification, no health benefit claims, for use by adults over 21 only

Equitable/Accessible Industry Provisions

Agencies, boards, or commissions that oversee the industry have stakeholders from impacted communities	Yes
Limitation on number of each type of license or square foot of canopy that one person or entity may own or control	Only one license per category.
Any number or percentage of licenses set aside under each license type, including low-barrier license (ie. craft cultivator, community co-ops, etc)	No
Exclusive period of time for social equity applicants to access licenses	Yes
Early bird period of time for existing medical licensed businesses to access licenses	Existing medical operators will not need a new license but may not necessarily have adult-use sales before social

VIRGINIA

Equitable/Accessible Industry Provisions (cont'd)

Excludes applicants with a criminal history	Crimes of moral turpitude if sentence/probation completed within 7 years of application
Additional points on application in states with a competitive process and any follow through requirements	No
Job training or business development opportunities	Yes
Restrictions on selling a social equity license to non-social equity entities	Restrictions on transferring all licenses
Dedicated taxes for social equity or reparative justice programming	No
Fee Waivers	Yes
Allows separate license holders share grow/processing space	Law appears to be silent
Vertical integration prohibited/required	Prohibited except pharmaceutical or hemp processors may be approved by Cannabis Businesses Equity and Diversity Support Team
Requirements on large businesses to support social equity applicants (mentoring and/or incubation)	No

Administrative/Misc.

Regulatory and enforcement agencies	Virginia Cannabis Control Authority Cannabis Public Health Advisory Council
Data Collection Requirements	Annual report on program funding
Local control over licensing	No
Medical access preserved	Yes
Inventory tracking system	Yes
Inspections	Yes
Labor Peace Agreements	No

VIRGINIA

License Types

Types of licenses	Retail marijuana stores Marijuana wholesalers Marijuana manufacturing facilities Marijuana cultivation facilities
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Ratio of Retail Stores to Population

Ratio of retail licenses to state population	1:21,340 (TBD, max) TBD; max 400 stores 8.536M (2019)
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WASHINGTON

Criminal Laws

Possession Limit - Flower	1 oz
Possession Limit - Concentrate	7 g
Possession Limit - Edibles	16 oz infused product, 72 oz infused liquid
Possession Limit - Flower at Private Residence	No
Impaired Driving - Prohibited	Yes
Impaired Driving - Unscientific Per Se Limits	5.0 ng/ml THC/blood concentration
Public Consumption	Prohibited, \$50 max fine
Expungement	Yes
Automatic or via petition process	Petition
Resentencing	No
Prohibits vehicle searches based on odor	No

Consumer Discrimination Protections

Child Custody	No
Employment	No
Drug Testing	No
Housing	No
Professional Licensing	No
Organ Transplant	No

Legal Access to Marijuana

Purchase Limits	1 oz flower 7 g concentrate 16 oz infused product 72 oz infused liquid
THC % Caps	No

WASHINGTON

Legal Access to Marijuana (cont'd)

THC serving size	Infused products: 10 mg/serving Infused products: 100 mg/package Concentrate: 1 g
Taxes	37%
Local moratoriums allowed	Not explicit but allowed through restrictive zoning.
Local caps on licensing	Law is silent, local governments have imposed limits
Restrictive zoning or buffer zones	1000 feet from school, library, playground, rec center (local gov't can reduce distance to 100 feet)
Home delivery	Not explicitly permitted but exists in practice.
Home cultivation permitted	No
Plant count or canopy limits	n/a
Additional home cultivation restrictions	n/a
Indoor/outdoor rules	n/a
Gift transfers between adults	Yes
Social consumption	No
Out of state resident purchase limits	No

Youth Prevention

Age limits	21
Child resistant packaging	Yes
Advertising restrictions	No ads within 1000 feet of school, playground, park, library, rec center, must contain text saying for over 21 only, no marketing towards under 21, no company mascots
Selling or transferring to minors	Prohibited
Under 21 Decriminalization	No
Fines or other civil punishment	Criminal penalties may apply but prosecutors are encouraged in the law to divert cases for assignment for possession of 40 g or less

WASHINGTON

Product Safety

Labeling	Producer and processor name, lot number, THC/CBD concentration, science-based warning info, warning
Image of any required graphics (Universal Symbol)	Yes
Required statements	May be habit forming, illegal if taken out of state, illegal to operate motor vehicle under the influence, smoking hazard, no health benefit claims, nothing misleading
Prohibited statements or imagery	Nothing misleading, nothing promoting over consumption, nothing depicting anyone under 21, no health benefit claims
Packaging	Prevent contamination and not impart harmful substances
Lab testing requirements	Mycotoxin, heavy metal, pesticide, THCA; THC; CBDA; CBD
Bans on Additives	Yes
Recall procedures	Yes
Pesticides	Only certain types permitted, must be below certain threshold (0.1ppm)
Advertising restrictions	Outdoor prohibited (may use a billboard or outdoor sign solely for the purpose of identifying the name of the business and providing directions)

Equitable/Accessible Industry Provisions

Agencies, boards, or commissions that oversee the industry have stakeholders from impacted communities	Social Equity Task Force is advisory but has required members from several stakeholder groups
Limitation on number of each type of license or square foot of canopy that one person or entity may own or control	No
Any number or percentage of licenses set aside under each license type, including low-barrier license (ie. craft cultivator, community co-ops, etc)	Not previously but next round of licenses will be reserved social equity.
Exclusive period of time for social equity applicants to access licenses	Yes for future licensing but retail stores have been operating since 2014.
Early bird period of time for existing medical licensed businesses to access licenses	Yes
Excludes applicants with a criminal history	Point based system with discretion, typically denies license for felony convictions within 10 years, being currently on supervised release, or non-disclosure of lesser convictions

WASHINGTON

Equitable/Accessible Industry Provisions (cont'd)

Additional points on application in states with a competitive process and any follow through requirements	No
Job training or business development opportunities	No
Restrictions on selling a social equity license to non-social equity entities	TBD
Dedicated taxes for social equity or reparative justice programming	No
Fee Waivers	No
Allows separate license holders share grow/processing space	No
Vertical integration prohibited/required	Prohibited
Requirements on large businesses to support social equity applicants (mentoring and/or incubation)	No

Administrative/Misc.

Regulatory and enforcement agencies	Washington State Liquor and Cannabis Board
Data Collection Requirements	Nothing in current statutes but legislature has periodically requested them
Local control over licensing	No but can formally object with Cannabis Board which triggers an administrative hearing
Medical access preserved	Yes
Inventory tracking system	Yes
Inspections	Yes
Labor Peace Agreements	No

WASHINGTON

License Types

Types of licenses

Producer license
Processor license
Retailer license
Transportation License
Cannabis Research License

Ratio of Retail Stores to Population

Ratio of retail licenses to state population

1:13,696

556 stores
7,615M (2019)

APPENDIX A - UNIVERSAL SYMBOLS

CALIFORNIA



COLORADO



MAINE



MASSACHUSETTS



MICHIGAN



NEVADA



OREGON



WASHINGTON



APPENDIX B: SUCCESS IN PREVENTING YOUTH CANNABIS ACCESS

Although some have expressed concerns that regulating cannabis sales for either patients or adults may result in an uptick in consumption among younger age groups, this fear remains unsubstantiated by the available data. Below is a list of summary quotes from several relevant studies:

- “The overall percentage of students who reported using marijuana at least 1 time during the previous 30 days in 2019 was not measurably different from the percentage in 2009 (21 percent).”
- “Contrary to our expectations, frequency of marijuana use did not change significantly after legalization, and was stable throughout three years of observation. ... In examining marijuana use before and after legalization of recreational sales in California, we found that frequency of use did not change significantly overall, including following legalization.”
- “Controlling for other state substance policies, year and state fixed effects, and adolescent demographic characteristics, models found that [recreational marijuana laws] RML was not associated with a significant shift in the likelihood of marijuana use. ... Results suggest minimal short-term effects of RML on adolescent substance use, with small declines in marijuana use.”
- “The percentage of adolescents in 2018 who used marijuana in the past year was lower than the percentages in 2002 to 2004 and in 2009 to 2013, but it was similar to the percentages in 2005 to 2008 and in 2014 to 2017.”

National Institute on Drug Abuse (NIDA) Director Nora Volkow recently affirmed this fact -- stating that although she had initially expected youth use to increase following statewide legalization, “overall, it hasn’t.” While these studies do not establish that marijuana legalization leads to a significant decrease in teen use, it clearly does show that allowing retail sales of marijuana does not necessarily come at the expense of an increase in teen use. Notably, the model that has established this track record is dedicated cannabis stores.

Among the top reasons why dedicated cannabis stores have been successful at preventing underage access to cannabis are their rigorous age identification checks and refusal of sales to people without government identification to prove sufficient age. As a result, dedicated cannabis stores have shown age check compliance rates of 95%-100% percent, compared to 65% for alcohol and 90% for tobacco. A research letter published by the *Journal of the American Medical Association* and a study by the Insurance Institute for Highway Safety found similar results for California cannabis retailers.

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²"...a quantitative threshold for per se laws for THC following cannabis use cannot be scientifically supported." Logan, B., Kacinko, S.L. & Beirness, D.J. (2016). An Evaluation of Data from Drivers Arrested for Driving Under the Influence in Relation to Per se Limits for Cannabis (Technical Report). Washington, D.C.: AAA Foundation for Traffic Safety. Available at: <https://aaafoundation.org/evaluation-data-drivers-arrested-driving-influence-relation-per-se-limits-cannabis/>.

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